

# Agenda

Meeting of Council  
Tuesday, 25 January 2022

To be held via Video Conference  
(Zoom)

Commencing at 6:00pm

**Council:**

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

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AGENDA FOR THE MEETING OF SURF COAST SHIRE COUNCIL  
TO BE HELD VIA VIDEO CONFERENCE (ZOOM)  
ON TUESDAY 25 JANUARY 2022 AT 6:00PM

**PRESENT:**

**OPENING:**

The Surf Coast Shire local government area spans the traditional lands of the Wadawurrung People and the Eastern Maar People. The main Council office in Torquay where this meeting is held is on Wadawurrung Country. As this meeting is also live-streamed we wish to acknowledge the Traditional Owners of the lands on which each person is viewing the meeting and pay respect to Elders past and present. Council also acknowledges other Aboriginal people that may be attending or watching the meeting today.

**PLEDGE:**

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

**APOLOGIES:**

**CONFIRMATION OF MINUTES:**

**Recommendation**

That Council notes the minutes of the meeting of Council held on 14 December 2021 as a correct record of the meeting.

**LEAVE OF ABSENCE REQUESTS:**

**CONFLICTS OF INTEREST:**

**Note to Councillors and Officers**

***Declaration of Interest***

*In accordance with Section 130 of the Local Government Act 2020 (the Act), there is an obligation to declare a conflict of interest in certain situations including matters being considered by Council.*

*A conflict of interest can be a general conflict of interest under section 127 of the Act, or a material conflict of interest under section 128 of the Act.*

*A Councillor, a non-Councillor member of a delegated committee or member of Council staff has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner contrary to their public duty.*

*A Councillor, a non-Councillor member of a delegated committee or member of Council staff has a material conflict of interest in respect of a matter if they or another affected person (as defined in section 128(3)) would gain a benefit or suffer a loss depending on the outcome of the matter.*

*Please note that some general exemptions apply and are set out in section 129 of the Act.*

***Disclosure of Interest***

*A Councillor must make full disclosure of a conflict of interest by either advising Council at the meeting immediately before the matter is considered at the meeting, or advising the Chief Executive Officer in writing prior to the meeting. While the matter is being considered or any vote taken, the Councillor with the conflict of interest must leave the room and notify the Chairperson that they are doing so. This notification must include the nature of the conflict and whether the interest is a general or material conflict of interest.*

*A Council officer must disclose the conflict of interest when providing information and before the information is considered.*

*Councillors and Council staff will also be required to complete a conflict of interest declaration form.*

**PRESENTATIONS:**

**PUBLIC QUESTION TIME:**

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**1. PETITIONS & JOINT LETTERS**

Nil

**2. RESPONSIBLE & PLANNING AUTHORITIES**

Nil

**3. OFFICE OF THE CEO**

Nil

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#### 4. CULTURE & COMMUNITY

##### 4.1 CEO Employment Matters Committee - Reappointment of Independent Chair

**Author's Title:** Manager People & Culture

**General Manager:** Chris Pike

**Department:** People & Culture

**File No:** F18/115-4

**Division:** Culture & Community

**Trim No:** IC21/2066

**Appendix:**

**Officer Conflict of Interest:**

In accordance with Local Government Act 2020 –  
Section 130:

Yes

No

**Reason:** Nil

**Status:**

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

Yes

No

**Reason:** Nil

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#### **Purpose**

The purpose of this report is to consider the appointment of the Independent Chair of the CEO Employment Matters Committee for a further term of one year.

#### **Summary**

Council established the CEO Employment Matters Committee (the Committee) in 2014 and in January 2019 appointed Anne-Marie Leslie to the position of Independent Chair (the Chair) for an initial term of one year. Ms Leslie was subsequently reappointed with a contract expiry date of 23 January 2022.

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

Council is about to commence the mid-year review cycle for the CEO. The position of the Chair should be resolved prior to this process commencing.

A one year term from the date of resolution is proposed. The Chair's meeting fee is proposed to remain unchanged.

#### **Recommendation**

That Council reappoints Anne-Marie Leslie as Chair of the CEO Employment Matters Committee for a term of one year effective from 25 January 2022, with a fee of \$600 per Committee meeting attended.



## 4.1 CEO Employment Matters Committee - Reappointment of Independent Chair

### **Report**

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

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

#### ***Background***

Council adopted the SCS-007 CEO Employment and Recruitment Policy (the Policy) at its 14 December 2021 meeting.

The policy outlines the requirement of the Local Government Act 2020 S45(1) (the Act) to establish an advisory committee to assist Council in fulfilling its responsibilities relating to CEO employment matters.

The policy specifies composition of the Committee as one Independent Chair and all Councillors and that the Chair, appointed by Council, will be a neutral person with appropriate experience. In accordance with the Policy the Chair is to be appointed for a minimum term of twelve months with an option to review annually or for a term as otherwise agreed by Council. The Chair cannot be a Councillor or member of Council staff.

Council appointed Anne-Marie Leslie to the position of the Chair in January 2019. This appointment followed a recruitment process undertaken by the Committee. As part of this process, a sub-committee consisting of three members of the Committee was established for the purpose of shortlisting and interviewing applicants and proposing a preferred candidate to the Council.

Advertisements placed in the Surf Coast Times, Geelong Advertiser and on Council's website and Seek.com.au resulted in 25 expressions of interest. The sub-committee interviewed five suitably qualified candidates including the former chair. The sub-committee identified Anne-Marie Leslie as the preferred candidate. Anne-Marie Leslie was appointed for an initial term of one year and then subsequently reappointed for a further term of two years which concluded on 23 January 2022.

Council recently concluded the recruitment process for a CEO and Anne-Marie Leslie assisted the Committee to oversee the appointment of the recruitment agency and subsequent steps in the selection process. Subsequently Anne-Marie Leslie has assisted the Committee to develop and recommend performance objectives for the CEO and has established an understanding of Council's objectives in relation to the performance of the CEO and strategic priorities. Members of the Committee have expressed their satisfaction with Anne-Marie Leslie's guidance and knowledge of CEO employment matters throughout these processes.

#### ***Discussion***

In February 2022 Council will undertake a mid-year performance review for the CEO. Anne-Marie Leslie's background and experience with managing senior executive employment matters will assist in supporting the Committee through this process. 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.

Anne-Marie Leslie has indicated her willingness to support the Council through the process to further support the CEO and Council 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.

Consideration of a further extension or recruitment of a new chair could commence in November 2022 in advance of the 2023 mid-year performance review.

Councillors were briefed on this proposed reappointment at a briefing on 18 January 2022.

#### ***Council Plan***

Theme 7 Accountable and Viable Council

#### 4.1 CEO Employment Matters Committee - Reappointment of Independent Chair

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

*Local Government Act 2020 – LGA 2020*

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

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

The Local Government Act 2020 requires Council establish a CEO Employment Matters Committee and to seek and be guided by independent professional advice in relation to the matters dealt with in managing the employment lifecycle of the CEO. The Act also provides for the establishment of a CEO Employment & Remuneration Policy which Council adopted in December 2021.

##### **Policy/Relevant Law**

Establishing a CEO Employment Matters Committee and appointing an independent chair to that committee is a requirement of SCS-007 CEO Employment & Remuneration policy.

##### **Public Transparency**

Making the decision in a Council meeting provides transparency and visibility to the community regarding this appointment.

##### **Financial Management**

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.

##### **Risk Assessment**

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

There are no direct risk issues that relate to the appointment of the Chair. The policy provides guidance with regard to conflict of interest and processes exist to deal with such issues where they arise.

##### **Communication**

Council's Manager People and Culture will prepare a contract of appointment for Anne-Marie Leslie and liaise directly with her on her reappointment.

#### **4.1 CEO Employment Matters Committee - Reappointment of Independent Chair**

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

##### Option 1 – Reappoint Anne-Marie Leslie as independent Chair for a further term of one year

This option is recommended by officers as it will provide continuity for managing the employment matters of the CEO in accordance within the Local Government Act, particularly in relation to the mid-year performance review scheduled for February 2022.

##### Option 2 – Reappoint Anne-Marie Leslie as independent Chair for a further term of two years

This option is not recommended by officers as Anne-Marie Leslie has expressed interest in a further term of just one year to enable her to support Council to on-board the new CEO.

##### Option 3 – Do not reappoint Anne-Marie Leslie and start the process to recruit a new chair

This option is not recommended by officers as:

- The incumbent may require some time to gain familiarity with Council processes which may delay the process of reviewing the performance of the CEO in February 2022 and in managing the CEO's employment matters.
- This option will require an external recruitment process to be undertaken.
- Recruitment may take up to three months (pending Council resolution).

##### ***Conclusion***

This report recommends the reappointment of Anne-Marie Leslie as the Independent Chair of the CEO Employment Matters Committee.

## 4.2 Affordable Accommodation Action Plan 2022

**Author's Title:** Coordinator Community Health and Development      **General Manager:** Chris Pike

**Department:** Community Health and Development      **File No:** F21/279

**Division:** Culture & Community      **Trim No:** IC22/7

**Appendix:**

1. Affordable Accommodation Action Plan 2022 (D22/5725)

**Officer Conflict of Interest:**

In accordance with Local Government Act 2020 –  
Section 130:

Yes

No

**Status:**

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

Yes

No

**Reason:** Nil

**Reason:** Nil

### Purpose

The purpose of this report is to adopt the Affordable Accommodation Action Plan 2022.

### Summary

The Affordable Accommodation Action Plan sets out a program of work for 2022. The 12 month program of work supports the roll out of the State Government of Victoria's Big Housing Build minimum spend allocation of \$20 million dollars for social and affordable housing in the Surf Coast Shire and to address the Key Worker Accommodation Crisis, declared by Council in May 2021.

Affordable Accommodation is a new stream of work for Council. It is a rapidly growing area of interest for local communities and is attracting the attention of the media and all levels of government. Consequently, Council is increasingly fielding requests for assistance, receiving proposals for new initiatives, being asked to participate in regional programs of work and having to respond to new government policies. This short-term plan, funded by a one year investment by Council, attempts to organise this new area of work into priority actions thereby providing clarity on the things it is able to do and those that it cannot.

Wherever possible this work will seek to integrate outputs into existing strategies and work programs (Council and others), however the continuation of many initiatives will be dependent on Council's capacity to fund them after 2022.

### Recommendation

That Council:

1. Adopts the Affordable Accommodation Action Plan 2022 as attached at Appendix 1.
2. Notes the development and implementation of this plan is funded via two \$60,000 project allocations in the 2021-22 Annual Budget (Key Worker Accommodation Crisis and Strategic Focus Officer Allowance).
3. Agrees to explore a land use arrangement at 2 Fraser Drive, Aireys Inlet that would facilitate the development of social and affordable housing.
4. Notes further affordable accommodation action plans are contingent on future prioritisation and budget decisions of Council.

## 4.2 Affordable Accommodation Action Plan 2022

### Report

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

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

#### ***Background***

The development of the Affordable Accommodation Action Plan 2022 has been precipitated by and has strategic alignment with the following processes, partnerships, plans and policies.

#### Great South Coast Council Key Worker Housing Action Plan

In September 2020, Council adopted the Key and Essential Worker Housing Action Plan. The development of the Action Plan was led by the Victorian Planning Authority (VPA) and a group of Great South Coast Councils.

The Action Plan was based on a study that identified the following issues for workers in the south west region of Victoria:

- There is a high proportion of unoccupied and underutilised dwellings, particularly in tourism destinations that are now short-term rentals
- There is a strong correlation between high house prices and holiday homes across the region
- The decrease in the number of available rental properties means key workers are less likely to access suitable rental properties within the region
- The increase in median rent indicates a lack of supply of rental properties across the region
- A portion of each LGA's workforce is travelling large distances for employment
- With many Surf Coast workers living in the City of Greater Geelong, Surf Coast Shire towns at a greater distance away experience even greater difficulties attracting key workers due to longer commute times.

Region-wide initiatives and actions specific to each council were included. Local initiatives identified in the Key Worker Housing Action Plan have been picked up in Affordable Accommodation Action Plan 2021-22

#### Key Worker Short Term Accommodation Crisis

Where international backpackers and students had previously made up the majority of summer hospitality staff, COVID-19 border closures exacerbated the key worker issue.

In May, Council declared a Short Term Key Worker Accommodation Crisis. In the lead up to the declaration research was conducted with Lorne business and tourism traders and health providers to understand the impact a shortage of affordable accommodation/available workers had on their ability to meet peak season demand. Further evidence was gathered with Lorne businesses indicating a shortfall of over 100 beds in the peak season.

In July and August, Council conducted a survey with Shire businesses to understand if a shortage of affordable accommodation and available workers was impacting their businesses. The research found:

- Hospitality and accommodation workers are the hardest to find
- Average need of responding businesses – they have 18 staff and need 30 to operate at full capacity
- In total, they employ 1305 staff and estimate they need 2065, so are approximately 760 workers short
- 50% of respondents said that it was a year-round issue, only 25% said it was a summer problem
- Top five contributing factors are:
  - no local workers – 53%
  - affordable accommodation – 46%
  - can't find the skills I need – 36%
  - no travellers – 36%
  - competition from other industries – 33%
- 584 staff would need short term accommodation in peak times

## 4.2 Affordable Accommodation Action Plan 2022

- Preferred worker accommodation is 'a rented house, unit or private room in a shared house A camping site or dormitory was the least preferred.

The data from the survey is informing Council's response to the key worker accommodation crisis, how it participates in the Great South Coast Council Key Worker Housing Network and other community led initiatives and is guiding Council's input into the review of the Great South Coast Council Key Worker Housing Action Plan.

### Surf Coast Shire Social Housing Policy

In August, Council adopted the Surf Coast Shire Social Housing Policy. The Policy is based on the G21 regional framework and aligns Council's approach with G21 Councils and contributes resources to regional strategies that aim to improve access to safe secure and affordable social housing in G21 municipalities.

The Policy identifies key roles for G21 Councils including Stewardship, Partnership, Planning and Capacity, which are closely aligned to the streams of work set out in the Affordable Accommodation Action Plan.

Strategic outcomes identified under Pillar 2 'Build capacity' include:

- Ensure committed Victorian Big Housing Build minimum spend is allocated and deliver well designed and located social housing
- Advocacy program is strategic, timely and successfully attracts resources which precipitate more social and affordable housing in the region

### Surf Coast Shire Council Plan incorporating the Health and Wellbeing Plan

In September 2021, Council adopted the Surf Coast Shire Council Plan incorporating the Health and Wellbeing Plan.

The Council Plan recognises that 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 the development of an Affordable Accommodation Action Plan a headline action for year one.

#	Council Plan Action	Deliverables 2021-22
a	Develop and maintain an understanding of the nature and extent of the residential accommodation affordability problems.	Opportunities for Key Worker Housing are identified via the Key Worker Housing and Housing Pilot Co-ordination Project (Barwon South West region). Provide assistance to Homes Victoria to deliver on its \$20 million commitment to increase the availability of social housing in the Shire
b	Establish, implement and monitor the effectiveness of a program of work to positive address the problems.	Adopt an Affordable Residential Accommodation Action Plan to prioritise Council's efforts
c	Increase awareness of the residential accommodation affordability problems in the municipality and their broader impacts so as to stimulate positive action by others.	Develop, implement and evaluate at least two place-based short-term plans to address accommodation shortfalls for key workers in Lorne and Anglesea. Consider Council-owned sites at 42 Harding Street, Winchelsea and 2 Fraser Drive, Aireys Inlet for affordable housing developments.

## 4.2 Affordable Accommodation Action Plan 2022

### Community Amenity Local Law

On 7 December Council adopted the new Community Amenity Local Law. In acknowledgement of community submissions received during the engagement, Council also resolved the following:

‘That Council recognises community interest and a diversity of views on the issues surrounding Tiny House and undertakes to carry out a review in 2022 to determine if amendments (to the Local Law) are required’

Community interest in Tiny Houses and the associated benefits of affordability and environmental sustainable housing intersect with the community engagement, research and analysis work stream as part of the Affordable Accommodation Action Plan 2021-22.

### ***Discussion***

The Affordable Accommodation Action Plan 2022 aims to provide a cohesive response to housing affordability issues, drawing together already initiated strands of work on social and affordable housing. These include:

#### Short-term accommodation crisis and longer term housing for key workers.

Collaborative work is currently being undertaken to update the 2020 Great South Coast Key Worker Housing Action Plan. The update will provide the latest picture of key worker housing need in the region and the Surf Coast Shire and identify opportunities to address market failure, infrastructure challenges in addressing key worker housing needs. This partnership work will also develop a case study as a lens through which to understand the pre-conditions, legal, financial, planning, and partnership requirements to deliver different affordable housing models.

In concert with this work, Council will develop, implement and evaluate at least two place-based plans to address accommodation shortfalls for key workers in Lorne and Anglesea. The collaborative work to address key worker housing, also includes:

- Participation in community led affordable housing working groups, such as Lorne Key Worker Accommodation Crisis Working Group and Anglesea Community Life sub-committee, and provision of research, project design support; and
- Development of monitoring and evaluation frameworks for social and affordable housing projects and pilots, including the Tiny House project and ‘Adopt-A-Worker’ programs and share findings.

Council will also participate in the implementation of the Great Ocean Road (GOR) tourism region Workforce Development Strategy including linking local businesses in with the Tourism Jobs Bank.

### Surf Coast Shire Social Housing Policy

Council will actively participate in G21 Social Housing Project’s ‘Big Capacity Build’ including making a co-contribution and providing in-kind resources to broaden the scope and scale of the project to include affordable and key worker housing and introduce a more sophisticated governance structure, project development taskforce and investment model to be implemented over the next five years (to 2027).

The Big Capacity Build’s expanded scope and new governance and investment models will be scaffolded on the three G21 Pillars of Health and Wellbeing, Economic Development and Planning and Services. Expertise stemming from these pillars will provide knowledge and know-how across all aspects of the housing ecosystem, including social housing, affordable housing, key worker housing and the private market. By combining this knowledge and skill set, the project taskforce will be able to develop a more robust picture of the key drivers across the housing market and, therefore, critical opportunities to intervene.

Project facilitation work will be advanced in line with Big Housing Build delivery channel 3 – the use of suitable Council owned land for social housing.

Council is conducting mapping and analysis of Council owned and managed land for the purpose of understanding the suitability of the subject land for social housing use and development. Mapping and analysis includes an assessment of planning controls i.e. rezoning / overlay requirements and a review of existing service infrastructure.

## 4.2 Affordable Accommodation Action Plan 2022

Initial assessment resulted in a recommendation to explore land use arrangements for social housing use and development for three sites:

- 42 Harding Street, Winchelsea. (25 January 2022 Council Meeting will consider the sale of this site to Local not for profit organisation Winanglo to develop 10-12 units to provide housing for up to 20 older residents or people living with a disability).
- 2 Fraser Drive, Aireys Inlet (see below)
- 25 Armytage Street Winchelsea (subject to future reports to Council)

Under the pillar of Building Capacity and the work stream of Project Facilitation, the Affordable Accommodation Action Plan 2022 sets out a process to explore opportunities for 2 Fraser Drive, Aireys Inlet. Noting the intention to leave the existing social housing and community garden in place and enter into a sale or lease with the successful Community Housing Organisation which will include transfer of management of existing social housing units, the proposed process includes:

- Engage with community to check housing need target demographic and confirm community involvement offer
- Develop a tender process which builds in criteria that meets the community offer and mirrors Homes Victoria's Social Housing Fund requirements
- Ongoing community engagement in line with community offer, ie, a technical group advises the design and a consultation group directs feedback
- Promote tendering opportunity via Council and Homes Victoria
- Undertake a joint assessment to that all requirements of both Council and the state government are understood and rigorously assessed

### Tiny Houses

Key stakeholders have been identified and invited to join the Tiny House Project working group which will meet in late February 2022.

The working group meeting will:

- Identify the problem that Tiny Houses seek to address
- Assess evidence of the affordability, sustainability, suitability (to address housing need for specific cohorts)
- Share Strategic Planning team's assessment of planning provisions for different locations and Tiny House models
- If viable, work with community to run a Tiny House pilot project and provide project design and evaluation support.

### Resourcing the Affordable Accommodation Action Plan.

In recognition of exacerbated housing need and its impact on the health, social and economic wellbeing of our Community, Council has funded a role that, in recognition of limited available resources, aims to embed the work identified in the Affordable Accommodation Action Plan 2022 into Council's existing structure and processes where possible.

Funding for the role overseeing the delivery of the Affordable Accommodation Action Plan 2022 will run out in September 2022. It is planned that the inputs and outputs identified in the Action Plan will be completed within this timeframe. However, it is intended that the outcomes identified in the Action Plan are picked up in relevant strategies of Council and its partners. Further actions plans will be contingent on future funding decisions of Council.

Councillors were also provided with an update on this Plan during a briefing on 14 December 2021.

### **Council Plan**

Theme 4 Sustainable Growth  
Strategy 12 Improve access to affordable residential accommodation

Theme 5 Robust and Diverse Economy  
Strategy 14 Support people to run successful local businesses that grow and create jobs in our changing economy



## 4.2 Affordable Accommodation Action Plan 2022

Theme 2 A Healthy Connected Community  
Strategy 3 Facilitate the provision of social infrastructure and open space to enable healthy lifestyles

### Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017 )	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	Yes

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

The third pillar of the Affordable Accommodation Action Plan 2022 'Building Relationships' focuses on engaging the municipal community in strategic planning and strategic decision making.

Two streams of work under 'Building Relationships' include Community Engagement - working with communities, sharing information and facilitating conversations; and Partnership Development – strengthening relationships with Community Housing Organisations, financing and development consortiums, peak bodies, industry experts, etc. and contributing to shared goals through actively participation in regional networks, ie, G21 Social Housing and Key Worker Housing Networks.

### Policy/Relevant Law

The Planning and Environment Act 1987 provides the legislative base for planning in Victoria. The Big Housing Build introduced two clauses into the Victorian Planning Provisions. Clause 52.20 Victoria's Big Housing Build and clause 53.20 Housing by or on behalf of the Director of Housing were introduced on 1 December 2020 through Amendments VC187 and VC190.

### Environmental/Sustainability Implications

The Affordable Accommodation Action Plan 2022 considers and balances aspects of economic, social and environmental sustainability.

### Community Engagement

A Communications and Engagement Plan has been developed to support the implementation of the Affordable Accommodation Action Plan 2021-22. Community engagement will occur in accordance with Council's Community Engagement Policy SCS-017. IAPP levels of engagement will include 'informing', 'consulting', 'involving' and 'collaboration'.

<i>Engagement Level</i>	<i>Promise to the Community</i>	<i>Role of Community</i>	<i>Example of Activities</i>
Informing	We will keep you informed with balanced and objective	Read Council communications, ie,	Quarterly reports to Council. Regular updates

## 4.2 Affordable Accommodation Action Plan 2022

	information to build understanding about the problems associated with a lack of affordable housing, and shares evidence and opportunities for Social Affordable Housing.	website, social media, Council Meeting reports. Participate in community organisations interested in housing affordability.	on Council's website and social media and at community group/network meetings.
Consulting	We will listen and acknowledge concerns and aspirations regarding housing affordability. We will seek feedback and be clear about how input will influence decision-making regarding social and affordable housing.	Participate in Council engagement on housing affordability and social and affordable housing initiatives.	Project based engagements, for example regarding the exploration of a land use arrangement for Social and/or affordable housing at 2 Fraser Drive Aireys Inlet
Involving	We will work with you to ensure your concerns and aspirations are directly reflected in how Council understands the housing affordability problem and Council considers and makes decisions regarding evidence and opportunities for Social Affordable Housing.	Involvement in community groups and networks interested in housing affordability and developing initiatives to improve access to social and affordable housing.	Share our evidence base on housing need, policy, financing and delivery models and provide input into project development.
Collaboration	We will work together with you to formulate the solutions and incorporate your advice and recommendations into decisions regarding social and affordable housing to the maximum extent possible.	Partnering with Council to co-contribute resources to achieving shared goals to improve housing affordability and increased access to social and affordable housing.	Collaboration on regional initiatives with councils involved in the G21 Social Housing and Key Worker Housing Networks.

### **Public Transparency**

The Affordable Accommodation Action Plan sets out inputs, outputs and outcomes. An evaluation of the plan's implementation will be presented to Council at the end of 2022.

### **Strategies/Plans**

The Affordable Accommodation Action Plan 2022 is underpinned by the principle of equity which echoes the Surf Coast Shire Community Vision for intragenerational and intergenerational equity. The Affordable Accommodation Action Plan outlines a program of work that is integrated, optimising existing resources alongside those dedicated to its implementation, identifying and managing risks and providing ongoing monitoring of progress and regular reviews to identify and address changing circumstances. Also refer to Background section of this report.

### **Financial Management**

Development and delivery of this plan is underpinned by Council's 2022 budget allocation of \$120,000 via two initiatives, now combined. (Key Worker Accommodation Crisis and Strategic Focus Officer Allowance). The Action Plan has considered how revenue, expenses, assets and liabilities will be managed in accordance with Council's Long Term Financial and Asset Plans and the Council Plan incorporating the Health and Wellbeing Plan. The limited term of the Affordable Accommodation Action Plan and drive to integrate its objectives and outcomes with other partners and strategies wherever possible seeks to reduce the impact on Council's budget. That said, Council's capacity to continue this work past 2022 will depend on the prioritisation of this work over other initiatives through existing recurrent resources or the allocation (or attraction) of further funding.

## 4.2 Affordable Accommodation Action Plan 2022

### **Service Performance**

The Affordable Accommodation Action Plan 2022 principles of equity, evidence-based, collaboration, partnership and accountability demonstrate consideration of the service performance principles that support equitable and responsive delivery.

### **Risk Assessment**

A Risk Management Plan has been developed to support the implementation of the Affordable Accommodation Action Plan 2022. Specific issue alerts will be developed as required.

### **Communication**

The adoption of the Affordable Accommodation Action Plan 2022 will be shared with the community groups and networks interested and involved in housing affordability and social and affordable housing, Homes Victoria, the G21 and Great South Coast Councils Networks, as well as Community Housing Organisations and other peak bodies and industry experts operating in the region. The adoption of the Affordable Accommodation Action Plan 2022 will also be shared on Council's website and social media platforms.

### **Human Rights Charter**

The Affordable Accommodation Action Plan 2022 considers its responsibilities as a public authority under the Victorian Charter of Human Rights and Responsibilities.

### **Options**

Option 1 – Adopt the Affordable Accommodation Action Plan and support the exploration of a land use arrangement that would facilitate the development of social housing at 2 Fraser Drive Aireys Inlet

This option is recommended by officers as the Affordable Accommodation Action Plan 2022 is a viable program of work that draws on our existing capabilities and builds our capacity to make use of funding and partnership opportunities to increase social and affordable housing in the Shire.

Option 2 – Adopt the Affordable Accommodation Action Plan with modifications and request a further report on exploration of a land use arrangement that would facilitate the development of social housing at 2 Fraser Drive Aireys Inlet

This option is not recommended by officers as the Affordable Accommodation Action Plan 2022 is an evidence-based and viable program of work, should the Action Plan be approved for implementation. The assessment of the site at 2 Fraser Drive, Aireys Inlet identified it had the most strategic planning merit with the use and development of the site for social housing identified in the Aireys Inlet to Eastern View Structure Plan (2015). Decisions on the use of the site, post exploration will be subject to separate Council reports.

Option 3 – Do not adopt the Affordable Accommodation Action Plan 2022 as presented.

This option is not recommended by officers as the Affordable Accommodation Action Plan 2022 is an evidence-based and viable program of work. Rewriting the Action Plan would cause significant delays to implementation. Abandonment would miss the opportunity to clarify Council's priorities at a time of high demand from community and government. A Homes Victoria assessment of state and local government land identified that there were few opportunities to allocate Big Housing Build funding through the Social Housing Growth Fund. If Council is unable to identify sites suitable for the use and development of social housing through Delivery Channel 3, the earmarked \$20 million minimum spend may be in doubt.

### **Conclusion**

The Affordable Accommodation Action Plan sets out a program of work for 2021 – 22. The 12 month program of work integrates committed to through prior partnerships, plans and policies. The Action Plan harnesses Council's existing capabilities and builds on funding and partnership opportunities to enhance our capacity to respond to key worker housing issues and ensure that the funds committed under Victoria's Big Housing Build are allocated and deliver well designed and located social housing.

## **4.2 Affordable Accommodation Action Plan 2022**

### **APPENDIX 1 AFFORDABLE ACCOMMODATION ACTION PLAN 2022**



# **Surf Coast Shire Affordable Accommodation Action Plan**

2022

January 2022

## 4.2 Affordable Accommodation Action Plan 2022

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### Reference Documents / Materials

Information and data sources have been used to develop the Affordable Action Plan are listed on page 17

### Version Control

12/1/2022 – A Hooper - Draft Affordable Accommodation Action Plan. Final version.

1/12/2021 – A Hooper – Draft Affordable Accommodation Action Plan VI

## 4.2 Affordable Accommodation Action Plan 2022

### PART 1

#### Introduction

What will an Affordable Accommodation Action Plan do? Where other levels of Government are responsible for taxation and the funding and delivery of housing and the infrastructure that precipitates housing, what is the role of local government? Part 1 of the affordable accommodation will respond to these questions, beginning with situating the terms 'affordable' and 'accommodation' along a conceptual spectrum that often defines housing by its funders and providers, its consumers and the characteristics of their tenure.

What do we mean when we talk about accommodation? Accommodation here describes housing, referencing the way that a relatively high proportion of the Shire's housing stock is made available for short stay rental. Space that is traditionally occupied by the 'accommodation' industry. The term 'affordable' requires more unpacking. Affordable Housing is defined either by its relationship to the local rental market or local area incomes.<sup>1</sup> For example the Planning and Environment Act 1987 defines affordable housing in relation to the needs of very low, low and medium income households.<sup>2</sup> However contextually it is defined, there is a widely accepted understanding of affordable housing as housing provided with some degree of 'eligibility' and 'subsidy' usually set through government policy.<sup>3</sup>

Affordable housing is a broader concept that encompasses 'social housing' which itself is an umbrella term covering 'public housing' which is state owned and managed housing and 'community housing' which is housing provided by a registered housing association or community housing provider.<sup>4</sup> Affordable housing is required when the private rental and home ownership market cannot meet housing need.<sup>5</sup> The availability of private rental and home ownership properties is often described as 'supply'. Housing need is not accurately described as 'demand'. Housing demand more accurately describes housing preferences. A mismatch in supply and demand contributes to unmet housing need.

Understanding housing supply, demand and need may be enhanced by turning the spectrum of housing products (represented on page 4) 90° so it resembles a ladder.<sup>6</sup>

At the top of the ladder is home ownership. At the bottom of the ladder is homelessness. Housing researchers have documented the decline of home ownership in Australia in the last 50 years.<sup>7</sup> A similar downhill trajectory maps state and federal government investment in social housing and its decline as a proportion of total stock.<sup>8</sup> The more slight proportion of people who are 'home owners' are increasingly second and third home owners and investment property holders.<sup>9</sup> The rise of property management platforms, like AirBnB has seen an increase in properties being used for more lucrative short stays reducing the number of longer tenure rental properties available.<sup>10</sup> A COVID-era shift in living and working habits has seen hundreds of non-permanent residents work remotely from holidays homes or investment properties. Property data analysts have tracked the steep rise in property prices and dramatic drop in 'average time on the market'. Money expended on overseas travel and interstate holidays has been redirected to the purchase of holiday homes. Shire based real estate agents estimate that 65% of 2020 house purchases were by Melbourne and Ballarat based people.<sup>11</sup> Economic spend data indicates how valuable a more regular and reliable client base has been to our local economy.<sup>12</sup> However, these shifts in supply and demand are contributing to the broadening and deepening housing need as competition for fewer rental properties drives up rent.<sup>13</sup>

## 4.2 Affordable Accommodation Action Plan 2022

### Introduction (continued)

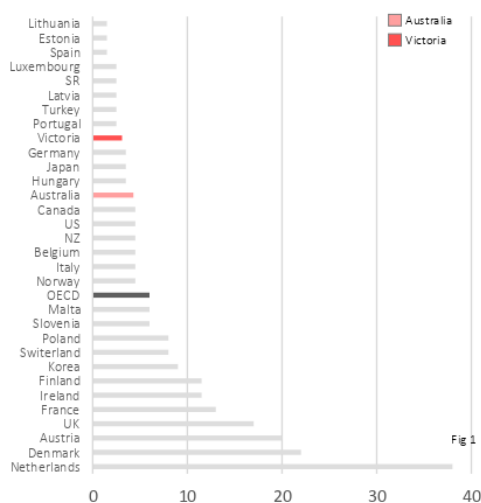
The housing spectrum - as a ladder - is experiencing significant downward pressure that most affects those on the lower rungs of the private rental market.

A supply-demand squeeze on any one rung on the housing ladder will likely cause those 'just hanging in there', for example, those expending >30% of their income on rent - rental stress<sup>14</sup> - to slip to a lower rung on the ladder.

People can also slip off the home ownership rung of the ladder. Often due to a relationship breakdown, family violence, a health crisis and business failure,<sup>15</sup> those forced out of home ownership may create downward pressure on the private rental market. Or they may slide all the way down the ladder into homelessness.

Housing and homelessness services are seeing a rise in the presentation of first-time clients, ie, people who have been in the private rental or home ownership market their whole lives and who, for a lack of appropriate, secure and affordable housing, are seeking to rent socially, from the state government or one of Victoria's 40 Community Housing Organisations, for the first time<sup>16</sup>.

Figure 1. Proportion of social housing in Victoria and OECD countries. Productivity Commission 2018.<sup>17</sup>

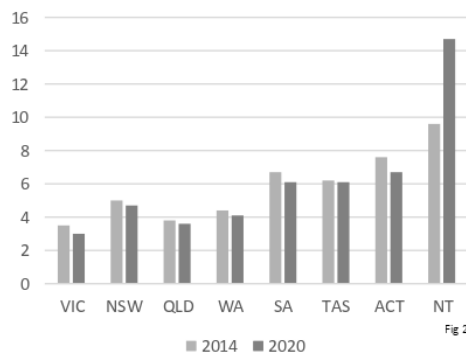


Once a leader in the provision of public housing, decades of state and federal government under-investment in the development and renewal of public housing stock has seen a decline as a proportion of total residential dwellings.<sup>18</sup> With gaps in the policy and financing equation, Victoria's 10 Registered Housing Association have been unable to scale up to the extent required to address the growing shortfall.<sup>19</sup>

Additionally, the 2018 introduction of voluntary inclusion of affordable housing in residential developments has seen a limited uptake<sup>20</sup>. Many experts in housing and planning policy believe that we won't see an increase until inclusionary zoning is made mandatory in the Victoria Planning Provisions.<sup>21</sup>

Recent research funded by the State Government of Victoria, Transforming Housing and AHURI estimated the need for 166,000 additional social housing dwellings to 2036. This target, working out to be approximately 10,000 dwellings per year, would bring social housing as a proportion of total stock up to ~7%.<sup>22</sup>

Figure 2. Proportion of social housing Australian states and territories. Australian Institute of Health and Welfare 2020.<sup>23</sup>





## 4.2 Affordable Accommodation Action Plan 2022

### Defining affordable housing

**What is affordable housing? How is housing affordability measured?  
And why does access to affordable housing matter? Why would Council opt to  
work in this space?**

Housing affordability is often expressed as a ratio of housing costs to household income.<sup>24</sup> A household is deemed to be in housing stress when more than 30% of gross income is expended on housing costs.<sup>25</sup> Housing costs include mortgage repayments and rent.

Lower income households, those in the lowest 40% of household income distribution, are considered most at risk of homelessness because, unlike higher income households spending more than 30% of their income on housing, lower income households in housing stress are also likely to be experiencing financial stress.<sup>26</sup>

In 2018 in Victoria, average housing costs as a proportion of income were highest for people renting socially (22.5% of their income), followed by people renting privately 20.2%. On average owners with a mortgage were paying 16.% and owners without a mortgage were paying 3.2% of their income. A lower income, a higher proportion of which is spent on housing, means less discretionary money and less ability to increase savings.<sup>27</sup>

Increasingly, people falling into homelessness are those without a financial buffer to support them when faced with a health crisis, or job loss. The fastest growing cohort of people experiencing homelessness are women over 55<sup>28</sup>. Typically, long periods of time in unpaid care-giving roles have decreased women's time and progression in the workforce, reducing career income and the amount of super they'll have access to upon retirement.<sup>29</sup>

According to Community Housing Organisations, women over 55, people experiencing business failure amidst economic downturn and women and children escaping violence are part of the broadening face of homelessness in Australia.

The confusion about how terms like social housing and affordable housing are used arises, in part, from there being no consistent nationally recognised definition.<sup>30</sup>

Recent research by AHURI defined affordable housing as "housing provided subject to access and affordability requirements set by government."<sup>30</sup> Building on this research Rowley et al (2017) points to:

- "rental housing priced at below market rents and earmarked for eligible low-to moderate income households
- owner-occupied housing for eligible low-to-moderate-income households that is provided under a subsidised loan or shared equity arrangement and/or is legally encumbered with covenants that impose an affordability requirement"<sup>31</sup>.

The rental housing priced below market rent includes the provision of social housing, as well as private rental affordability programs like the National Rental Affordability Scheme (NRAS) and Commonwealth Rent Assistance (CRA), as

Owner-occupier loan subsidies include programs like the Australian Government's First Home Loan Deposit Scheme. In individual shared equity models, such as the Victorian Homebuyer Fund, the government becomes an equity partner and provides a proportion of the capital to reduce the amount of money a homebuyer will need to purchase a property. In community shared equity models, such as Community Land Trusts (CLT), a not-for-profit legal entity owns the land (held in perpetuity for affordable housing) and the actual building is owned (or leased long-term) by an individual household or households.

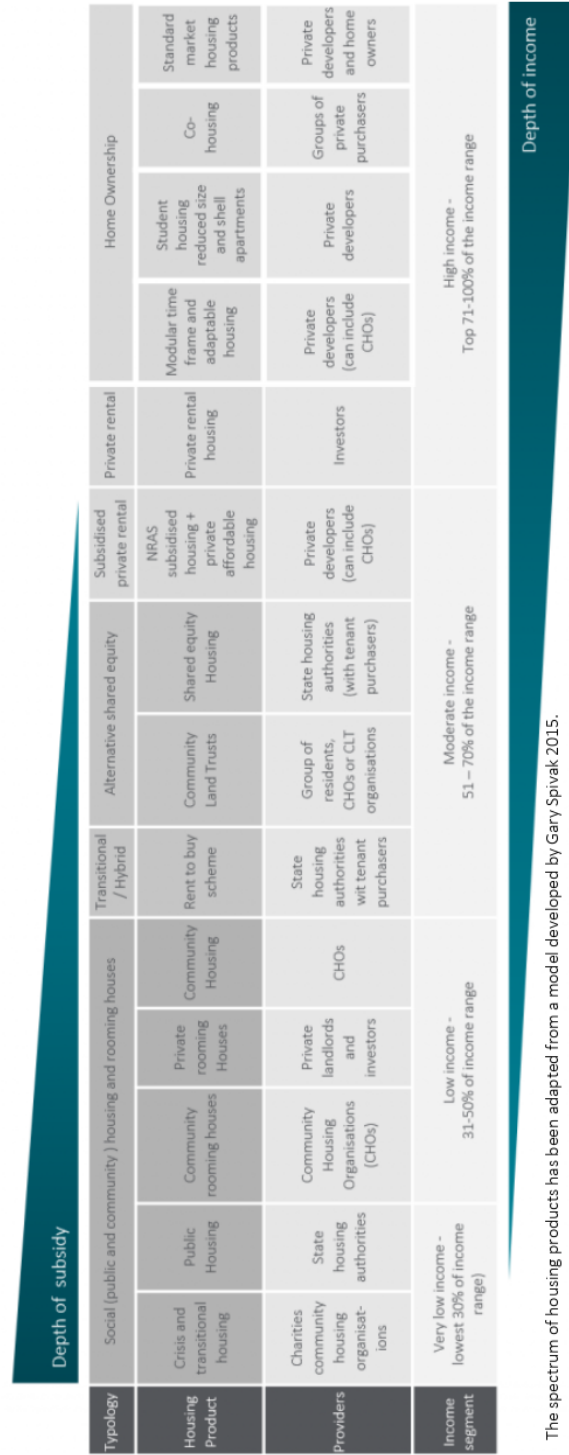
## 4.2 Affordable Accommodation Action Plan 2022

### Defining Affordability (continued)

The housing products on the left of the model sit under the banner of ‘social housing’ and are understood to require a greater level of subsidy. Providers of social housing are state and territory governments (public housing) and Community Housing Organisations (community housing). Community Housing Organisations (CHOs) include Registered Housing Associations (RHA) who develop community housing, and Community Housing Providers (CHP) who manage community housing sometimes on behalf of state and territory governments). In Victoria there are 10 Registered Housing Associations and 30 Community Housing Providers. Income segments for these housing products are typically households on a very low and low income.

Conversely, the private market housing products on the right hand side target households with a greater depth of income. Though the model indicates negligible subsidy, tax incentives has seen a concentration of home ownership and property investment with high income earning households.

With new financing and development models emerging, there are opportunities to strengthen the continuum between social housing and market rate private housing.



The spectrum of housing products has been adapted from a model developed by Gary Spivak 2015.

## 4.2 Affordable Accommodation Action Plan 2022

### Broader context

Responsibility for different aspects of housing provision sit across federal and state and territory governments. Currently, the Commonwealth Government of Australia doesn't have a national housing strategy. Each of the state and territory governments have a housing strategy in place.

To secure federal government funding under the National Housing and Homelessness Agreement (NHHA 2018), state and territory governments must make an equal co-contribution. Additionally, state and territory governments are required to have broader range of strategies in place that will:

- increase social and affordable housing
- grow the community housing sector
- reform tenancy laws
- increase home ownership and
- introduce planning and zoning reforms <sup>34</sup>

In addition to the matching funding for homelessness and housing support services, since the mid 80's the federal government have funded the rent assistance (Commonwealth Rent Assistance - CRA) a non-taxable income supplement payable to eligible people who rent in the private rental market or community housing<sup>35</sup>. Now concluded, the 2008 National Rental Affordability Scheme (NRAS) paid incentives to developers and community housing organisations to built new homes that would be rented out at 20 per cent below market rents for 10 years. The Social Housing Initiative (SHI) was a commonwealth program of the same era. The SHI built 20,000 new social housing units and refurbished another 80,000 over two years.<sup>36</sup>

In 2018, the federal government established the National Housing Finance and Investment Corporation (NHFIC).

NHFIC run a number of finance and investment programs including but not limited to:

- Affordable Housing Bond Aggregator (AHBA) which provides low cost, long-term loans to Registered Housing Associations to support the provision of more social and affordable housing.
- First Home Owners Deposit Scheme which bridges the gap to the 20% deposit required by lenders
- Housing Infrastructure Fund which finances infrastructure projects that will unlock housing supply.

The federal government is responsible for the delivery of major infrastructure. In 2021 Infrastructure Australia, the national advisory body for infrastructure, identified social housing as social infrastructure and an item for reform<sup>37</sup>.

## 4.2 Affordable Accommodation Action Plan 2022

### Broader context (continued)

The State Government of Victoria's Big Housing Build represents landmark investment that will reverse the decline in social and affordable housing as a proportion of total housing stock.

In 2017, the State Government of Victoria released Homes for Victorians. Homes for Victorians identified five headline initiatives:

1. Supporting people to buy their own home which includes a range of incentives and reforms aimed at tipping access to the market in favour of first home buyers.
2. Increasing the supply of housing through faster planning, including fast-tracking social and affordable housing developments.
3. Promoting stability and affordability for renters - through reform of the laws governing tenure and housing design and amenity provision standards.
4. Increasing and renewing social housing stock, including the Victorian Social Housing Growth Fund, Public Housing Renewal Program, combining the public and community.
5. Improving housing services for Victorians, homelessness and housing establishment support for cohorts most at-risk of homelessness.<sup>38</sup>

Expanding on Social Housing Growth Fund, in 2020, the state government announced additional investment in social and affordable housing through Victoria's Big Housing Build.

The Big Housing Build (BHB) commits \$5.3 billion dollars over four years to 9,300 social and 2,900 affordable housing dwellings<sup>39</sup>. The commitment includes a 'minimum spend' of \$20 million in the Surf Coast Shire<sup>40</sup>.

Additionally the BHB introduces planning scheme amendments (VC190 and VC187) to streamline development of social and affordable housing funded by BHB (Cl.52.20) or developed on behalf of the Director of Housing (Cl.53.20)<sup>41</sup>

State government is just about to release a draft of its Ten-year Social and Affordable Housing Strategy<sup>42</sup> which is the subject of advocacy from the sector and local governments.

Recently, research and advocacy coalitions have called for state and federal government to make a greater co-contribution to address the shortfall of social and affordable dwellings.<sup>43</sup>

## 4.2 Affordable Accommodation Action Plan 2022

### Local context

Housing demand during the COVID 19 pandemic exacerbated housing affordability issues in the Surf Coast Shire. Median rental and property prices have increased and vacancy rates and 'average time on market' have decreased. The number of available properties affordable to lower income households has dropped significantly and housing affordability is making it difficult for workers in key sectors such as health, education, administration, retail and hospitality to live in the community they are serving.

Data from the Rental Report published quarterly by Homes Victoria show that as of June 2021, the median rent for a two bedroom apartment in Torquay is \$405 per week, up 6.6% in the last 12 months. Over the last five years the average annual increase is 4.7%. Median rent for a three bedroom house is \$520, an increase of 6.1% on the previous year and an average annual increase of 3.6% between 2015 and 2020.<sup>44</sup>

According to property sales statistics compiled quarterly by the Valuer-General Victoria, the median price of a unit in Torquay has increased from 420,000 in 2010 to 640,000 in 2020 (up 52%). The 2020 median price of a house is \$1,460,000 in Lorne and \$1,125,000 in Aireys Inlet. Anglesea's median house price also sits above \$1M.<sup>45</sup>

*Figure four shows the median house price for 2020 and a percentage change over the last 12 months and 10 years.*

*Figure five shows number of properties listed on short stay rental websites in January 2021 Total residential dwelling is based on 2016 ABS Census data<sup>46</sup>*

Locality	2020	% change 2019-20	% change 2010-20
	Median \$		
AIREYS INLET	1,125,000	14	86
ANGLESEA	1,070,000	18	84
ARMSTRONG CK	555,000	4	-
COLAC	350,000	11	64
JAN JUC	961,000	10	77
LORNE	1,460,000	13	83
TORQUAY	870,000	7	63
WINCHELSEA	480,000	12	104

Preliminary 2021 figures suggest the median house price for Torquay will be \$1M. The 12 months to November 2021 saw dwelling values nationally increase by 22.2%, the highest since 1989.<sup>47</sup>

Winchelsea has seen the greatest percentage increase in housing prices over the 10 years from 2010 to 2020 (104%). However, Winchelsea remains more affordable than City of Greater Geelong (CoGG) suburb Armstrong Creek and the most affordable in the Surf Coast Shire<sup>48</sup>. Improving transport connections between Hinterland and coastal towns and from Torquay and Winchelsea to Geelong would improve access for workers to jobs and employers to a workforce.

*Figure six indicates key worker industries and housing needs for Hinterland, Coastal and Torquay economic Regions. SCS Our Economic Story.<sup>49</sup>*

	Key workers	Housing needs
Hinterland	Agriculture Construction Public Administration and Safety Education Manufacturing	Lower cost housing connected to activity centre and improved transport connections to Geelong
Coastal	Accommodation and food services Retail Health and social care Education	Lower cost housing and improved transport connections to Hinterland towns
Torquay	Construction Retail and beauty Accommodation and food services Health and social care Education	Lower cost medium density housing and improved transport connections to housing in Geelong.

	Torquay	Jan Juc	Anglesea	Aireys Inlet	Fairhaven	Moggs Ck	Winch	Lorne
AirDNA active listings	438	112	279	155	75	23	6	438
Total residential dwellings	6521	1873	2920	1022	486	178	905	1806
% AirBnB	7%	6%	10%	15%	15%	13%	1%	24%

## 4.2 Affordable Accommodation Action Plan 2022

### Local context (continued)

2016 ABS census data shows that of the 10,457 households in the Surf Coast Shire, 2,168 or 21% rent. Of renting households, 510 or 23.5% are experiencing rental stress. Of those in rental stress 56% or 287 are from very low, low and moderate income households.<sup>50</sup>

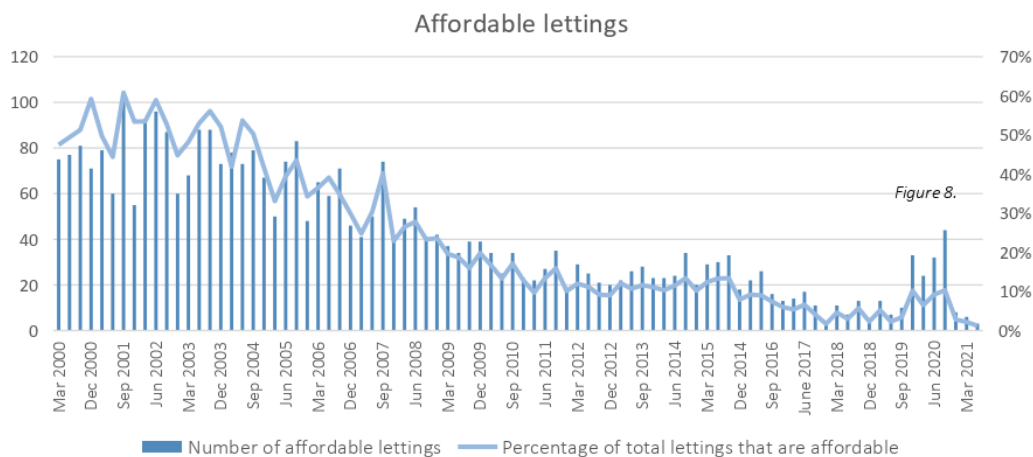
According to the June 2021 Rental Report, the number of Surf Coast Shire properties deemed affordable for households on the lowest 40% income was three (1.2% of available rental properties). Figure eight below shows the decline both in number and proportion of affordable lettings.<sup>51</sup>

Homes Victoria data indicates that there are 97 social housing dwellings in the Surf Coast Shire<sup>52</sup>. 2016 ABS Census data shows 62 (0.6%).<sup>53</sup> Homes Victoria data indicate that in 2019-20 115 people received a specialist homelessness service. Census data indicates that in 2016 48 (0.4%)<sup>54</sup> Shire residents were experiencing homelessness. <sup>55</sup> Modelling of social housing need based on Census data which is prone to non-response non-sampling errors resulting in under-representation, is likely to be very conservative. Unmet social housing need is estimated at 335 or 3.1% of total dwellings<sup>56</sup>.

Over half of current social housing stock are 3 bedroom dwellings. Fifty-two percent of social housing residents are older single households.<sup>57</sup>

There are 2,775 people on the Victorian Housing Register 'priority access' list for the Barwon region.<sup>58</sup> 533 applicants have expressed a preference for Anglesea and 79 for Winchelsea.<sup>59</sup>

<b>HOUSEHOLDS</b>	
Total households (#)	10,457
Total renting households	2,168
Median Weekly Payments	\$367
<b>SOCIAL HOUSING</b>	
Households renting socially (#)	62
Households renting socially (% all households)	0.6
<b>RENTAL STRESS</b>	
Rental Stress all income levels (#)	510
Rental Stress all income levels (% of all households)	23.5
Rental stress with moderate, low or very low income (#)	287
<b>HOMELESSNESS</b>	
Number of people experiencing homelessness	48
Percentage of all households experiencing homelessness	0.4
<b>SOCIAL HOUSING NEED</b>	
Unmet demand for social housing (% of all households)	3.1
Social housing properties required to meet need (#)	335



## 4.2 Affordable Accommodation Action Plan 2022

### Strategic alignment

The Surf Coast Shire Council Plan incorporating the Health and Wellbeing Plan<sup>60</sup> 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 the development of an Affordable Accommodation Action Plan<sup>61</sup> a headline action for year one.

The Council Plan is guided by our community's vision for the Surf Coast Shire:

'From the hinterland to the coast, from the first peoples to the children of the future, we are an active, diverse community that lives creatively to value, protect and enhance the natural environment and our unique neighbourhoods. We will leave the Surf Coast better than we found it.'

Community input informed the development of the Council Plan incorporating the Health and Wellbeing Plan. Affordable housing was identified as important to communities under the broader issue of sustainable settlements. A strategy was developed under the priority theme of Sustainable Growth. The theme goal indicates the balanced approach Council is taking to better understand and address housing need for lower income households and key workers.

T 4.	Sustainable Growth	Theme goal: Growth is not at the expense of environmental values or the unique heritage and character of our township
S.12	Improve access to affordable residential accommodation	Strategic outcome: People have access to more affordable and sustainable residential accommodation options.  Strategic indicators: <ul style="list-style-type: none"> <li>• Affordable lettings</li> <li>• Median rent and house prices</li> <li>• Performance satisfaction on place attributes related to housing</li> </ul>
#	Action	Deliverables 2022
a	Develop and maintain an understanding of the nature and extent of the residential accommodation affordability problems.	Opportunities for Key Worker Housing are identified via the Key Worker Housing and Housing Pilot Co-ordination Project (Barwon South West region).  Provide assistance to Homes Victoria to deliver on its \$20 million commitment to increase the availability of social housing in the Shire
b	Establish, implement and monitor the effectiveness of a program of work to positive address the problems.	Adopt an Affordable Residential Accommodation Action Plan to prioritise Council's efforts
c	Increase awareness of the residential accommodation affordability problems in the municipality and their broader impacts so as to stimulate positive action by others.	Develop, implement and evaluate at least two place-based short-term plans to address accommodation shortfalls for key workers in Lorne and Anglesea.  Consider Council-owned sites at 42 Harding Street, Winchelsea and 2 Fraser Drive, Aireys Inlet for affordable housing developments.

## 4.2 Affordable Accommodation Action Plan 2022

### Strategic alignment (continued)

Strategic alignment and active participation with regional networks, such as the G21 Alliance Social Housing Project Group and Great South Coast Key Worker Housing Working Group, will progress our shared goals for social and affordable housing.

Surf Coast Shire Social Housing Policy 2021.<sup>62</sup> Based on the G21 regional framework and its pillars of Health and Wellbeing, Economic Development and Planning and Services, the Surf Coast Shire Social Housing Policy recognises the role that access to safe, secure and affordable social housing plays in addressing disadvantage and creating healthy, prosperous and sustainable communities.

The Policy identifies key roles for G21 councils including 'stewardship', 'partnership', 'planning' and 'capacity' which are closely aligned to the streams of work set out in the Affordable Accommodation Action Plan.

The Great South Coast Key Worker Housing Action Plan 2019.<sup>63</sup>

Work is currently being completed to update the 2019 Action Plan. The update will provide:

- an up-to-date picture of key worker housing need in the region and the Surf Coast Shire
- Identify opportunities to address market failure and infrastructure challenges in addressing key worker housing needs
- Identify the pre-conditions, legal, financial, planning, and partnership requirements to deliver different affordable housing models.

<b>G21 SOCIAL HOUSING REGIONAL FRAMEWORK</b>			
<b>Economic recovery, building jobs &amp; addressing disadvantage</b>			
<b>Purpose</b>			
Recognise, acknowledge and address disadvantage in the community through the provision of increased safe, secure and affordable social housing			
<b>Council roles</b>			
<b>STEWARDSHIP</b>	<b>PARTNERSHIP</b>	<b>PLANNING</b>	<b>CAPACITY</b>
Advocate for public policy, government investment and community participation in the development of social housing initiatives	Support regional partnerships with government regarding investments and collaborations with housing agencies on key projects	Negotiate the inclusion of social housing in new private developments where rezoning and planning approvals add value to land	Continue to develop capacity within Council and awareness within the community to sustainably implement this Social Housing Plan

Additionally, the goals and principles of the Affordable Accommodation Action Plan are closely aligned with the strategic approach of the Economic Development Strategy 2021 – 31, Social Infrastructure and Open Space Plan and strategic place planning government by the Surf Coast Shire Planning Scheme.



## 4.2 Affordable Accommodation Action Plan 2022

### Our goal for affordable accommodation

To enhance our capacity and the capacity of others to deliver safe, secure, appropriate and affordable housing as part of planning and supporting healthy, prosperous and sustainable communities.

#### Principles:

- Equity focused
- Evidence-based
- Place-based
- Outcomes focused
- Partnership focused
- Accountable

The above principles are consonant with those committed to in the Council Plan. The principles underscore Council's approach and affirm our recognition that access to safe, secure appropriate and affordable housing is a human right. Far from an act of charity, social and affordable housing is increasingly recognised to be social infrastructure. Mares (2018) contends this infrastructure to be essential and vital to people be able to contribute to economic, social and cultural life which in turn leads to stronger communities.<sup>64</sup>

Researchers for the Healthy and Liveable Cities Hub have demonstrated that independent of individual socio-economic position (compositional factors), characteristics of the places in which people live (contextual factors) affect health inequities.<sup>65</sup>

Well planned and governed communities, working across the natural, built, social and economic aspects of our urban systems, can promote health and wellbeing and reduce the personal, social and economic costs of inequity.<sup>66</sup>

Accordingly Council recognise that each community has different housing needs. Council will work to understand and address inequities in infrastructure and service provision across sectors and locations to facilitate investment where it is needed.

Council recognise that we share the outcome we want - an increase in social and affordable housing - with many groups focused on the health, prosperity and sustainability of their communities. We know that we have a minor role to play but that our ability to be facilitative and collaborative will make a difference.

We will align our resources and enhance our capacity to be an effective partner. We will work with Community groups, for-purpose consortiums, Community Housing Organisations, etc. to leverage investment and get the best outcomes for our communities.

Finally, the Affordable Accommodation Action Plan aims to be accountable to community interest in housing affordability issues which have precipitated its development and directed Council resources to its implementation. With this 12 month window, Council will deliver the identified outputs and aims to embed longer term outcomes into endorsed strategies and resourced projects.

## 4.2 Affordable Accommodation Action Plan 2022

### Part 2

## Affordable Accommodation Action Plan 2022

This 12 month program of work is structured by six streams of work scaffolded upon three pillars:

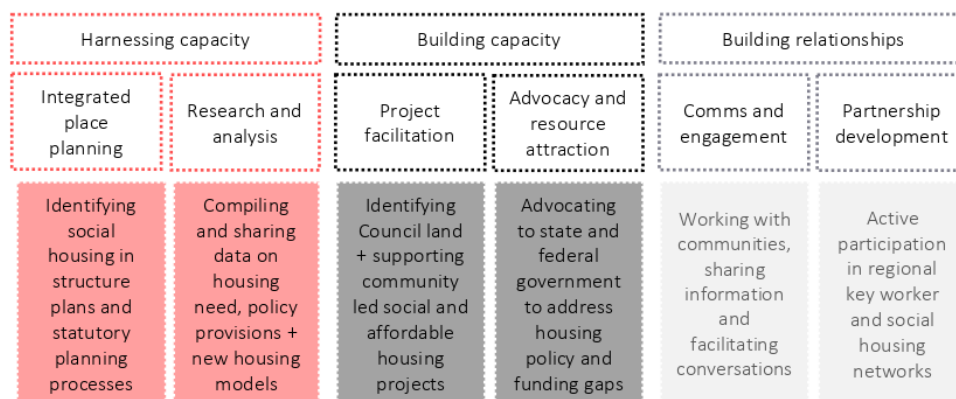
- Harnessing capacity
- Building capacity
- Building relationships

Harnessing our capacity means including social and affordable housing in our concept of social infrastructure and enhancing our integrated place planning processes. Outside of our organisation we'll also draw on the resources and insights of social-purpose organisations and local governments more progressed on this path. Research and analysis will contribute to building an evidence base on housing need, policy, financing and delivery models.

Building our capacity will focus on understanding how our organisation can most effectively facilitate social and affordable housing by leveraging Council and community assets, resources and innovation. Advocacy and resource attraction avenues will draw on community and data insights to highlight and seek to address policy and funding gaps.

Building relationships with communities to share information and gather evidence to ensure place-based needs and strengths inform the development of social and affordable housing enables participation in social and economic life and healthier, more prosperous and sustainable communities. Developing partnerships with Community Housing Organisations, financing and development consortiums, peak bodies, industry experts, etc. and contributing to shared goals through active participation in regional networks, ie, G21 Social Housing and Key Worker Housing Networks.

Figure eleven provides a high level model of the Affordable Accommodation Action Plan



## 4.2 Affordable Accommodation Action Plan 2022

### Pillar 1. Harnessing Capacity

STREAM	INPUTS	OUTPUTS	OUTCOMES
Integrated place planning	a. Work with place planning areas of Council to build understanding of social and affordable housing as social infrastructure and embed into new integrated approaches to place planning.	Social Infrastructure Plan principles recognise social and affordable housing as social infrastructure and strategies include consideration of social and affordable housing in social infrastructure and open space planning and policies guiding asset transfer and disposal.	Planning for social and affordable housing is embedded into place planning and community informed evidence gathering and prioritisation processes
	b. Draw on research, guidance, tools and prototypes developed by peak bodies and industry experts to establish a set of strategic and statutory planning instruments and processes to include social and affordable housing in developments.	Structure Plan reviews engage community on planning for future housing need.  Social and affordable housing proposal development process piloted and tested for developments coming under Cl.52.20 and Cl.53.20 and other voluntary inclusionary developments.	Opportunities to consider social and affordable housing contributions in project and planning proposals are identified and explored.  The merit of new delivery partnerships and models is evaluated and informs guidance for statutory processes.
Research and analysis	a. Develop a baseline report to inform the implementation of the Affordable Accommodation Action Plan.	Data and research compiled and an Affordable Action Plan baseline report developed and trends monitored.  Research materials developed and shared with place planning partners and communities.	Establish a baseline against which the effectiveness of the Accommodation Action Plan work streams can be assessed and Council's investment and approach modified.
	b. Maintain and share relevant research and data to support understanding of the policy context, legal framework, financing and delivery models, etc. as well as housing supply, demand and need.	The uptake of Rural Worker Accommodation Amendment and new camping provision in the Local Laws monitored and outcomes reported.  Progress of social and affordable housing projects and pilots monitored	Contribute to the evidence base on social and affordable housing projects, particularly those funded through the Big Housing Build, assessing the model, outcomes and role of Council.
	c. Develop monitoring and evaluation frameworks for social and affordable housing projects and pilots, including the Tiny House project and 'Adopt-A-Worker' programs and share findings.	Evaluation findings for completed projects and pilots, including Tiny House project and 'Adopt-A-Worker' programs shared.	Understand the suitability of Tiny Houses and 'homeshare' models in addressing key worker housing issues.

## 4.2 Affordable Accommodation Action Plan 2022

### Pillar 2. Building Capacity

STREAM	INPUTS	OUTPUTS	OUTCOMES
Project facilitation	<p>Complete a land use audit of non-freehold' land within existing township boundaries for the purpose of identifying suitable land to bring to market for social and affordable housing.</p> <p>Of three identified sites:</p> <p>Facilitate engagement on proposal to transfer 42 Harding Street to community consortium Winanglo to develop an Age and Disability Care residence.</p> <p>Share preliminary and secondary site analysis with Homes Victoria, including Council owned sites: 2 Fraser Drive, Aireys Inlet and 25 Armytage Street, Winchelsea and potential third party owned sites for social and affordable housing developments.</p> <p>Develop project plans for sites including an assessment of and recommendation for proposed land use model. Engage with stakeholders and partners and establish tender processes.</p> <p>Leverage the capacity and investment of a range of social and affordable housing proponents.</p>	<p>Land use audit tool developed and criteria-based assessment of non-freehold land completed.</p> <p>Expanded site analysis considering freehold land completed.</p> <p>Site visits and risk and benefit assessment completed on identified sites.</p> <p>Communications and engagement planned and facilitated. Transfer of 42 Harding street to Winanglo finalised based on established community support.</p> <p>Project, funding, engagement, tender and monitoring and evaluation plans developed for suitable sites .</p> <p>Information and connections provided to community group, community housing and for purpose consortium proponents of social and affordable housing developments.</p>	<p>Available Shire land assessed for social and affordable housing developments and, for viable sites, planning and delivery requirements for various land use and design models tested.</p> <p>Internal capacity and capability in the area of social and affordable housing strengthened.</p> <p>Ensure committed Victorian Big Housing Build minimum spend is allocated and deliver well-designed and located social housing.</p>
Advocacy and resource attraction	<p>Develop an advocacy plan and schedule.</p> <p>Advocate to Homes Victoria for public housing renewal funding to be directed to existing Surf Coast Shire public housing stock.</p> <p>Advocate for more direct policy drivers, such as mandatory inclusionary zoning and tax increment financing, etc.</p>	<p>Advocacy program and schedule developed.</p> <p>Submission made to Homes Victoria to direct funding earmarked for public housing renewal to Surf Coast Shire stock.</p> <p>Advocacy campaign for a national housing strategy, including tax reform and bipartisan commitment for sustained investment in social and affordable by state and federal government, designed and delivered.</p>	<p>Advocacy program is strategic, timely and successfully attracts resources, and precipitates more social and affordable housing in the region and influences policy and tax reform.</p> <p>Existing social housing meets Healthy Housing Standards.</p>

## 4.2 Affordable Accommodation Action Plan 2022

### Pillar 3. Building Relationships

STREAM	INPUTS	OUTPUTS	OUTCOMES
Communications and engagement	<p>Develop a communications and engagement plan including broader messages on the evidence on social and affordable housing – as vital social infrastructure that is well-designed and utilised by diverse groups; and site specific communications and engagement.</p> <p>Participate in community led social and affordable housing working groups</p> <p>Participate in and support the discussion/development of a Tiny House Project.</p> <p>Attend cohort, interest and place-based community networks to share research and provide project design, monitoring and evaluation support.</p>	<p>Communications and engagement plans developed, implemented and evaluated.</p> <p>Proactive engagement with community-led working groups and provision of research and project design and evaluation support.</p> <p>Support provided to Tiny House project and evaluation of engagement process and any resultant pilot evaluated.</p> <p>Cohort, interest and place-based community networks supported.</p>	<p>Community engagement on social and affordable housing developments reflects the evidence base and complements advocacy on social and affordable.</p>
Partnership development	<p>Provide a financial co-contribution and actively participate in regional social and affordable housing networks, ie, G21 Social Housing and Great South Coast Key Worker Housing Networks and further develop connections with Community Housing Organisations, developers, industry experts made through the network.</p> <p>Contribute to joint research, communications, advocacy and case study development.</p>	<p>Annual co-contribution made to G21 Alliance and Moyne Shire (Great South Coast Key Worker Housing fund holder).</p> <p>Active participation in the G21 Social Housing and Great South Coast Networks.</p> <p>Joint research, communications, advocacy and case study completed.</p>	<p>Relationships between Council, developers, community housing providers are strengthened.</p> <p>Social and affordable housing networks are strengthened and shared objectives progressed.</p>

## 4.2 Affordable Accommodation Action Plan 2022

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### 4.3 Sale of Land - 42 Harding Street, Winchelsea

**Author's Title:** General Manager Culture & Community **General Manager:** Chris Pike

**Department:** Culture & Community

**File No:** F17/597

**Division:** Culture & Community

**Trim No:** IC21/2064

**Appendix:**

Nil

**Officer Conflict of Interest:**

In accordance with Local Government Act 2020 –  
Section 130:

Yes

No

**Status:**

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

Yes

No

**Reason:** Nil

**Reason:** Nil

#### Purpose

The purpose of this report is to consider the sale of land in Winchelsea to Winanglo Incorporated for the purpose of establishing independent living units for older people or people with a disability.

#### Summary

Council has been approached by Winanglo seeking the transfer of the ownership of the land at 42 Harding Street Winchelsea for the development of Independent Living Units at no cost. Winanglo's proposal for the use of the land in Winchelsea is a project of two parts:

- Providing housing for older and disabled people to access more appropriate accommodation within their local community thus retaining important social and economic ties.
- The formation of a not-for-profit organisation to advance health and wellbeing outcomes of communities in Winchelsea, Anglesea, Lorne and surrounding areas.

In July 2021 Council commenced the process to consider the sale of the land in accordance with the Local Government Act 2020 and the Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land 2009, along with Council's own policies. Having announced its intention, public consultation was undertaken and all submissions and responses were received at a Special Meeting for Hearing Submissions on 7 December 2021. There was strong public support for the proposal.

This report recommends the land is sold as proposed.

#### Recommendation

That Council:

1. Notes it has announced its intention to sell 42 Harding Street, Winchelsea, Certificate of Title Volume 9828 Folio 343, and has invited and considered submissions in accordance with section 114 of the Local Government Act 2020.
2. Agrees to sell 42 Harding Street, Winchelsea to Winanglo Incorporated for the purpose of establishing independent living units for seniors or people with a disability in Winchelsea and district.
3. Agrees the price for the sale of the land is \$1.
4. Agrees to protect Council's investment in the Winanglo Incorporated project by establishing conditions in a Contract of Sale and a Section 173 Agreement to at least ensure:
  - 4.1 planning and financial approvals are obtained and evidenced;
  - 4.2 the development is commenced and completed within a reasonable timeframe;
  - 4.3 the land will continue to be used for housing for shire-based seniors or people with a disability;
  - 4.4 the land cannot be used as security without Council's approval;
  - 4.5 Council has an option to buy back the land should it be considered for sale by Winanglo Inc.;
  - 4.6 the land may only be sold to a not-for-profit entity providing or promoting community facilities or activities or objectives; and
  - 4.7 the net proceeds of any sale must be used to fund projects which benefit the residents of the shire.
5. Communicates this resolution to submitters and the broader community.

### 4.3 Sale of Land - 42 Harding Street, Winchelsea

#### Report

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

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

##### **Background**

Details regarding the property:

- owned by Shire of Winchelsea/Surf Coast Shire since 1988
- originally all one parcel owned by the Church
- Council acquired the land from the Church to secure a site for the Senior Citizens and to potentially develop housing for elderly citizens (both established on land separate to this title)
- in 1995 Council built housing for the elderly at the corner of Hesse and Armytage Streets in Winchelsea
- Council considered the Sale of Land in 2002, however an objection was received from the Church on the basis that the Shire of Winchelsea gave a commitment to use the land for the development of housing for the elderly
- Councillors considered the sale of the land in 2017 for an Ambulance Station however no sale took place and the Ambulance Station was established elsewhere in the town.
- the site is currently not utilised by Council
- vacant land next to Winchelsea Senior Citizens Club
- zoning – General Residential Zone – Schedule 1
- size 3170.91m<sup>2</sup>
- The Church of England Trustees own the property directly behind (31 Barwon Terrace)
- The property was last valued in 2017 at \$455,000. A new valuation is being sought – a legislative requirement prior to disposal.

See map below of property and surrounds.



On 27 July 2021 Council considered a report which should be read in conjunction with this report. It outlined the following proposal:

- Council has been approached by Winanglo Incorporated (Winanglo) seeking the transfer of the ownership of the land at 42 Harding Street Winchelsea for the development of Independent Living Units at no cost.

### 4.3 Sale of Land - 42 Harding Street, Winchelsea

- Winanglo was established in 2020 with its sole purpose as a not-for-profit entity to drive projects which will advance the health, social and public welfare interests in the communities in which Corangamite Financial Services Ltd operates.
- Winanglo's proposal for the use of the council land in Winchelsea is a project of two parts:
  1. Providing housing for older and disabled people to downsize with support services and stay in the community.
  2. The formation of Winanglo Inc. – a not for profit organisation to provide further community infrastructure in local communities.
- Stepping in to meet a need not currently being met by the private market.
- Design features
  - 8-10 two bedrooms units
  - Adaptable design to enable conversion to achieve essential wheelchair access and other safety measures with minimum expense
  - Attractively landscaped areas, including hard and soft landscaping elements
  - Adjoined access to the existing Senior Citizens Centre if appropriate
  - Various pedestrian paths linking to both Hopkins and Harding Streets
- Target market – older people in Winchelsea and district not requiring residential care but living in housing that no longer meets their needs. Winanglo considers it to be affordable housing for local residents to downsize while staying in the community, close to services, at the same time freeing up local housing stock. Residents must have financial capacity to purchase a right to live in new units.
- Selection process - Proposing to establish a selection process similar to that used by Hesse Rural Health (HRH) for its existing independent living units:
  - Central register of enquiries
  - Consultation with HRH community services team to determine if known clients should be considered
  - Contact all to confirm interests and consider details relating to:
    - Age (i.e. over 55 and retired from full-time employment)
    - Accommodation status
    - Service needs
    - Financial status
  - Review of applications considering highest need and suitability to others in neighbouring units
  - Recommendation of preferred tenant
- HRH also provide property management expertise and in-home aged care.
- Financial model underpinned by:
  - gifting of land by Council to assist with securing of loan,
  - Corangamite Financial Services will also contribute cash equity to a similar value of the land,
  - purchase of usage rights by residents repays loan.
  - equity derived from the land plus Corangamite Financial Services cash equity creates working capital for future projects.
  - Winanglo advises that it does not believe the organisation will have the capacity to secure the loan finance required to construct the project should Council require a financial contribution for the land. The nature of the build, being high needs, built to a high specification, energy efficient, high quality landscaping means the project will be more costly than a standard developer constructed unit project.
  - Legal and administrative costs the shire may incur in the transfer could be funded.
- No clear plans for future projects although the following has been suggested by the proponents:
  - Low income rental units, supporting youth, disability – Winchelsea
  - Lorne affordable housing
  - Independent Living Units, Anglesea
  - Partnering in community/Council asset improvements e.g. Winchelsea Pool, sports facilities, men's sheds.

At the 27 July meeting Council resolved as follows:

### 4.3 Sale of Land - 42 Harding Street, Winchelsea

- Affirms its willingness to sell 42 Harding Street, Winchelsea, Certificate of Title Volume 9828 Folio 343 to Winanglo Incorporated for the purpose of establishing independent living units for seniors or people with a disability in Winchelsea and district.
- Proposes the price for the sale of the land to be \$1.
- Notes Winanglo Incorporated's offer to reimburse Council's legal and administrative costs associated with this sale up to a maximum of \$20,000.
- Notes the requirement of the Local Government Act 2020 that at the time of sale Council will hold a valuation that is not more than six months old.
- Communicates widely, including publication of a public notice, its intention to sell the land and invites and considers submissions in accordance with Section 114 of Local Government Act 2020.
- Affirms its intention, subject to future Council resolutions on this matter, to protect Council's investment in any project by establishing conditions in a Contract of Sale and a Section 173 Agreement.
- Receives a report at a future meeting of Council to consider all submissions and determine its position on this matter.

#### **Discussion**

Council communicated its intention to sell the land throughout November 2021 including:

- Media releases
- Paid advertisements
- On site signage
- Promotion through Growing Winchelsea Inc.
- Letter drops in the immediate vicinity of the site
- Notices on community noticeboards

Whilst the target audience was predominantly in the Winchelsea and surrounds, Council's intention was communicated via the Surf Coast Times.

Respondents were offered the opportunity to respond to a survey and/or make a separate submission.

Council held a Special Meeting to hear submissions on 7 December 2021 and resolved to receive and note four submissions, 250 letters and 58 survey responses. After that meeting Council received a further email from an interested resident.

#### Consultation findings

Feedback was very supportive of the proposal.

The four supportive submissions were from local community organisations and the proponents.

The 250 letters provided support as did the later email.

Of 58 survey respondents there was a strong majority (75 - 88%) in favour of the nature of the proposal for the following reasons:

- Meets a community need for housing
- Makes good use of vacant land
- Project is being delivered by a local group
- Helps Winanglo to get established so it can deliver other community projects in the future supportive stating

Of 58 survey respondents 9% did not like any element of the proposal with concerns about:

- Council selling the land and the sale price of \$1
- The land being used for affordable housing
- The nature of the proponent

It should be noted that the state government announced a Big Housing Build grant to a housing association to construct social and affordable housing elsewhere in Winchelsea around the same time as the Winanglo proposal was advertised. This caused some confusion amongst the community which had to be addressed via Council and community communications to ensure clarity about the different projects.

### 4.3 Sale of Land - 42 Harding Street, Winchelsea

#### Considering the sale of land

The property is currently not utilised and no community use has been identified for the land. Officers consider this excess to Council's service needs.

The Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land 2009 provides that generally, all sales and exchanges of land should occur at not less than the market value assessed by a valuer engaged by Council. It also provides that in the event that Council sells land for less than the market value, Council should explain the circumstances, reasons or factors which led to its decision to accept a price that is less than market value.

The reasons for considering the sale of the land for less than market value are:

- Aligns with Council's Age Friendly Strategy 2020-24. The proposal is a direct response to issues identified in the strategy and inhibiting age-friendly outcomes including a lack of smaller housing (i.e. nothing to downsize to) and a lack of innovative options to address such problems. This translates into Goal 2 in the strategy: *'Housing related issues are identified and solutions developed which increase options for people to age well in place'*.
- Winanglo's proposal aims not only to meet an identified housing need, seemingly not being met by the private sector, but offers to Council the commitment that equity arising from the development of the independent living units will provide "a launching pad to countless significant projects moving forward" in accordance with the organisation's "sole purpose being to advance the health, social and public welfare of the communities in Winchelsea, Anglesea, Lorne and surrounding areas". In effect Council is investing in a housing outcome and the establishment of a community-led not-for-profit organisation seeking to make a difference to local communities.

It is highly unlikely that this proposal would be enhanced by undertaking a public procurement process. There is no evidence of:

- a shire-based entity with its roots in a community-oriented enterprise,
- seeking to address an identified housing need in Winchelsea,
- by leveraging its own significant cash contribution, and
- establishing itself as a locally-focussed not-for-profit body seeking to advance community outcomes beyond this single project.

A public procurement process by way of expressions of interest was discounted as an alternative option in the 27 July Report. This would enable exploration of a wider variety of opportunities. It could address some arguments against the sale of the land for this specified use and at less than market value, such as:

- Foregoing income from a market-value sale of the land and the opportunity for Council to invest that income in other initiatives.
- Missing other land use opportunities potentially including new social and affordable housing delivered by a housing association with funding assistance from the Big Housing Build.
- Distorting the private housing market in Winchelsea by making land available at an advantage to one particular party.

Council has the opportunity to offer the land on a 50-year peppercorn lease (i.e. for the foreseeable life of any buildings). This means that if alternative uses are more appropriate for the land in future then it can be repurposed. This option has not been explored on the basis that it is preferable for Council to simplify its operations by limiting the burdens associated with managing long-term, commercial leases where Council does not control or manage the land use. There are numerous challenges associated with local councils acting as commercial landlords. Protections are proposed via a contract of sale and Section 173 Agreement.

#### Process for disposal

To date Council has satisfied the following requirements of the Local Government Act 2020 which requires that before selling or exchanging the land, the Council must

- (a) at least 4 weeks prior to selling or exchanging the land, publish notice of intention to do so
    - (i) on the Council's Internet site; and
    - (ii) in any other manner prescribed by the regulations for the purposes of this subsection;
- and

### 4.3 Sale of Land - 42 Harding Street, Winchelsea

- (b) undertake a community engagement process in accordance with its community engagement policy; and
- (c) obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the Valuation of Land Act 1960 a valuation of the land which is made not more than 6 months prior to the sale or exchange. (Note, the most recent valuation was on 22 July 2021 and so a new valuation will be obtained prior to the sale

Council policy (SCS-013 Sale or Exchange of Council Land) also requires public consultation before a Council decision on the disposal of surplus land.

The Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land 2009 outlines case law establishing the requirement for genuine public notice, meaning Councillors:

- Are allowed to have views regarding what sort of development they think is best for a certain area or parcel of land; and
- Must have a genuinely open mind when considering submissions, including being open to all offers during the statutory consultation period; and
- Not only must they actually be unbiased but must appear unbiased so that the Council is able to discharge its statutory duty with fairness.

Council has foreshadowed the establishment of protections for Council's investment including conditions in:

- a Contract of Sale to ensure a planning permit is obtained and construction funding secured, and
- a Section 173 Agreement to ensure the dwellings are only made available to target residents and the owner of the land cannot profit from it via subsequent sale or raise further capital unless those sale proceeds or that capital is for the benefit of shire residents.

These protections are included in the report recommendation.

Councillors have been briefed on this proposal on several occasions, with the most recent briefing being held on 11 January 2022.

#### **Council Plan**

Theme 4 Sustainable Growth  
Strategy 12 Improve access to affordable residential accommodation

Theme 6 Arts and Creativity  
Strategy 16 Foster an environment where people with clever and creative ideas can make a difference in their communities

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

*Local Government Act 2020 – LGA 2020*

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



### 4.3 Sale of Land - 42 Harding Street, Winchelsea

<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	No

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

This report notes the opportunity to address a shortage of ageing-in-place and/or disability accommodation within the shire. The community-led initiative is an innovative approach to this problem, building capacity in an organisation focussed on health, social and public welfare of the communities in Winchelsea, Anglesea, Lorne and surrounding areas.

#### **Policy/Relevant Law**

Several pieces of legislation and policy are referenced in this report.

In addition, Council's Community Development Framework and Action Plan 2020-22, which gives life to Council's Community Development Policy (SCS-049), states:

*Where community members are empowered to take the lead at every stage, their priorities are better understood and met. Where communities pinpoint issues and identify assets that may be built on, where communities elect strategies to employ, design and implement initiatives and determine their measures of success, they are invested in and take stewardship over the process and the outcomes.*

This initiative aligns with that policy and framework however does not rely entirely on community resources, requiring Council's contribution of land as a springboard to further community-led initiatives by Winanglo.

#### **Environmental/Sustainability Implications**

This report canvasses the social sustainability issues associated with an inadequate supply of the following types of housing:

- Older person (ageing-in-place) independent living units, also suitable for people living with a disability
- Social and affordable housing

#### **Community Engagement**

This report outlines the community consultation which has been conducted in accordance with legislation and Council's own policies including Community Engagement Policy SCS-017.

#### **Public Transparency**

The Local Government Act 2020 and the Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land 2009 stipulate the transparency requirements associated with the sale of Council land. These are outlined above.

#### **Financial Management**

The key considerations associated with options to dispose of land are:

- Council's investment in Winanglo via the provision of land at no cost, enabling the building of equity in a not-for-profit community enterprise
- The income foregone from the sale at full market value (July 2021 valuation \$675,000 with an up-to-date valuation required at time of sale).
- Winanglo suggests it is making use of land that Council has no plans for, at no direct cost to Council, and is retaining the value held in the land for investment in future projects within the shire (whilst at the same time establishing a new community-focussed not for profit).

#### **Risk Assessment**

This report seeks to balance the following risks:

- Failure to address multiple, potentially competing, housing needs or addressing one in favour of another
- Failure to effectively utilise land with no defined purposes for the benefit of the shire community
- Failure to capitalise on the monetary value of an underutilised Council asset

#### 4.3 Sale of Land - 42 Harding Street, Winchelsea

- Failure to consult with the community on a significant decision
- Failure to respond to or encourage locally-driven community initiatives
- Failure to follow legislative requirements and Council's own policies

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

##### **Communication**

Council exceeded the minimum requirements for communicating Council's intention to sell the land so as to provide ample opportunity for all interested parties to make submissions.

Council's resolution will be communicated to submitters and the broader community.

##### Options

###### Option 1 – Agree to sell the land to Winanglo Inc for \$1.

This option is recommended by officers as it presents a compelling opportunity to make use of underutilised land to meet an identified need via a project initiated, co-funded and driven by the community. Council's sale of the land at virtually no cost positions Winanglo to build equity to address other local needs via future community driven initiatives. The initiative has strong local support and no other proposals were put forward for the land.

###### Option 2 – Agree to sell the land to Winanglo for another price (e.g. full market value).

This option is not recommended by officers as Winanglo has advised Council that its financial model is not viable if it is required to pay full or even partial market value. Council did not advertise its intention to sell the land at this price.

###### Option 3 - Do not agree to sell the land and retain it for another purpose.

This option is not recommended by officers as no other use is identified for this land and the opportunity to address identified housing needs would be missed.

##### **Conclusion**

Council is presented with an unusual opportunity to support a substantial, locally-driven initiative to address a need identified in Council's Age Friendly Strategy to support older people and those with a disability to remain in their community as their circumstances change. The request of Council is significant, given the market value of the land and the opportunity cost associated with foregoing that income. On balance, the opportunity to build the capacity of a new local not-for-profit entity at a time when Council is increasingly looking for communities to leverage their considerable strengths and assets to address local needs is attractive. Consultation has revealed strong support for the proposal.

#### 4.4 Open Space Maintenance Trial Update

**Author's Title:** Manager Facilities & Open Space Operations

**General Manager:** Chris Pike

**Department:** Facilities & Open Space Operations

**File No:** F18/67-3

**Division:** Culture & Community

**Trim No:** IC21/2048

**Appendix:**

1. Open Space Maintenance Trial - December 2020 to November 2021 (D21/241848)

**Officer Conflict of Interest:**

In accordance with Local Government Act 2020 – Section 130:

Yes

No

**Reason:** Nil

**Status:**

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

Yes

No

**Reason:** Nil

#### Purpose

The purpose of this report is to receive the findings of the Open Space Maintenance Trial.

#### Summary

The Open Space Operations team changed the way they delivered maintenance throughout the shire to ensure an improved and more consistent approach to this service. It had become evident that there were areas that were being over-serviced and areas that were being under-serviced and not all townships were receiving an equal level of open space maintenance.

After Council received a petition that asked for the reinstatement of the Winchelsea crew, in January 2021 Council requested a report on the findings of the trial within 12 months. The Open Space Maintenance Trial commenced on 1 December 2020 for a full 12 months to ensure data each season was captured in this trial to identify if it was a success.

Four outcomes were identified to measure the success of the review:

1. Ensure consistent maintenance is delivered to over 300 open space parcels throughout the shire
2. Improve efficiency in the delivery of open space maintenance
3. Reduce customer service requests (therefore reducing reactive maintenance)
4. Improve the customer experience (reduction in complaints and increase in compliments)

Throughout the 12 month trial, a number of issues and challenges were identified that had arisen which provided the team opportunities for further improvement in the way this service is delivered.

At the end of the 12 month trial in November 2021, it was evident through information gathered that a number of key success factors had been achieved with an improved level of service throughout the shire:

- Over 40% reduction in Customer Service Requests
- A reduction in Customer Complaints
- A robust maintenance program that ensures open space parcels are not over or under serviced
- Improved efficiency around the maintenance of P3/Nature Reserves and reduce the seasonal workloads around the annual fire safety program.

#### Recommendation

That Council:

1. Notes the findings of the Open Space Maintenance Trial as attached at Appendix 1.
2. Notes Council's Open Space Operations delivery model will continue as introduced in the trial with a turf maintenance crew and a garden bed maintenance crew.
3. Notes the Open Space Operations Service will be reviewed as part of Council's Business Improvement Program.

## 4.4 Open Space Maintenance Trial Update

### Report

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

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

#### ***Background***

The Open Space Operations team maintains over 300 open space parcels throughout the shire including:

- Shopping precincts
- Streetscapes
- Parks and Playgrounds
- Recreation Reserves
- Nature Reserves
- Linear walkways and reserves

Historically this was undertaken by teams based in zones throughout the shire including 3 x two person crews based in Torquay a one person crew based in Winchelsea as well as a broad acre mower based in Torquay that would service the whole of the shire. The crews based in Torquay would look after three zones which included a zone that serviced Anglesea through to Lorne, a zone that serviced Jan Juc, Bellbrae, Moriac, Freshwater Creek and Connewarre and a zone that serviced Torquay. The one person crew based in Winchelsea would service Winchelsea, Bambra, Deans Marsh and some other areas throughout the Hinterland.

At the commencement of spring last year (September 2020) after months of planning the Open Space Operations team changed the way the delivery of open space maintenance occurred. The previous model of one to two person crews based in geographical zones was replaced with a garden bed maintenance crew and a mowing crew to work to a program throughout the shire. Unfortunately this coincided with a La Nina weather pattern and much higher than average spring rainfalls leading to increased grass and weed growth as well as a lot of areas being inundated with water and unable to be maintained.

A petition was received at the 8 December 2020 Council Meeting. The Winchelsea-based petition requested that Council reinstate the local gardening and mowing team, explain how standards are applied, the frequency of the program, how these works are monitored to ensure a good standard all the time so the public does not have to complain constantly.

At the 19 January 2021 Council Meeting, Council requested a report on the findings of the trial within 12 months.

Due to the La Nina weather pattern that the team faced in spring 2020, it was identified that if the trial commenced from 1 September 2020, the data that would have been recorded would have been compromised and would not have given a clear indication of the outcomes achieved. The Open Space Operations trial commenced on the 1 December 2020 for a full 12 months to ensure all four seasons' data was captured in this trial to identify if it was a success.

#### ***Discussion***

An attached report has been provided for the Open Space Maintenance Trial (Appendix 1).

This report identifies the way that open space was previously undertaken throughout the shire with geographical maintenance teams and identified challenges that the management team identified through a number of areas including Customer requests for service and customer complaints. From this information it lead to identifying opportunities for improvement to the service delivered including exploring industry trends and standards for open space maintenance.

Anticipated outcomes and benefits were identified and this formed the basis for recording whether the trial would be successful. The measures identified for this trial were:

- Ensure consistent maintenance is delivered to over 300 open space parcels throughout the shire
- Improve efficiency in the delivery of open space maintenance
- Reduce customer service requests (therefore reducing reactive maintenance)
- Improve the customer experience (reduction in Complaints and increase in Compliments)

#### 4.4 Open Space Maintenance Trial Update

Throughout the trial a number of challenges were also identified which provided opportunity for improvements in service delivery also. The challenge of a La Nina Weather pattern impacted spring/summer 2020/21 and spring 2021 and the impacts of COVID-19 spanned the entirety of the trial.

The report identifies the outcomes from the four key measures over the 12 month period of the trial that is detailed in the attached report as to the success of the program.

The Open Space Operations Service has been identified for review via Council's Business Improvement Program. The review is scheduled to occur in 2021-22 subject to a mid-year stocktake of the program's priorities. This will provide an opportunity for an independent review of the service that is delivered, the current service standards (including alignment with community expectation) and the operational model for the delivery of the service.

It also presents an opportunity to investigate the issues and opportunities identified through the trial.

Information on the Open Space Maintenance Trial Update was also provided to Councillors during a briefing on 7 December 2021.

#### **Council Plan**

Theme 2 A Healthy Connected Community

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

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

*Local Government Act 2020 – LGA 2020*

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

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

The recommendations contained within this report prioritise delivering best outcomes for the municipal community.

#### **Policy/Relevant Law**

Proactive and reactive tree related works are undertaken in accordance with the Tree Risk Management Plan and the Road Management Plan.

#### 4.4 Open Space Maintenance Trial Update

##### **Environmental/Sustainability Implications**

The Open Space maintenance service will be impacted more with higher rainfall events due to climate change and this will need to be considered in planning and reacting to these changes.

##### **Community Engagement**

Limited community engagement has occurred as there is no change to the service level rather a change to the way we deliver it across the whole shire.

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

Engagement Level	Promise to the Community	Role of Community	Example of Activities
<b>Inform:</b> Provide news and information to the community to help them understand	Council will keep you informed.	Receive information.	Provide information via media

##### **Financial Management**

One of the outcomes of this trial is to provide service efficiencies to the way open space maintenance is delivered and to allow for growth without impacting Council's long term financial plan.

##### **Service Performance**

The recommendations of this report seek to maximise the level of service of open space throughout the whole shire and to ensure equality by preventing over servicing or under servicing depending on location and expectation.

##### **Risk Assessment**

There are Workplace Health and Safety implications associated with this report. A move away from single person crews (as was previously the case in the Winchelsea area) to multi-person crews helps to manage lone-worker safety risks.

##### **Communication**

Council has been provided the Open Space Maintenance Trial report and findings attached to this document.

##### **Options**

Option 1 – Note the findings of the Open Space Maintenance Trial and ongoing the way this service is delivered to the community.

This option is recommended by officers as the trial has identified that this operating model provides a more consistent and efficient level of service throughout the entire shire with a reduction in customer requests and complaints.

Option 2 – Do not note the findings of the Open Space Maintenance Trial and the ongoing the way this service is delivered to the community.

This option is not recommended by officers as the previous operating model lead to areas of open space being over serviced and other areas being under serviced and higher levels of customer requests and complaints.

##### **Conclusion**

After the successful findings from the Open Space Maintenance Trial, the Open Space Operations unit will continue to deliver this high quality service throughout the shire ensuring a consistent approach and level of maintenance to the community. A full review of the Open Space Operations Service will occur as part of Council's Business Improvement Program.

#### **4.4 Open Space Maintenance Trial Update**

##### **APPENDIX 1 OPEN SPACE MAINTENANCE TRIAL - DECEMBER 2020 TO NOVEMBER 2021**

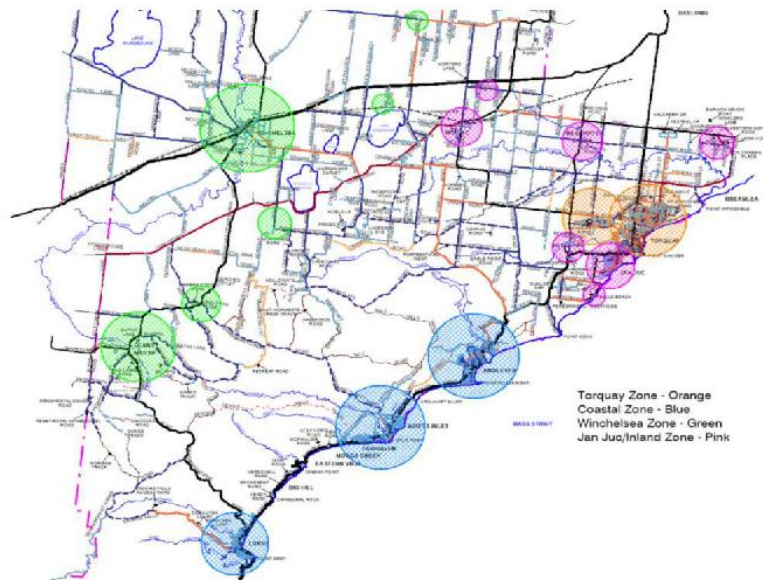
## OPEN SPACE MAINTENANCE TRIAL: December 2020 - November 2021

### Background

The Open Space Operations team maintains over 300 open space parcels throughout the shire including:

- Shopping precincts
- Streetscapes
- Parks and Playgrounds
- Recreation Reserves
- Nature Reserves
- Linear walkways and reserves

Historically this was undertaken by teams based in zones throughout the shire including 3 x two person crews based in Torquay a one person crew based in Winchelsea as well as a broad acre mower based in Torquay that would service the whole of the shire. The crews based in Torquay would look after three zones which included a zone that serviced Anglesea through to Lorne, a zone that serviced Jan Juc, Bellbrae, Moriac, Freshwater Creek and Connewarre and a zone that serviced Torquay. The one person crew based in Winchelsea would service Winchelsea, Bambra, Deans Marsh and some other areas throughout the Hinterland.



### Challenges

As part of looking at continuing to improve the service delivered by the Open Space Operations Team, it was identified that there was an inconsistent approach to open space maintenance throughout the shire:

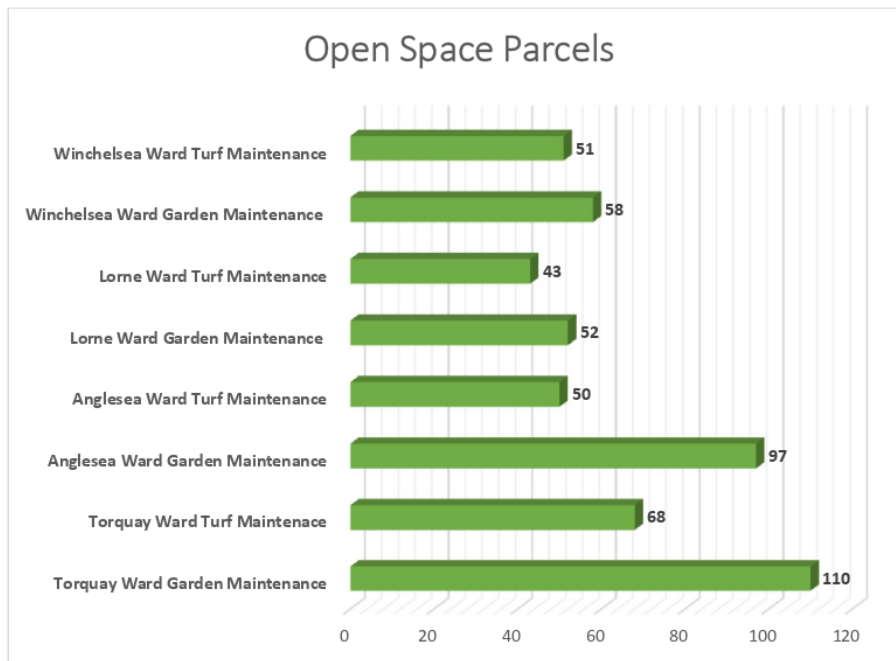
- Inconsistencies in the approach to open space maintenance with some areas being over serviced and some areas being under serviced.
- Increased reactive maintenance requests contributed to these inconsistencies with staff spending more time travelling to complete reactive requests and over servicing areas.
- Not delivering on the maintenance requirements across the shire with increasing workloads attributed to unstable levels of staffing and the increase of open space areas to maintain via development growth.
- Increased community expectation and this has been highlighted through more people working from home during COVID-19 and using open space during these times.
- Increased workloads for staff due to additional works required from the impacts of COVID-19 with restrictions and closures of playgrounds, tennis courts, BBQ's and other council assets.
- Increased workloads in the lead up to the fire season with increased maintenance for crews to undertake 'Fire Prevention' works in Nature Reserves and the 'La Nina' weather event had a major impact on these works being delivered. This also led to additional wear and tear on machinery and frustration from the community.
- Workplace Health & Safety concerns due to lone worker in the Winchelsea zone.



#### 4.4 Open Space Maintenance Trial Update

The Open Space Operations team broke down the land parcels by ward for both Turf Maintenance and Garden Maintenance to identify the scale of works required, what would be the most efficient approach and provide consistency.

This information helped guide the future approach for delivery of the service and ensure the community have high quality open space assets across the shire. A dedicated 'Turf Maintenance Crew' and a 'Garden Maintenance Crew' working from a planned maintenance program was determined as providing the best approach to delivering this service. This is a proven approach to open space maintenance across both the local government sector and private industry.



##### Anticipated Outcomes/Benefits

Identifying the issues that were related to maintenance being overly very reactive, the Open Space Operations team looked at what could be achieved if the service was delivered by using a 'Programmed/Planned Maintenance' response.

- Ensure a consistent maintenance cycle is delivered to over 300 open space parcels requiring garden maintenance and turf maintenance throughout the shire
- Improve efficiency in the delivery of open space maintenance
- Reduce customer service requests (therefore reducing reactive maintenance)
- Improve customer experience through a reduction in Customer Complaints and increased Customer Compliments.

At the commencement of spring last year (September 2020) after months of planning the Open Space Operations team changed the way the delivery of open space maintenance occurred. The previous model of one to two person crews based in geographical zones was replaced with a garden bed maintenance crew and a mowing crew to work to a program throughout the shire. Unfortunately this coincided with a La Nina weather pattern and much higher than average spring rainfalls leading to increased grass and weed growth as well as a lot of areas being inundated with water and unable to be maintained.

A petition was received at the 8 December 2020 Council Meeting. The Winchelsea-based petition requested that Council reinstate the local gardening and mowing team, explain how standards are applied, the frequency of the program, how these works are monitored to ensure a good standard all the time so the public does not have to complain constantly.

## 4.4 Open Space Maintenance Trial Update

At the 19 January 2021 Council Meeting, Council requested a report on the findings of the trial within 12 months.

### Issues

The service standard throughout the spring period is for grass within primary and secondary open spaces (i.e. the most commonly used and seen such as the Barwon River reserve identified in the petition) to be mown on a three weekly schedule and for primary and secondary gardens and other open space assets to be maintained on a four weekly schedule. Tertiary level spaces and assets may not be serviced in every cycle.

The new programmed maintenance schedule coincided with a challenging period due to the La Nina weather pattern (increased rainfall) that had impacts on the ability to deliver high quality open space maintenance throughout the shire as machinery was unable to access excessively wet areas such as the public area next to the Barwon River.

Compounding the problem, COVID-19 caused significant time delays for repairs and programmed maintenance to machinery (due to delay in parts availability). This also had a major impact in completing works according to the schedule and contributed to unexpected delays causing excessive growth.

There are a number of measures in place to monitor the quality of work the service delivers including proactive inspections and also reactive inspections following customer requests. Throughout the spring period from 1 September through to the 30 November 2020 there were 762 Customer Requests/Enquiries for this service area which includes tree related, grass slashing and parks maintenance. Of those Customer Request/Enquiries, 60 of those were specifically related to long grass and garden maintenance. Also during this period there were 12 Customer Complaints registered relating to long grass/maintenance. The Coordinator Open Space Operations monitors the trends from both the customer requests/enquiries and the complaints to assist with highlighting any arising issues.

### Current Status



#### 4.4 Open Space Maintenance Trial Update

The Open Space Operations trial commenced on the 1 December 2020 for a full 12 months to ensure all four seasons' data was captured in this trial to identify if it was a success.

Due to the La Nina weather pattern that we faced in spring 2020, it was identified that if the trial commenced from 1 September 2020, the data that would have been recorded would have been compromised and would not have given a clear indication of the outcomes achieved.

This also allowed for a two month period for the staff to be able to be accustomed with the new program and help identify any concerns or assistance that they required, provide feedback so that they would be able to deliver the program.

Outcomes/Benefits realised from a Proactive/Planned Maintenance program:

Outcome 1 - Ensure consistent maintenance is delivered to over 300 open space parcels throughout the shire:

- Both the garden maintenance and turf maintenance programs are run over 4 days per week (Tuesday to Friday) with Monday's being the day staff take their fortnightly rostered day off split 50/50 to ensure adequate coverage.
- High profile open space checks occur every Monday with the reduced staff levels.
- If there are areas that have not been completed due to weather conditions (rain), the Monday is also used as a day to catch up and ensure the program is delivered.

One aspect to the Arboriculture and Horticultural Supervisor's role is to undertake programmed risk inspections of parks and reserves. This has given us the opportunity to undertake visual quality inspections while at these locations.

Garden Maintenance Program											
Township	Reserves	P1 Reserves	P2 Reserves	P3 Reserves	Monthly	Bi-Monthly	Quarterly	Reserves visited per cycle	Days allocated per month to carry out works	Reserves per day	
Torquay	77	8	21	48	8	10.5	16	34.5	4	8.5	
Jan Juc	30	2	3	24	2	1.5	8	11.5	1	11.5	
Bells Beach	3	1		2	1.5	3	3	1.5	0.5	1.5	
Bellbrae	7	1	2	4	1	1	1.33	3.5	0.5	3.5	
Anglesea	54	8	10	36	8	5	9	22	3	7.33	
Aireys Inlet	28	6	6	16	6	3	4	13	1.5	6.5	
Fairhaven	15		2	13		1	3.25	3.75	0.5	3.75	
Moggs Creek	3		1	2	1	1	1	1	0.1	1	
Lorne	45	5	10	30	5	5	7.5	17.5	2	8.75	
Deans Marsh	3	1	2		1	1		2	0.25	2	
Bambra	1	1				1		0.5	0.1	0.5	
Wardale	1	1				1		0.5	0.1	0.5	
Winchelsea	31	5	11	15	5	5.5	3.75	15	2	7.5	
Buckley	1			2			2	2	0.1	2	
Gnarwarre	1			1			1	1	0.1	1	
Mt Moriac	1	1			1			1	0.25	1	
Moriac	6	1	2	3	1	1	1.5	3	0.25	3	
Paraparap	2			2			2	2	0.1	2	
Freshwater Creek	1		1			1		1	0.1	1	
Mount Duneed	3	1		2	1		0.5	2	0.25	2	
Connewarre	3	1	1	1	1	1	1	2	0.25	2	
Moddewarre	1		1					0.5	0.25	1	
<b>Total</b>	<b>317</b>	<b>43</b>	<b>73</b>	<b>201</b>	<b>42.5</b>	<b>43.5</b>	<b>64.83</b>	<b>140.75</b>	<b>17.2</b>	<b>8</b>	

The trial has identified for the Garden Maintenance Program

1. 317 reserves attended every 3 months.
2. Approximately 140 reserves attended each month.
3. Approximately 8 reserves per day attended by Team Leader and Garden Maintenance crew
4. All open space parcels are consistently serviced based off their category.

#### 4.4 Open Space Maintenance Trial Update

Turf Maintenance Program								
Township	Reserves	Mowing Priority 1	Mowing Priority 2	Every 3 weeks	Every 6 weeks	Reserves visited per cycle	Days allocated per cycle to carry out works	Reserves per day
Torquay	45	25	20	25	10	35	3.5	10
Jan Juc	23	14	9	14	4.5	18.5	1.5	12.3
Bellbrae	5	2	3	2	1.5	3.5	0.2	3.5
Anglesea	28	17	11	17	5.5	22.5	1	22.5
Aireys Inlet	20	12	8	12	4	16	0.75	21.3
Fairhaven	2		2		2	2	0.2	2
Moggs Creek	3		3		3	3	0.2	3
Lorne	36	19	17	19	8.5	27.5	1	27.5
Deans Marsh	3	3		3		3	0.2	3
Bambra	1	1		1		1	0.2	1
Wurdale	1	1		1		1	0.2	1
Winchelsea	28	19	9	19	4.5	23.5	2	11.75
Buckley	2		2		2	2	0.2	2
Gnarwarre	1		1		1	1	0.1	1
Mt Moriac	1	1		1		1	0.2	1
Moriac	5	3	2	3	1	4	0.5	4
Paraparap	2		2		2	2	0.2	2
Freshwater Creek	1	1		1		1	0.2	1
Mount Duneed	2	1	1	1	1	2	0.2	2
Connewarre	2	1	1	1	1	2	0.2	2
<b>Total</b>	<b>211</b>	<b>120</b>	<b>91</b>	<b>120</b>	<b>51.5</b>	<b>171.5</b>	<b>12.75</b>	<b>11</b>

The trial has identified for the Turf Maintenance Program

1. 211 reserves attended every 6 weeks.
2. Approximately 165 reserves attended every 3 weeks
3. Approximately 11 reserves per day attended by Team Leader and crew including broad acre mower, 3 x front deck mowers and brushcutters
4. All open space parcels are consistently serviced based off their category.

##### Outcome 2 - Improve efficiency in the delivery of open space maintenance:

The Open Space Operations Trial has delivered the benefit of regular turf maintenance of Nature Reserves/P3 open space parcels. These areas historically were overlooked as not high priority until the lead up to the summer/fire season when additional resources were required to ensure they were at an acceptable level.

With these reserves maintained every six weeks in accordance with the program, what would have been a labour intensive period undertaking fire prevention works has now been reduced due to ongoing regular programmed maintenance. An estimated 50% reduction in time to undertake maintenance of these reserves was realised with a reduction in the additional resourcing from contractors to deliver these works as well. Another benefit realised is with climate change, that these reserves are maintained for fire safety throughout the year.

Regular maintenance to these areas through the program has also assisted in the reduction of machinery breakdowns. These breakdowns were attributed to the volume of grass putting additional stress on machinery.

An estimated 30 minutes savings in travel time per staff member per day has been realised from the development of the new schedule.

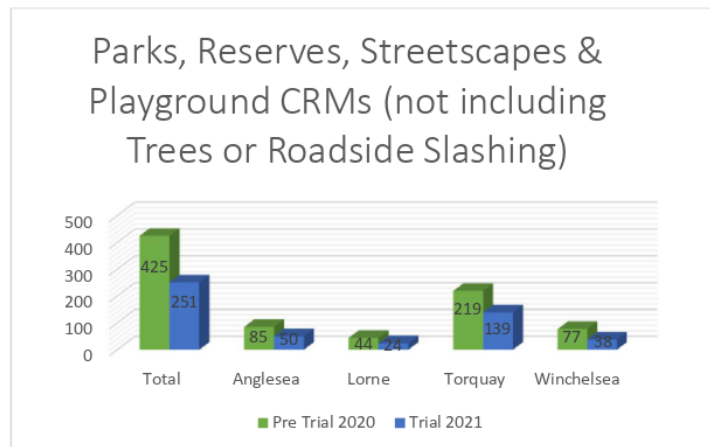
##### Outcome 3 - Reduce customer service requests (therefore reducing reactive maintenance)

Another measurable benefit from the Open Space Maintenance Trial has been the reduction in Customer Service Requests received by the Open Space Operations Team.

In the period from 1 December 2019 through to the 30 November 2020 the team received 425 Parks Maintenance CRMs related to open space maintenance including: long grass, weeds in garden beds, playground and furniture maintenance, vandalism, pests, access to reserves and general enquiries. These stats do not include tree related and roadside slashing CRMs.

Since the commencement of the trial, from 1 December 2020 through to 30 November 2021 the team received 251 Parks Maintenance CRMs which is a 41% reduction. This is a consistent trend across all four wards within the shire.

#### 4.4 Open Space Maintenance Trial Update

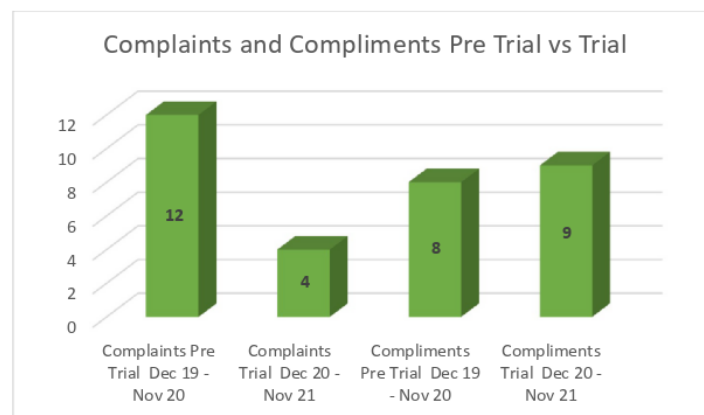


**Outcome 4 - Improve customer experience (reduction in Complaints and increase in Compliments)**

Throughout the twelve month period from 1 December 2019 through to 30 November 2020, the Open Space Operations team received 12 Customer Complaints related specifically to open space maintenance including grass cutting and garden bed maintenance. Roadside Slashing and Tree related Customer Complaints are separate to this trial and have not be included to ensure that we are comparing maintenance works delivered in this trial.

The twelve month period from 1 December 2020 through to 30 November 2021 the team received four Customer Complaints which was a 66% decrease.

The other measure that we used was Customer Compliments which remained fairly consistent over the two years with a slight increase while the trial was operating.



**Challenges/Issues**

Throughout the 12 month trial, there were a number of challenges and issues that were identified that had impacts on the success and outcomes identified. A number of these challenges/issues were related to COVID-19 as well as the La Nina weather pattern we are again experiencing.

With these challenges/issues that have arisen, this has given the team the opportunity for further improvements in the way the service is delivered.

#### 4.4 Open Space Maintenance Trial Update



Delivering the Turf Maintenance Program with an aging fleet of front deck mowers:

- There was a significant delay in the replacement of the three mowers due to COVID and importing equipment from overseas.
- With an aging fleet and increased breakdowns, the time for repairs to be undertaken and the supply of parts was increased also due to the impacts of COVID-19.
- The quality of cut from the machinery is decreased due to age of equipment.
- The Open Space Operations team have taken delivery of two of the three new mowers at the start of November 2021 and have held onto the three existing mowers until to the end of the busy growth period to provide coverage in case of mechanical issues and to provide greater short-term capacity.

Proactive Inspections:

- The proactive inspections were undertaken as part of the programmed risk inspections for open space and depending on the category of reserve, would determine the frequency of the inspection in which some reserves were only inspected once per year.
- This would increase the chance for lower profile areas to be overlooked during busy growth periods.
- Specific measures for assessing the quality of open space maintenance need to be developed based off service levels for each category of park classification to ensure that the person inspecting can clearly determine whether service/quality standards are being maintained.

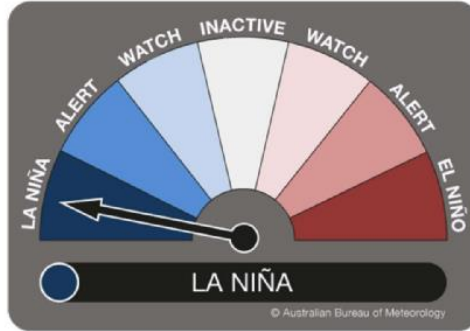
Allowance for staff to adjust to the new program:

- There was a period of time required for the staff to adjust to the new schedule as they were used to maintaining designated areas by geographical crews.
- Another contributing factor for staff adjusting to the new program were the impacts from COVID-19 and in particular works associated with keeping the community safe e.g. installing signage, closing playgrounds and sports courts, drink fountains, BBQ's etc. kept staff from carrying out maintenance works at a critical time.
- Throughout the implementation of the new schedule there have been benefits realised for the staff delivering the works including increased support for one another to deliver a consistent programmed maintenance across the shire and improved levels of standards to some areas previously being overlooked.

#### 4.4 Open Space Maintenance Trial Update

La Nina Weather Pattern:

- The Bureau of Meteorology (BOM) has declared a La Nina weather event is now underway, with the country's wettest spring in 10 years to continue into summer. This is the second spring season in a row that South Eastern Australia has experienced these conditions.



- Low lying areas and areas close to creeks/rivers and water ways were impacted last spring and again this spring due to the La Nina Weather pattern.
- Mowing continues to occur where possible, but areas where there is an inundation of water these areas are unable to be mown until the ground has suitable dried out to ensure no damage occurs and staff and public safety is maintained.
- Below is an example along the Barwon River in Winchelsea of the inundation of water which is still present in late November 2021. The Winchelsea RV Friendly 48 Hour Parking Area has been closed from July 2021 and reopen late November 2021 due to flooding of the reserve.



#### 4.4 Open Space Maintenance Trial Update



- Additional resources have been engaged to assist with the increased workloads caused from the La Nina Weather system.

##### Grass Selection:

Currently there are a number of different grass species in open space and streetscape areas throughout the shire. These species range from what is referred to as 'Warm Season Grass' which includes species such as Couch Grass, Kikuyu and Buffalo Grass that tend to be growing along the coastal areas and 'Cool Season Grass' which includes pasture grasses, Rye Grass, Fescue and Winter Grass that tend to be growing throughout the Hinterland.

There is an opportunity for improved outcomes regarding open space maintenance by the choice of 'Warm Season' species of grass which include:

- These species are low growing spreading, even during the months when growth rate is at its highest (providing a better visual appearance and more tolerant to lower mowing heights)
- Has a dormant period during the cooler months (reducing maintenance requirements)
- Higher tolerance to heat and periods of droughts
- Reduced weed infestation (reducing turf maintenance requirements and herbicide use).

##### **Summary of the results of the trial:**

The Open Space Operations trial has been overall a success with:

- Over 40% reduction in Customer Service Requests
- Reduction in Customer Complaints
- A robust maintenance program that ensures open space parcels are not over or under serviced
- Improved efficiency around the maintenance of P3/Nature Reserves and reduce the seasonal workloads around the annual fire safety program.

##### **Next Steps**

###### Open Space Operations Service Review

A review of the Open Space Operations Service will form part of the Business Improvement Program for 2021/22.

This will provide an opportunity for an independent review of the service that is delivered, the current service standards (including community expectation) and the operational model for the delivery of the service. It also presents an opportunity to investigate the issues and opportunities identified through the trial and outlined above.



## 5. CLOSED SECTION

### **Recommendation**

That Council, pursuant to section 66(1) and 66(2)(a) of the *Local Government Act 2020*, close the meeting to members of the public to resolve on matters pertaining to items that deal with information that is confidential in accordance with section 3(1) of the Act, as follows:

- 5.1 **Winchelsea Common - Future Management Arrangements** - confidential in accordance with section 3(1)(e), pertaining to legal privileged information, being information to which legal professional privilege or client legal privilege applies;

## 6. ENVIRONMENT & DEVELOPMENT

### 6.1 Winchelsea Common Update

**Author's Title:** Manager Environment & Community Safety  
**General Manager:** Ransce Salan  
**Department:** Environment & Community Safety  
**File No:** F14/866-2  
**Division:** Environment & Development  
**Trim No:** IC22/8  
**Appendix:**

**Officer Conflict of Interest:**

In accordance with Local Government Act 2020 – Section 130:

Yes

No

**Reason:** Nil

**Status:**

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

Yes

No

**Reason:** Nil

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### Purpose

The purpose of this report is to provide an update on progress with the Department of Environment, Land, Water and Planning (DELWP) regarding land management arrangements to facilitate reopening the Winchelsea Common.

### Summary

The Winchelsea Common (the Common) is an important open space for the local community, highly valued for its natural beauty, passive recreation opportunities and significant environmental values. The Common also has lead shot and other contaminants as a result of decades of gun club activities. With Council's support, DELWP, the landowner, has remediated the Common in accordance with Environment Protection Authority requirements to the extent that some parts of the Common can now be reopened to the public provided suitable ongoing management systems can be put in place.

At its meeting on 24 June 2021, Council noted its previous resolution of 28 July 2020 regarding surrendering its appointment as Committee of Management for part of the Common and endorsed the Acting Chief Executive Officer to arrange a meeting with the Chairman of Growing Winchelsea and Council officers to explore alternative options for opening the Common. This meeting was held on 8 July 2021. Since then, Council officers have worked with DELWP to resolve land management arrangements which may enable some parts of the Common to be reopened to the public.

With the services of an expert contamination consultant, a new Environmental Management Plan (EMP) for the Common has been prepared. The EMP clarifies DELWP and Council roles and responsibilities for how the residual contamination risks can be safely managed, while also facilitating public access and the protection of the Common's environmental values. For the Common to reopen, Council will need to resume its responsibilities as the Committee of Management (CoM) for Crown Allotment 34. It is intended that DELWP will remain the land manager for Crown Allotment 33.

The decisions required to enable the reopening of the Common are subject to a separate report to be considered by Council. Should Council resolve to be reappointed as CoM for Crown Allotment 34, and DELWP and Council endorse the EMP, the Common could be reopened to the public in the first quarter of 2022.

### Recommendation

That Council notes the update on the progress being made with the Department of Environment, Land, Water and Planning to finalise land management arrangements aimed at facilitating the reopening of the Winchelsea Common.

## 6.1 Winchelsea Common Update

### Report

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

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

#### ***Background***

Detailed information on shooting activities and contamination at Winchelsea Common has been provided in previous Council reports (including 24/6/2021, 27/7/2020, 12/12/2017, 29/5/2017 and 26/4/2017). In summary:

- The contaminated parts of the Winchelsea Common comprise two Crown Allotments both owned by the Crown, one directly managed by DELWP (CA 33) and one previously managed by Council as the delegated land manager (CA 34).
- Following contamination assessments, the Environment Protection Authority (EPA) issued DELWP (as the landowner) with clean up notices. DELWP engaged specialist contractors to remediate the site and Council supported the improvement works by funding infrastructure improvements, such as fencing and pathways.
- EPA required DELWP to maintain the nationally significant Grassy Eucalypt Woodland scattered across the site. This vegetation community has largely been cleared elsewhere so remaining intact remnants are deemed important, with both the grassy understorey species and the scattered River Red Gums of value.
- There were no suitable techniques available to remove contamination from the significant vegetation while keeping the vegetation intact. Lead and other contaminants remain in the soil and lodged in the trees across 50 to 60% of the site. This is known as 'residual contamination'.
- Because of the residual contamination on site, EPA required DELWP to have an Environmental Management Plan (EMP) for the Winchelsea Common to demonstrate how the site would be managed and could be made safe for public access on an ongoing basis.
- Council had concerns with the responsibilities assigned to it in DELWP's previous version of the draft EMP accepted by EPA and also with significant changes in land manager responsibilities for contaminated sites under the new Environment Protection Act 2017 that came into effect on 1 July 2021. In light of these concerns, Council resolved on 28 July 2020 that it should resign as Committee of Management for CA 34.
- In line with the resolution, Council resigned but offered to DELWP to continue maintaining the site so it could be opened to the public.
- DELWP advised it did not accept Council's resignation and did not proceed with publishing notice of revocation of Council's appointment in the Victorian Government Gazette. DELWP also advised it would not be reopening the Common under its direct management.
- On 24 June 2021, Council noted its resolution of 28 July 2020 and resolved to request the Acting Chief Executive Officer to arrange a meeting with DELWP, the Chairman of Growing Winchelsea and Council officers to explore alternative options for opening the Common as soon as possible.
- Since the June 2021 Council meeting, the CEO and other Council staff have worked with DELWP staff to discuss risk and land management arrangements.
- As part of a proposed way forward, DELWP engaged land contamination specialists, Senversa, in November 2021 to prepare a new EMP. Council officers' view is that EMP's clarification of land management roles and responsibilities reduce Council's risks to an acceptable level.

#### ***Discussion***

Winchelsea Common has provided valued open space for the local community for over 100 years. The Common is home to nationally significant Grassy Eucalypt Woodland and is appreciated for its natural beauty and amenity. The site was closed to public access late in 2012, due to public health concerns relating to contamination from use as a shooting range by the Winchelsea Gun Club.

After being issued with clean up notices by EPA in May 2015, DELWP remediated the site in accordance with an EPA approved Clean Up Plan and a Future Use Plan supported by Council. Council has made a significant contribution over the years, initially covering the cost of assessing the extent of contamination on the Common, supporting DELWP's Future Use Plan (including community engagement) and readying the site for a return to public use with various improvement works. Council has also been providing basic land maintenance services at the Common on both DELWP and Council managed land.

## 6.1 Winchelsea Common Update

EPA revoked their clean up notices in December 2019 after it determined that the publicly accessible areas had been remediated to an extent that human health and beneficial uses had been achieved and noted that areas of high ecological conservation with residual contamination had been fenced off to public access.

Since EPA revoked their notices, DELWP and Council have been seeking to reach agreement on management roles and responsibilities for the Common, which remains a contaminated site. The complexities of ongoing management of the residual contamination were compounded by the review of state environmental protection legislation and the introduction of the new Environment Protection Act 2017, which increased the statutory duties and liabilities for land managers of contaminated sites. Despite concerted efforts, Council and DELWP were unable to reach agreement on land management arrangements.

Council's resolution of 24 June 2021 prompted renewed efforts by Council and DELWP to find a solution. The two primary issues Council and DELWP had to address were developing a mutually acceptable Environmental Management Plan (EMP) and its delegation under the Crown Land (Reserves) Act 1978.

### Updated EMP

The previous draft EMP prepared by DELWP presented Council with a number of issues. Council did not believe that the roles and responsibilities assigned to Council were consistent with Council's role as Committee of Management and exposed Council to unacceptable levels of legal and financial risks associated with the residual contamination.

Following recent discussions with DELWP and agreement on a proposed way forward, DELWP engaged contamination consultants Senversa to prepare a new EMP. Both Council and DELWP had the opportunity to review and provide feedback on the draft EMP. The EMP details how designated site areas, infrastructure and management procedures make possible a return of safe public access to the remediated areas. The new EMP has now been finalised and addresses Council's previous concerns.

### **Council Plan**

Theme 2 A Healthy Connected Community  
Strategy 4 Improve access to local services and programs that support people to be healthy and well

Theme 2 A Healthy Connected Community  
Strategy 3 Facilitate the provision of social infrastructure and open space to enable healthy lifestyles

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

*Local Government Act 2020 – LGA 2020*

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017 )	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	Yes
Communication	Yes

## 6.1 Winchelsea Common Update

Human Rights Charter	Yes
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### **Governance Principles - Local Government Act 2020 (LGA 2020)**

The Winchelsea Common is a much loved area of open space by Winchelsea residents and has been closed to the public since December 2012. Re-opening the Common to public access is a priority for residents and Council has been attempting to facilitate reopening while managing safety, ongoing risk and liability. In revoking the clean-up notices issued to DELWP, EPA has affirmed that it is possible to provide safe public access to the 40 to 50% of the site that was either uncontaminated or has been remediated, subject to public access being excluded from areas containing residual contamination.

Council did propose alternative maintenance arrangements to DELWP for the Winchelsea Common where Council continued to undertake all day to day land maintenance activities but did not remain Committee of Management. DELWP advised it wanted to retain Council as the delegated manager of CA 34 via appointment as the Committee of Management under the Crown Land (Reserves) Act 1978.

### **Policy/Relevant Law**

#### Environment Protection Act 2017

The new Environment Protection Act 2017 came into force on 1 July 2021. The Act created new statutory duties applicable to 'a person in management or control of contaminated land'. Previously these duties rested with the polluter and the landowner. The new statutory duties cannot be delegated and apply regardless of who caused the contamination or when the contamination occurred.

#### Crown Land (Reserves) Act 1978

Council's appointment as the delegated manager of CA 34 was made under this Act. There is no set process for relinquishing a committee of management delegation under the Crown Land (Reserves) Act 1978 or regulations. The Act is silent regarding committee of management resignation. Council was advised it could unconditionally resign its appointment as the Committee of Management for part of Winchelsea Common by notice in writing to the Minister of Energy, Environment and Climate Change. This was done by letter dated 29 January 2021 to the Minister from the Acting Chief Executive Officer, effective as of 31 January 2021. DELWP has not formally revoked Council's appointment via publication of a notice in the Victorian Government Gazette.

### **Environmental/Sustainability Implications**

Residual contamination in the form of lead, other metals and polycyclic aromatic hydrocarbons remains across 50 to 60% of the Winchelsea Common. These contaminants are currently stable and contained within fenced and capped areas and EPA has advised that it is safe to reopen remediated parts of the site to public access.

### **Community Engagement**

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

Engagement Level	Promise to the Community	Role of Community	Example of Activities
Consult	To support the DELWP Future Use Plan for the Winchelsea Common (Resolution from April 2017)	Contribute ideas and feedback (but subject to constraints regarding contamination management)	Winchelsea Common Field Day, site tours, written submissions

### **Public Transparency**

This report aligns with the principles of transparency in decision making by sharing with the community the status of negotiations between Council and DELWP that will inform Council decisions on future management of the Winchelsea Common.

### **Strategies/Plans**

The community of Winchelsea had the opportunity to provide feedback on DELWP's Future Use Plan for the Winchelsea Common through DELWP and Council engagement activities. While the Future Use Plan is a DELWP document, Council supported the engagement activities and passed a resolution of support for the final plan at the April 2017 Council meeting.

## **6.1 Winchelsea Common Update**

### ***Financial Management***

Council has expended considerable funds on onsite improvements at the Common, including fencing to designate remaining contaminated areas and expert advice relating to the extent of contamination and health risks. EPA has advised that the remediated areas of the Common are now ready for managed reopening in accordance with the EMP (without further expenditure by Council).

If Council was to resume day to day management of the site, annual expenditure is expected to be generally in line with the routine maintenance undertaken prior to closure of the Common. The one point of difference would be if Council proceeded to construct a small scale bike track on the former go-kart track where contaminated soil is buried and capped. Council has a grant from DELWP to cover the cost of the bike track in line with the Future Use Plan. There would be annual maintenance costs associated with the bike track and future renewal. Standard bike track maintenance would not be expected to exceed \$11,000/year. A 2022/2023 budget bid is being made for inspection and maintenance of Council owned and managed bike parks and would cover any future bike track at the Common.

### ***Service Performance***

The Winchelsea Common has been used by locals for walking and dog walking, even when used by the former gun club and go-kart club. While there are other great places for walking in Winchelsea, closure of the Common has impacted neighbourhood residents and they are keen to have the site reopened, as demonstrated by regular requests for updates on progress. The flat gravel loop track that has been installed in the reserve will be accessible to people of all ages and abilities.

### ***Risk Assessment***

The clean-up notices issued to DELWP were revoked by EPA in December 2019. EPA noted that areas of high ecological conservation that couldn't be cleaned up have been fenced off to reduce the risk of harm to humans and determined that physical clean-up had occurred at the publicly accessible areas to an extent that human health and beneficial uses had been achieved and the clean-up notices could be revoked. The remediated publicly accessible areas can now be safely reopened to the public.

The DELWP auditor completed validation testing of the soil in the 50 to 60% of the site that is of high ecological significance and could not be remediated, confirming the ongoing presence of contaminants that exceeded the adopted assessment criteria for safe access.

The updated EMP reflects the results of the above remediation and testing and includes designated areas (zonings) and infrastructure that will enable parts of the Common to be reopened by separating members of the public from areas where contamination remains.

Future financial liabilities associated with residual contamination on the Common are unknown. Under the new Environment Protection Act 2017, land managers now have greater responsibility for contamination management. It is also unknown whether there will be any future liabilities to Council for contamination beyond the Common boundaries. These potential future liabilities exist to an extent, regardless of whether or not Council resolves to be reappointed as CoM for Crown Allotment 34, and DELWP and Council endorse the EMP to enable the Common to be reopened to the public.

### ***Communication***

Council will continue to provide information on the progress of discussions with DELWP to interested community members and Growing Winchelsea.

### ***Human Rights Charter***

Currently, public access is not possible to a public reserve which was previously accessible. The current restrictions are in the interests of community safety given contamination remains and a clear management regime is required to ensure public safety when the site is reopened. The new EMP will sets out these new management arrangements between DELWP and Council.

## 6.1 Winchelsea Common Update

### **Options**

Option 1 – That Council notes the update on negotiations with DELWP to finalise land management arrangements that once finalised, would enable the Winchelsea Common to be reopened

This option is recommended by officers as a way to formally and publically recognise, and update the community on, progress made to reopen the Common.

Option 2 – That Council does not note the update on negotiations with DELWP to finalise land management arrangements that would enable the Winchelsea Common to be reopened

This option is not recommended by officers as an opportunity would be missed to update Councillors and the Winchelsea community on an issue important to them.

### **Conclusion**

The Winchelsea Common is important open space for the local community, highly valued for its natural beauty, passive recreation opportunities and significant environmental values. The Common also has lead shot and other contaminants as a result of decades of gun club activities.

With Council's support, DELWP has remediated the Common in accordance with EPA requirements to the extent that some parts of the Common could now be reopened to the public with suitable ongoing management systems in place. With the services of an expert contamination consultant, a new Environmental Management Plan (EMP) for the Common has been prepared, The EMP clarifies DELWP and Council roles and responsibilities for how the residual contamination risks can be safely managed, while also allowing for public access and the protection of the Common's environmental values.

For the Common to reopen, Council will need to resume its responsibilities as the Committee of Management (CoM) for Crown Allotment 34. DELWP will remain the land manager for Crown Allotment 33. The decisions required to enable reopening the Common are subject to a separate report to be considered by Council.

Should Council resolve to be reappointed as CoM for Crown Allotment 34, and DELWP and Council endorse the EMP, the Common could be reopened to the public in the first quarter of 2022. This report is one way to formally and publically recognise, and update the community on, progress made to facilitate the reopening of the Common.

## 6.2 Domestic Animal Management Plan 2022-25

**Author's Title:** Manager Business Improvement

**General Manager:** Ransce Salan

**Department:** Environment & Development

**File No:** F16/940-2

**Division:** Environment & Development

**Trim No:** IC22/11

### Appendix:

1. Domestic Animal Management Plan 2022-25 - Final (D22/4828)
2. Summary of DAMP Submissions - Council Meeting (D22/4731)

### Officer Conflict of Interest:

In accordance with Local Government Act 2020 –  
Section 130:

Yes

No

### Status:

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

Yes

No

**Reason:** Nil

**Reason:** Nil

### Purpose

The purpose of this report is to adopt the new Domestic Animal Management Plan (DAMP) 2022-2025 with minor changes having given consideration to the submissions received following the exhibition of the draft Plan in November 2021.

### Summary

Under the *Domestic Animal Act 1994* Council must review the DAMP each year and undertake a full compressive review every four years. This Plan has been prepared to meet the requirement of the Act and provides a new four year Plan for Council's domestic animal services. A new DAMP is required by 1 February 2022.

A draft DAMP was developed with the community following the completion of the "Pawsome Pets, Pawsome People" community engagement process.

In October 2021 Council adopted a recommendation to place the draft DAMP on public exhibition for 28 days. This period ran through November and concluded on 3 December 2021. During this time Council received 27 contacts including 25 submissions. Submissions primarily focussed on key areas already covered by established actions in the draft DAMP. A summary of submissions received is attached to this report.

Based on the submissions received during the public exhibition process, only minor changes were made to the draft DAMP which is now presented for adoption. The Plan contains 38 actions across the areas 'Our People', 'Our Processes', 'Nuisance Management', 'Dog Attacks and Dangerous Dogs', 'Domestic Animal Businesses', 'Domestic Animal Overpopulation and Euthanasia' and 'Reporting and Performance Management'.

### Recommendation

That Council:

1. Adopts the Domestic Animal Management Plan 2022-2025 that has been prepared in accordance with Section 68A of the *Domestic Animals Act 1994*.
2. Notes with appreciation the community participants and submitters that have provided input into the plan.
3. Provides a copy of the plan to the Department of Jobs, Precincts and Regions (Animal Welfare Victoria) in accordance with section 68A (3) (b) of the *Domestic Animals Act 1994*.



## 6.2 Domestic Animal Management Plan 2022-25

### **Report**

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

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

#### ***Background***

Under the *Domestic Animal Act 1994* Council must review the Domestic Animal Management Plan (DAMP) each year and undertake a full comprehensive review every four years. A new DAMP is required by 1 February 2022.

This four year review has been completed with input from the community following a strong community engagement process. The new DAMP builds on the strong community principles developed for the 2017-21 DAMP, which also had extensive community consultation. The responsibilities of sharing our public spaces and obeying the rules that seek to achieve a balance will remain a focus of the new plan.

Section 68 A of the *Domestic Animals Act 1994* provides the frame work for the content of the plan, what it must address and contain. This framework has been followed in the development of this DAMP.

In October 2021 Council adopted a recommendation to place the draft DAMP on public exhibition for 28 days. This period ran through November and concluded on 3 December 2021. During this time Council received 27 contacts including 25 submissions. Submissions focussed on key areas already covered by established actions in the draft DAMP. A summary of submissions received is attached to this report.

#### ***Discussion***

Animal management is one of the key comparative services on the "Know your Council" web site. Council has performed well on most of the indicators. These being:

- Surf Coast is more responsive to customer requests achieving a same day response rate (1 day) when compared to the State average of 1.71 days
- Animal reclaims are at 57.5% when the State average is 47.3%. All registered and micro-chipped animals were returned to owners in the period with non-domesticated cats or cats without micro-chips making up the vast majority of animals being sent to Geelong Animal Welfare Society for rehoming.
- Our service cost is consistent with the State average at \$12.17 per head of population. Similar sized Council's have an average cost of \$15.60 per head of population.

Surf Coast has experienced high population and development growth rates and this has been reflected in the growth in dog registration numbers. Since 2011 dog registrations have increased by 12% to 6,398 registered dogs in 2021-22 while cat registrations have decreased by 10% to 924. This growth provides both a servicing challenge and an opportunity to fund the service demand with a larger and growing registration base. The visiting dog population is also a challenge with Geelong having many more registered dogs and owners, particularly in the Armstrong Creek growth areas, with owners enjoying visits to Surf Coast beaches with their pets.

Another key factor that will influence the way Council manages domestic animals in the future is the introduction of the Great Ocean Road and Environs Protection Amendment Bill 2021. This will likely change Council's ongoing involvement in the management of dogs and cats on land managed by the Great Ocean Road Coast and Parks Authority (GORCAPA). The Bill provides GORCAPA with important powers under the *Domestic Animals Act 1994* for the land it manages. The Bill empowers GORCAPA to make an order to prohibit domestic animals from its land or to impose conditions on the presence of domestic animals on that land, including times they can be present and rules around restraining domestic animals. The Bill also empowers GORCAPA to have its Officers authorised under the *Domestic Animals Act 1994* and enforce any orders it has made with respect to its land. Currently GORCAPA relies on Council to make these orders and to enforce compliance on its land as it is not authorised under the *Domestic Animals Act 1994*. This is recognised in the DAMP with an action to ensure that Council will work closely with GORCAPA to understand the implications of this new Bill and how this may affect our Ranger Services staffing levels moving forward.

## 6.2 Domestic Animal Management Plan 2022-25

The new DAMP recognises the community's role in helping to develop the plan through the "Pawsome Pets, Pawsome People" community engagement process. The community engagement information used to develop the DAMP is a combination of both the 2017-2021 and 2022-2025 processes.

The community engagement process relied on advertisement in print and social media and used a fun, community based video to drive engagement. Facebook was the most successful form of media to generate traffic to the engagement tools. The on-line survey was completed by 734 respondents (570 pet owners and 164 non pet owners). Council also received six separate submissions and a petition relating to a desire for a 24 hour cat curfew. The engagement process identified the most important issues for each of these groups – these were as follows:

### Pet Owners

- Cats harming wildlife
- Dog behaviour – primarily barking and recall while off leash
- Dog litter on walking tracks and the beach areas.

### Non Pet Owners

- Dog litter on walking tracks and the beach areas.
- Dog behaviour – primarily barking and recall while off leash
- Cats harming wildlife

The exhibition of the draft DAMP occurred through November and closed on 3 December 2021. The extensive community engagement feedback was exhibited alongside the draft DAMP. The highly visible and proactive exhibition process included the following actions:

- Full page ads in the Surf Coast Times and Winchelsea Star
- Story in Surf Coast Times
- Posts on Council social media pages
- Council posts shared to all Community Facebook pages
- Proactive email sent to 3,065 people in week one – registered animal owners and original survey participants
- Follow up / reminder email sent to same group in week four

Following this exhibition process 25 submissions were received. A summary of these submissions is attached to this report. The submissions received were from the following townships within the Shire:

Location	No of Submissions
Torquay	13
Jan Juc	3
Bellbrae	3
Anglesea	2
Aireys Inlet	1
Lorne	1
Moggs Creek	1
Freshwater Creek	1
Moriac	0
Winchelsea	0

## 6.2 Domestic Animal Management Plan 2022-25

The 25 submissions received can be grouped into six categories, as follows, noting some submissions raised multiple issues:

Theme	Submissions
More dog litter bag dispensers and bins	5
Regulations about dogs on beaches including off leash areas, timeshare areas	5
An extended Cat curfew	6 in support 4 not in support
Need more enforcement	4
Dog park in Torquay	2 not in support
General dog behaviour issues	3

The issues raised by the submitters are largely covered by actions that were listed in the draft DAMP. Officers believed that through delivery of these actions the issues will be addressed and it was not necessary to include further actions in the final DAMP being presented here. As such, only minor (mainly administrative) changes have been made between the draft DAMP and the document presented here for adoption.

The DAMP contains objectives, performance measures and actions, to be delivered over the four years of the plan to address not only the issues identified above but also others that impact the ability of pet and people to live in harmony and safety across the Surf Coast.

Key priority actions that are included in the DAMP are as follows:

- Working actively with GORCAPA to understand future roles and responsibilities for dogs and cats on coastal land
- Better utilising Animal Welfare Victoria to ensure best practice service is provided to the community
- Identifying a location, and applying for funding, for a dog park in Torquay
- Investigating and recommending an option around extending the current cat curfew
- Discontinuing the use and promotion of aversive training methods, including citronella collars
- A commitment to a minimum of eight community education / awareness campaigns per year on key domestic animal management issues
- A commitment to 30 hours weekly of proactive Ranger patrols in peak periods and 20 hours weekly in off peak periods
- Investigating the development of an app to provide better information to pet owners about key topics such as designated off leash areas
- Better engagement with dog trainers and behaviourists in the region to promote their services, ensure they are appropriately registered and to consider options for training as an alternative to fines.
- More focus on the impact dogs are having on sporting grounds
- Consideration of more playful, less traditional signage to cut through on key messages particularly dog poo.

Councillors have been briefed on this Plan, with the most recent briefing being held on 11 January 2022.

### **Council Plan**

Theme 7 Accountable and Viable Council

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

## 6.2 Domestic Animal Management Plan 2022-25

### Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

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

### **Policy/Relevant Law**

Under the *Domestic Animal Act 1994* Council must review the Domestic Animal Management Plan (DAMP) each year and undertake a full comprehensive review every four years. Section 68A of the *Domestic Animals Act 1994* provides the frame work for the content of the plan, what it must address and contain. This framework has been followed in the development of this DAMP.

### **Community Engagement**

A strong level of community engagement has been received during the development of this DAMP. Officers used a 'consult and collaborate' methodology to develop the community engagement.

The community engagement process, titled 'Pawsome Pets, Pawsome People', relied on advertisement in print and social media and used a fun, community based video to drive engagement. Facebook was clearly the most successful form of media to generate traffic to the engagement tools. This resulted in 734 responses to our online survey, six separate submissions and a petition seeking a 24 hour cat curfew.

The public exhibition of the draft DAMP resulted in a further 27 community contacts, including 25 submissions.

### **Public Transparency**

Council has been very transparent and open with communications on this project to date. The strong level of participation in the community engagement exercise demonstrates this.

### **Financial Management**

Funds to deliver the project were approved as part of the 2021-22 budget. In most instances, actions identified in the DAMP are deliverable with the current level of resources provided. In some instances the actions are to seek funding for additional services or projects that are not deliverable with the current level of resources provided.

### **Service Performance**

The DAMP includes service level commitments for the Ranger Services team, including performance measures. This report highlights the team's current strong level of performance in key measurement areas.

## 6.2 Domestic Animal Management Plan 2022-25

### **Risk Assessment**

There is a risk of Council not being compliant with its obligations under the *Domestic Animals Act 1994* if a new DAMP is not adopted at the expiry of the current DAMP.

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

### **Communication**

If this recommendation is adopted, the DAMP along with survey results and a community engagement summary will be publically exhibited on Council's website. It will also be promoted through local print and social media plus direct emails to registered animal owners and other residents that have participated in the community engagement process to date.

### **Human Rights Charter**

An assessment against the Charter of Human Rights has been completed which concludes that there are no infringements on human rights in the DAMP.

### **Options**

#### Option 1 – adopt the Domestic Animal Management Plan 2022-25

This option is recommended by officers as the DAMP as presented meets Council's obligations under the *Domestic Animals Act 1994* and has thoroughly considered and integrated community and stakeholder feedback into the Plan. Adopting the DAMP now will allow Council to submit the Plan to the Department of Jobs, Precincts and Regions (Animal Welfare Victoria) and meet its obligations.

#### Option 2 – do not adopt the Domestic Animal Management Plan 2022-25 but seek amendments to the presented DAMP

This option is not recommended by officers as the DAMP as presented meets Council's obligations under the *Domestic Animals Act 1994* and has thoroughly considered and integrated community and stakeholder feedback into the Plan. Further amendments, pending the scale of change, may require further community engagement. This delay would require an exemption from the Department of Jobs, Precincts and Regions to allow the late submission of the Plan.

### **Conclusion**

Officers have worked hard with members of the community, stakeholders and other council officers to deliver this DAMP. The document clearly identifies actions to address key issues and provides the Ranger Services team with clear guidance around objectives regarding domestic animal management for the next four years.

It is recommended that Council:

- Adopt the Domestic Animal Management Plan 2022-2025 which has been prepared in accordance with Section 68 A of the *Domestic Animals Act 1994*.
- Note with appreciation the community participants and submitters that have had input into the Plan.
- Provide a copy of the adopted Plan to the Department of Jobs, Precincts and Regions (Animal Welfare Victoria) in accordance with section 68 A (3) (b) of the *Domestic Animals Act 1994*.

**6.2 Domestic Animal Management Plan 2022-25**

**APPENDIX 1 DOMESTIC ANIMAL MANAGEMENT PLAN 2022-25 - FINAL**

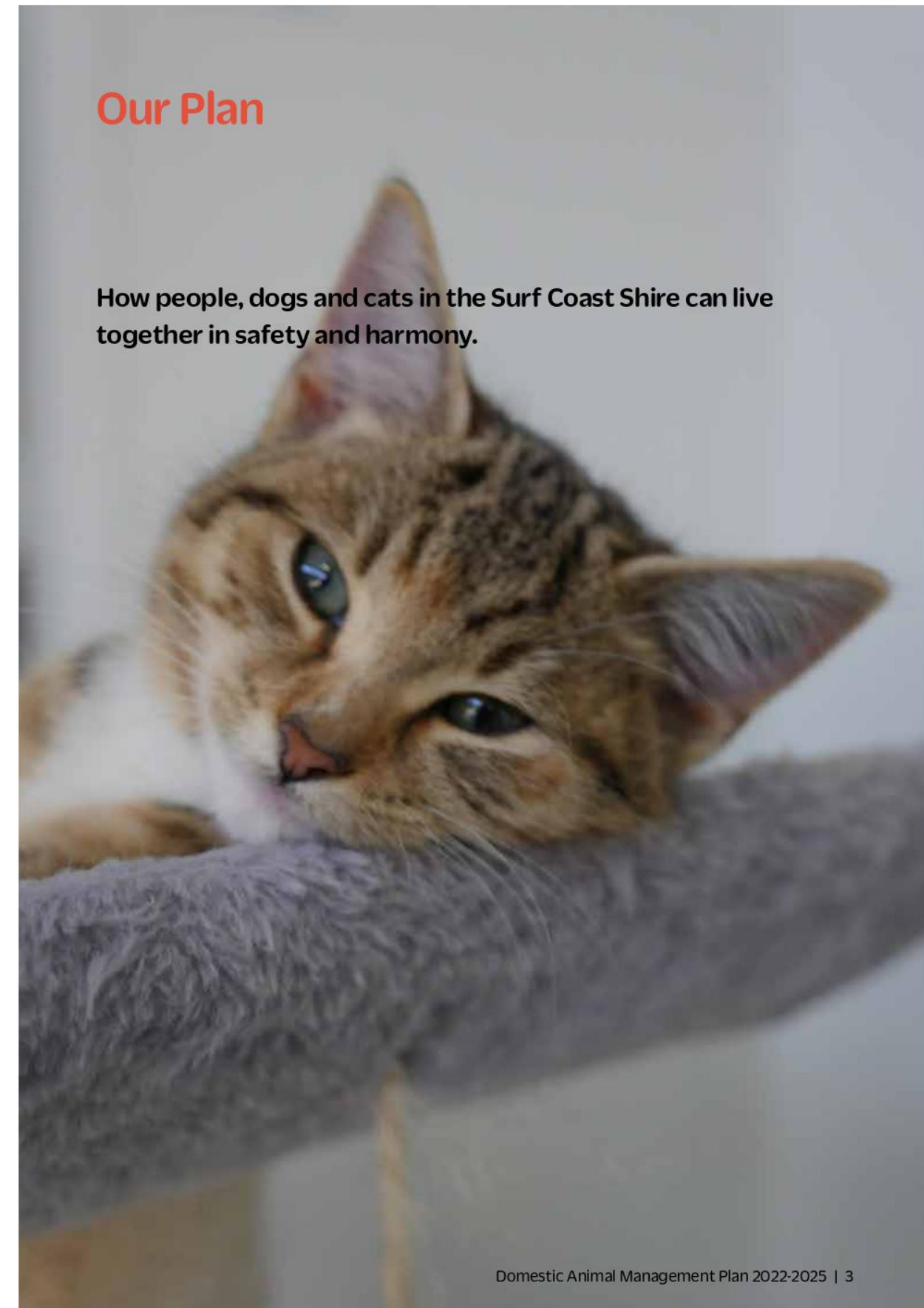
# Pawsome Pets Pawsome People



## Domestic Animal Management Plan 2022-2025

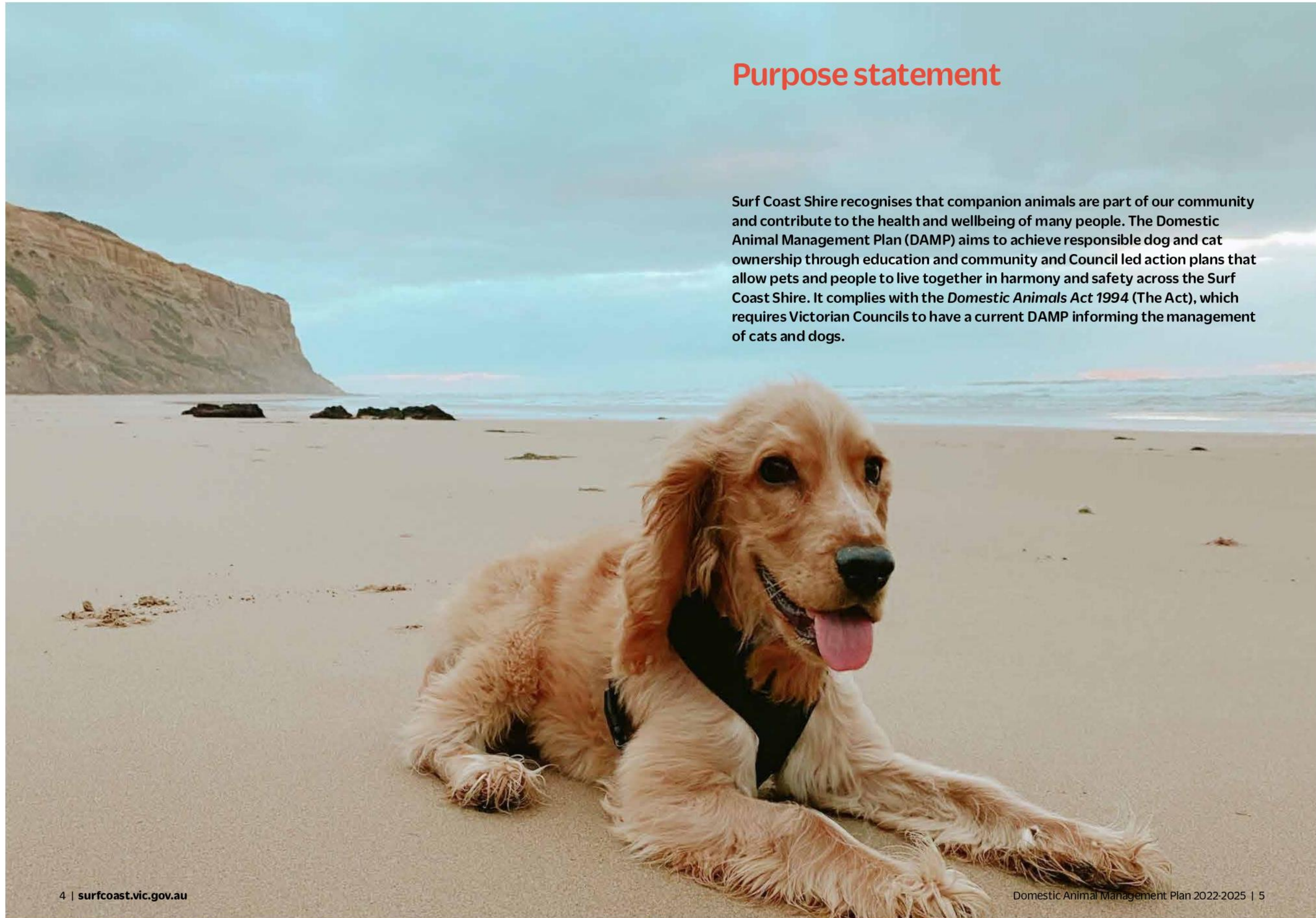
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6.2 Domestic Animal Management Plan 2022-25



## Purpose statement

Surf Coast Shire recognises that companion animals are part of our community and contribute to the health and wellbeing of many people. The Domestic Animal Management Plan (DAMP) aims to achieve responsible dog and cat ownership through education and community and Council led action plans that allow pets and people to live together in harmony and safety across the Surf Coast Shire. It complies with the *Domestic Animals Act 1994* (The Act), which requires Victorian Councils to have a current DAMP informing the management of cats and dogs.

6.2 Domestic Animal Management Plan 2022-25

## The four “Paw-ticipation” Principles of our Plan

We've worked with the community to make sure we all understand what responsible pet ownership means to us all here in our Shire. To achieve this, we are guided by the four “Paw-ticipation” Principles. These four principles apply to residents, visitors and Council. To make sure we achieve these, Council balances the need for both enforcement and community education, aiming for friendly relationships between pet-owners, pets and the rest of the community.



### Responsibility

You are responsible for your pet and its behaviour. So it's fair that you are penalised for any of their actions that cause harm or concern. In this Shire, we are very serious about the following dangerous or threatening behaviours:

- Dog attacks on people or other animals are not acceptable under any circumstances.
- Cats and dogs threatening or harming birds and wildlife is also unacceptable. Some of the birds and animals living in our coastal and hinterland environments are endangered or fragile, like the hooded plover. It's up to all of us to look out for them. Keeping our dogs and cats away from them, and their habitats, is essential. There are no exceptions.
- Dogs threatening livestock is not acceptable either. As the Shire includes hinterland and rural properties, livestock are the way some of us make a living and therefore are very valuable.

### Awareness

Not everyone is comfortable around animals and not everyone loves your dog or cat as much as you do. It's important to be aware of the needs of pet owners and the rest of our community.

- Some people are wary or even scared of dogs and cats. Imagine how they might feel if a dog rushes up and jumps on them or another dog. Even friendly advances can intimidate adults and children who are not used to dogs.
- Menacing dogs on leashes and those who might aggressively defend their territory can also be frightening to some people.
- Some small dogs have had a bad experience with a larger dog, so ask the owner if your dog may approach.
- If you see another dog while walking your dog, it's good to ask permission for your dog to approach. If the other dog is on the leash, please put your own dog on the leash. The other dog may be in training, or the owner may not have the recall required yet.
- Barking dogs can have a negative impact on people's well-being. If your dog is a 'barker', Council can point you in the right direction to get advice on what might help to stop this. Your dog will be happier, you will be happier and so will your neighbours.
- Cats straying onto other people's property, marking their territory and doing their business in someone's garden may not be welcomed. Encourage cats to be kept inside or in cat enclosures. A cat curfew is in place across the municipality from 8pm to 6am daily (except in rural areas).

Some animals (and their owners!) need a bit of training about how to behave and how to be more community-minded. The region is home to many experienced trainers and behaviourists who are available to help train your pet.

You will learn valuable information and be shown practical tips for keeping your dog under control. You'll meet and socialise with others and develop an even better relationship with your dog ... all great outcomes!

### Stick to the rules

If we respect some simple rules, we can achieve safe and friendly relationships. Your responsibility is to know the rules and stick to them.

Restrictions are only made and enforced when necessary. They can really help us live together and share space with pets in the community. The rules also help us protect our precious natural environment and local wildlife.

- Pick up the poo! Animal waste is a health hazard for you, your pet, the community and the environment. It can be easily avoided with a little thought. When you walk on our walking paths, in our parks and on beaches, take a bag with you, pick up after your dog and put it in the bin. Or if there isn't a bin please take it home and place in your own bin.
- Off the leash, only in off-leash areas! Off-leash walking areas are provided so your dog can run free and socialise. It's also an opportunity for you to socialise. But please, only walk your dog off the leash in off-leash areas. Walking your pet in other areas without a leash can cause tension with those who don't want to walk and socialise with dogs.
- Keep your cat inside or in a cat run so they don't roam. Be aware of cat curfews.
- De-sex and trap! The stray and feral cat population threatens our endangered and fragile wildlife. You can help manage the cat population by doing a couple of simple things: Desex your own cat. Use the soon-to-be-expanded cat trap service at Council if you are experiencing unwanted visits from cats. These actions help reduce unwanted litters and the cross-over into the feral cat population.

### Balance

Council will do its bit to achieve a balance between enforcement and educating our community on these four “Paw-ticipation Principles”. We are committed to promoting ways to be great animal owners.

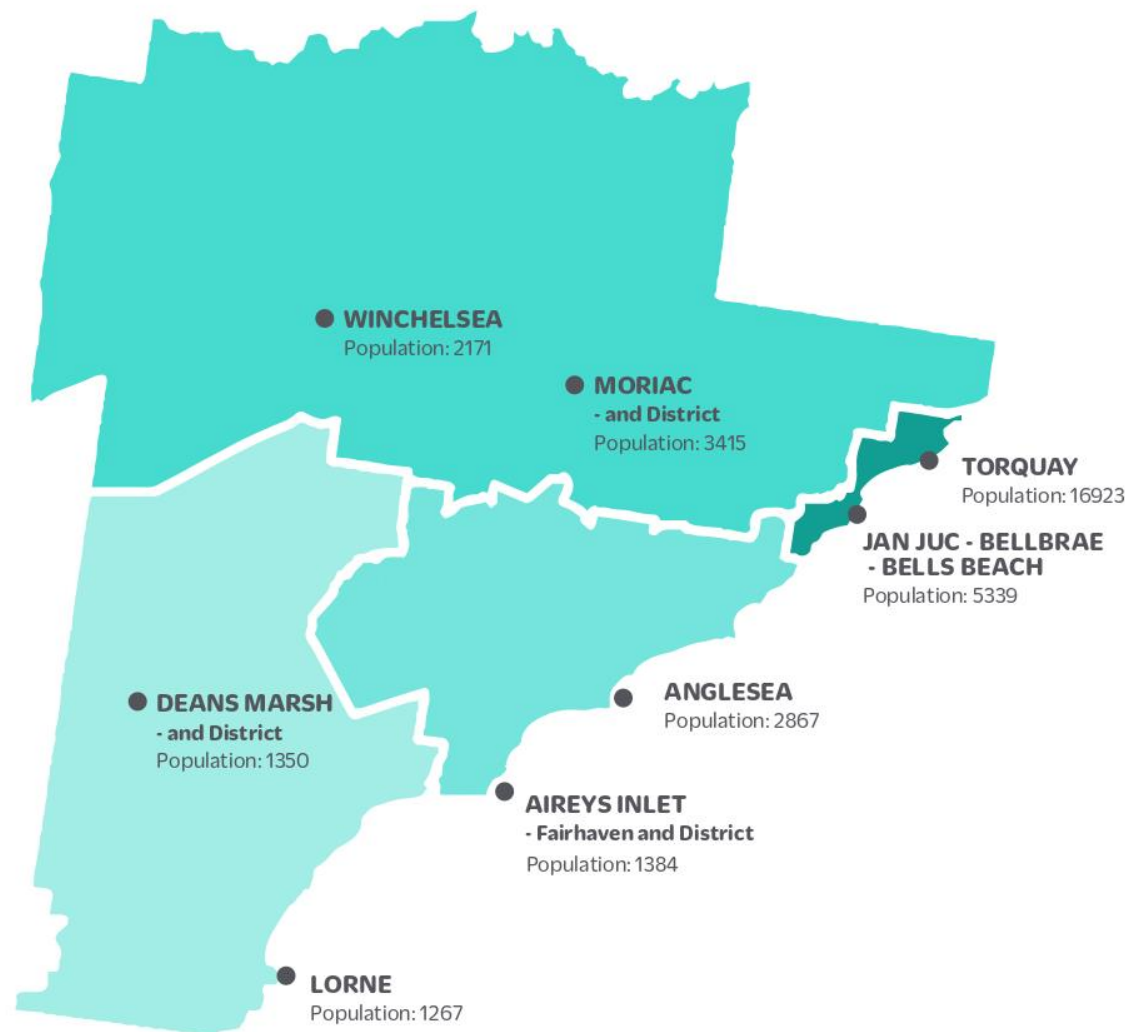
So, to build positive attitudes and outcomes around pets being part of our community, we will:

- Make sure signage around the rules of behaviour is clear.
- Patrol shared spaces to check that people and their pets are following the rules.
- Keep in touch with community input on social media posts about lost pets, dog attacks, etc., when Rangers can't be there in person.
- Continue to ensure animals are registered and microchipped.
- Continue programs, so our young people learn how to be effective pet owners and influence others in the community to be the same.
- When someone breaks the rules we will provide feedback on the action and why.
- Work with Great Ocean Road Coast and Parks Authority (GORCAPA) to determine appropriate management arrangements for dogs on beaches and other pieces of GORCAPA land

6.2 Domestic Animal Management Plan 2022-25

## Our Shire - demographics and domestic animals

Surf Coast Shire is a fast-growing municipality located in south-west Victoria. It has a relatively low level of unemployment and median weekly incomes are higher than Victoria and Australia as a whole. The principal settlement of Torquay/Jan Juc is 120km from Melbourne and 21km south of Geelong. Other coast settlements include Anglesea, Aireys Inlet and Lorne.



Inland Winchelsea provides a local service centre for the surrounding rural hinterland along with two smaller villages of Moriac and Deans Marsh. The geographical location and connecting road networks make the Shire a popular place to live and visit.

The permanent population has grown 35% over the past ten years and as at 2020 had an estimated population of 30,521 with around 45% of that population living in Torquay and Jan Juc. The Shire remains popular for older people in retirement but also with young families with over 20% of our population being children aged 0-14.

The 2016 census recorded 41.9% of private dwellings are not permanently occupied. These are predominantly holiday homes and over the summer and at weekends the populations of the coastal townships increase significantly. This trend is shifting as more people are calling the Shire their permanent home following improved regional employment opportunities and the increasing ability to be able to work from home. Along with new residents, holidaymakers and day visitors come more companion animals. There are 6,398 dogs and 924 cats registered with Surf Coast Council.

The Shire has a large geographical footprint of 1,560 square kilometres that includes both rural and peri urban settlements. There are over 70 kms of coastline comprising of some of the premier beaches and surf in Victoria, interconnected by coastal walks and bushland. This is unique to us and a challenge to provide the resources required for enforcement and compliance. There are also different animal management issues in the rural and urban areas. Our hinterland areas are being farmed near Geelong, the largest and fastest growing regional centre in Victoria.



6.2 Domestic Animal Management Plan 2022-25

## Community engagement summary

Our DAMP recognises the community's vital role in helping us to develop the plan through the "Pawsome Pets, Pawsome People" community engagement process. The ideas expressed are summarised in this updated DAMP. The community engagement information is a combination of both the 2017-2021 and 2021 – 2025 processes.

### Objectives

The "Pawsome Pets, Pawsome People" community engagement process was created as an opportunity for the community to have their say about the issues that concern them and affect their lifestyle regarding cats and dogs.

It aimed to engage with a wide range of pet owners and non-pet owners, including non-permanent rate payers, across all townships in the Shire and allowed for pet owners to understand the current issues from non-pet owners and vice versa. A survey was developed that included community and Ranger concerns, using a variety of innovative communication channels. Community feedback captured from this process is central to this DAMP.

A summary of the survey from the community engagement activity is attached to this document as an Appendix.

### People involved

- A community survey attracted **734** responses. Survey respondents were:
- **570** Pet Owners & **164** Non pet owners
- **Mostly dog owners**, with 2 dogs in their household
- **513 registered** pet owners **57 non-registered** pet owners
- **Mainly from Torquay ward**, whether non-pet owners or pet owners.

### Key insights

Overall, the majority of residents (70%) are having a positive experience, including 54% of non-pet owners.

### The three biggest concerns to come out of the engagement were:

#### Non-pet owners' issues:

- Dog litter on walking tracks and the beach, poo bags left on beach
- Dog behaviour – barking and recall
- Cats harming wildlife.

#### Pet owners have the same concerns in reverse order of priority:

- Cats harming wildlife
- Dog behaviour
- Dog litter.



#### Dog Poo

There is ongoing concern about dog litter in public places.

- The community knows it is an environmental hazard.
- Most people carry a poo bag.
- Only 20% of responders think it is ok to leave your poo bag on the beach and collect later.
- There is a strong call for more enforcement.
- The situation on the coast is worse than in the hinterland, although it is a constant issue in both areas.



#### Dog behaviour on beaches

The majority of people were happy with their experiences in off-leash areas; however, some had concerns about the general management of dog behaviour in these areas, particularly the lack of voice command recall that owners have over their dogs.

Survey respondents advised of a need for increased education to be promoted for inexperienced dog owners. This issue was highlighted to be especially true in Torquay at Fisherman's Beach.



#### Dog Park Requests

Torquay residents expressed a high need for a dog park with fences, shelter, and separate areas for small dogs and large dogs.



#### Cat Curfews

A high number of residents, especially in urban areas, would like cats to stay inside. 55% would like 24-hour curfew in both rural and urban areas, to minimise trespassing by cats and to help protect the native wildlife, especially birds.



#### Signage/Timeshare

Most people are happy with the signage wording, however, would like the Torquay signs relocated to more visible areas.



#### Ranger presence

We received many comments all the way through the survey requesting more presence from rangers on our beaches and walking paths in areas of peak demand to encourage compliance.



#### Considerations

In Torquay areas, tolerance levels are lower, due to COVID pressures and the increased population.

We had 640 animal-related customer requests in the last financial year, which include a variety of matters from lost dogs and cats to registration etc.

Outside of the survey data, we have a low complaint rate for these issues

## 6.2 Domestic Animal Management Plan 2022-25



### Action plan

#### What could Council do better?

- More enforcement
- Education
- Better signage
- More communication throughout the year to pet owners and visitors

#### What could community do?

- Pick up dog litter
- Follow the rules
- Be mindful of others

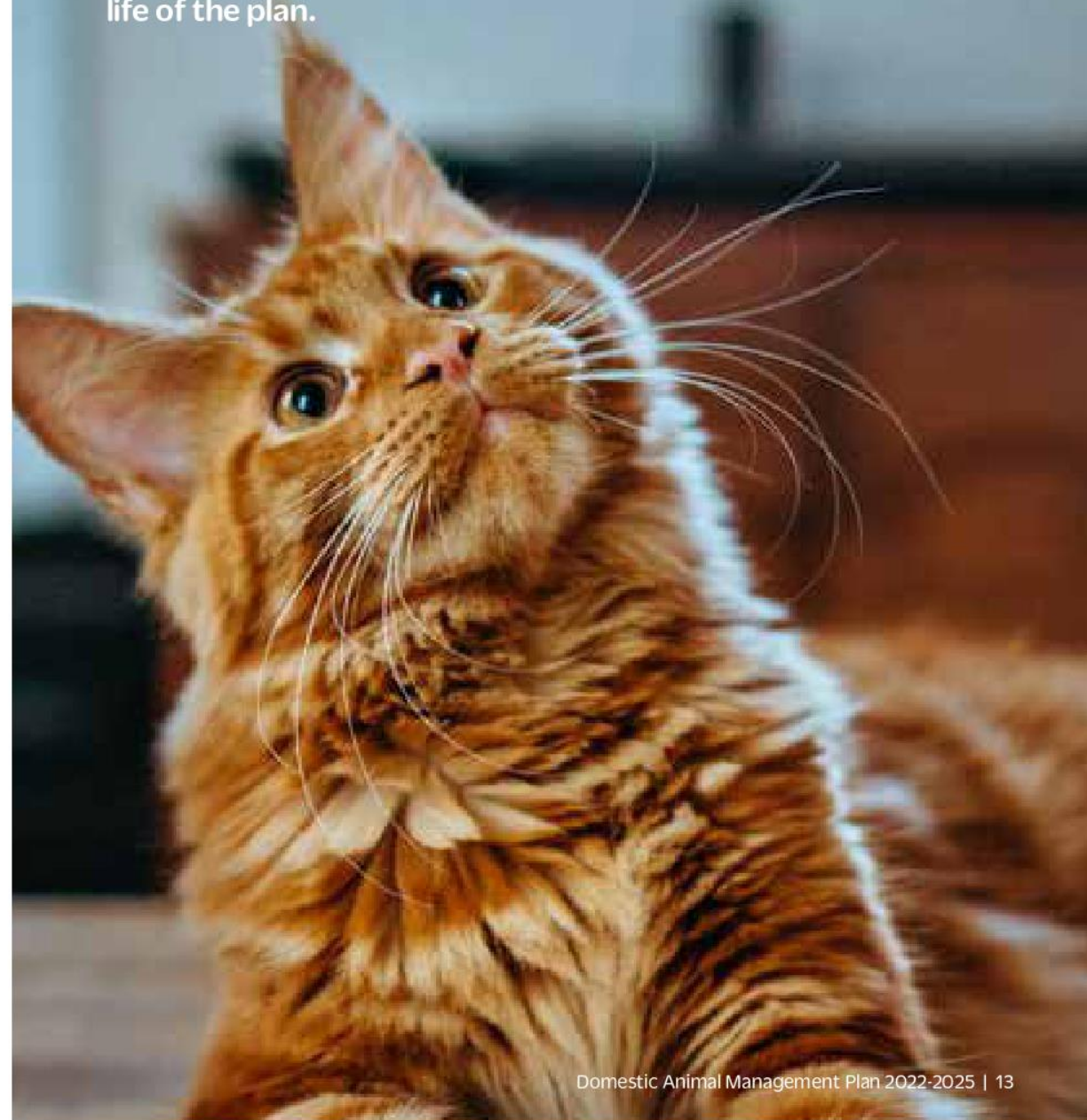
### Changes afoot

In addition to community feedback, another key factor that will influence the way Council manages domestic animals in the future is the introduction of the Great Ocean Road and Environs Protection Amendment Bill 2021. This may change Council's ongoing involvement in the management of dogs and cats on GORCAPA land. One of the important actions proposed is to work actively with GORCAPA on this change as it develops.

[For the full survey summary data go here](#)

## Our plan

Our plan is largely focused on programs highlighted by the community feedback and our Ranger services who help to make you a Pawsome pet owner. The objectives, present situation and performance measures for all key responsibility areas of the DAMP are accompanied by action tables. The tables show that ongoing programs form most of the work over the life of the plan.



6.2 Domestic Animal Management Plan 2022-25

## Our people

This section of the plan addresses the requirement of Section 68A (2) (b) of the *Domestic Animals Act 1994*. It deals with Council's human resourcing for the animal management task, the current skills of the team and planned training.

### Present situation

The Ranger Services team is part of the Environment and Development Division. The Ranger Services team is responsible for domestic animal management, school crossings, local law enforcement, responding to stock on roads and parking control. Enforcement activities often place officers in confronting situations, so ensuring staff safety is a priority, as is ensuring officers are trained in all aspects of the role. Seasonal population fluctuations strain the resources available for all aspects of the Ranger Services team.

Planning for growth in the demand on animal services poses significant challenges. Demand on the service is occurring due to the increasing population of permanent domestic animals on the coast, holiday house owners travelling with pets, and our proximity to Geelong and the Armstrong Creek growth area. The current cost of delivering animal management services is \$569,000 per year.

The recent introduction of the Great Ocean Road and Environs Protection Amendment Bill 2021 into State Parliament is likely to have impact on how domestic animals are managed on coastal land in the Shire during the term of this DAMP.

The Bill, if adopted, will provide the Great Ocean Road Coast and Parks Authority (GORCAPA) with important powers under the Domestic Animals Act 1994 for land it manages. The Bill will empower GORCAPA to make an order to prohibit dogs and cats from its land or to impose conditions on the presence of dogs or cats on that land, including times they can be present and rules around restraining animals. The Bill also empowers GORCAPA to have its Officers authorised under the Domestic Animals Act and then enforce any orders it has made with respect to its land.

Currently GORCAPA relies on Council to make these orders and to enforce compliance on its land as it is not authorised under the Domestic Animals Act. It should be noted that GORCAPA incur large annual expenses to manage dogs on land it manages including provision of dog waste bags, signage and joint beach patrols with Council's Rangers. GORCAPA do not receive any revenue from animal registrations or through any infringements issued to animal owners by Rangers on land it manages. Council will work closely with GORCAPA to understand the implications of this new Bill and how this may affect our Ranger services staffing moving forward.

### Staffing

The Ranger Services team is comprised of 13 team members, delivering a range of services and administration: local law enforcement, managing the school crossing supervisor program, parking restrictions, responding to stock on roads and domestic animal management. Rangers are trained to deliver multiple services. As a smaller municipality, the practicalities of dedicating rangers to a single service responsibility has not been possible particularly with large seasonal fluctuations in demand. Resource levels are being constantly reviewed as the Shire continues to grow.

### Training

Surf Coast Shire is committed to ensuring all staff have the necessary training to be able to undertake the tasks associated with the administration and enforcement of the Act. The majority of Rangers are fully trained. A training plan has identified areas for further training, with newer staff being priority.

### Our Objectives

- Provide sufficient resources to effectively deliver the domestic animal management service over the four-year period and respond to the seasonal demands and unique challenges of our coastal areas.
- Ensure employees are fully trained to deliver the service, supported by best practice in procedures and occupational health and safety.
- Establish collaborative working relationships between the Ranger team and the community; roles and responsibilities between the community, Council and other open space managers are made clear.
- Partner with and promote Animal Welfare Victoria to deliver best practice animal management outcomes for the community

### Performance measures

- All individual training plans for Rangers are completed
- All Rangers are fully trained for the requirements of their position
- Positive community engagement about domestic animal management
- Clarity and cooperation between land managers and Council for enforcement in open space areas
- Number of patrols and associated enforcement activity

Actions	2022	2023	2024	2025
Work actively with Great Ocean Roads GORCAPA regarding roles and responsibilities on GORCAPA land following the introduction of the Great Ocean Road and Environs Protection Amendment Bill 2021				
Continue to develop and deliver individual training plans for the Rangers				
Rangers to engage with Animal Welfare Victoria delivered training courses				
Participate in State Government programs and initiatives as they arise such as the current review of animal welfare legislation				
Better utilise Animal Welfare Victoria for operational advice to ensure best practice service is provided to community				

6.2 Domestic Animal Management Plan 2022-25

## Our processes

This section of the plan addresses the requirement of Section 68A (2) (c) (v) of the *Domestic Animals Act 1994*. It deals with Council's programs and strategies for the registration and identification of dogs and cats.



### Present situation

#### Registration

In 2021 there were 6,398 dogs and 924 cats registered in the Shire. The following chart shows the number of registered dogs grew by 12% from 2011 to 2021. This reflects the increasing residential growth occurring in Surf Coast. It is expected that the growth will continue. In the same period the number of registered cats decreased by 10%. This may reflect an increase in unregistered cats rather than a reduction in the number of cats in the Shire.

52% of dogs and 52% of cats are located in Torquay and Jan Juc. 72% of dogs and 75% of cats are located in the top five locations.

#### No. of registered dogs and cats by year

	2010/11	2015/16	2021/22
 Dogs	5715	5914	6398
 Cats	1030	963	924

#### Identification

100% of dogs and 98% of cats were microchipped in 2021. There has been a steady increase in the percentage of both registered dogs and cats being micro-chipped. This identification strategy has been well accepted by animal owners. Compulsory micro-chipping as a prerequisite to registration has resulted in there being only a small population of animals that are not microchipped.

#### Desexing

The percentage of dogs and cats desexed is also high. The percentage of registered dogs desexed is 83% while 100% of registered cats are desexed. Desexed, micro-chipped or pensioner-owned animals are able to be registered for a third of the costs under the Act as a reduced registration.

### Our Objectives

Ensure all cats and dogs over the age of three months residing in the municipality are registered annually with minimal delay and implanted with a microchip. Continue to monitor registration fees to ensure animal owners are making a fair contribution to the costs of running animal management services.

### Performance measures

- Timely conduct of the registration process with a reduction in the percentage of late registrations
- Percentage of registered animals microchipped
- Net cost of the service to Council is not increased

Actions	2022	2023	2024	2025
Strong communications and engagement to promote pet registration in the lead-up to the registration period				
Continue to provide 12 month free registration for adopted animals				
Better publicise discounted desexing program available to concession card holders				
Further promote ability for animal owners to register animals, including renewals, online				

6.2 Domestic Animal Management Plan 2022-25

## Nuisance management

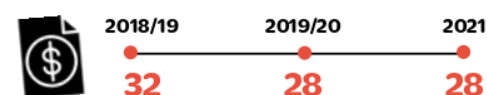
This section of the plan aims to minimise nuisances that may be caused by dogs or cats under Section 68A(2)(c)(vi) of the *Domestic Animals Act 1994*.

Nuisance behaviours include wandering dogs and cats, threats to wildlife and livestock, barking dogs and unsocial behaviour of dogs including dog litter.

### Present situation

The issues of responsible pet ownership and fair compliance are priority areas for animal owners and the rest of the community. Balancing the needs of responsible dog and cat owners with the wider community, and having effective compliance processes remain key community priorities. The general view is that communication and education strategies are preferable to enforcement, and it is also felt that irresponsible owners are causing a problem for everyone. Council will continue to employ an "educate, enforce" methodology.

#### Total Infringements by year



Enforcement should focus on owners who do not respect the rules. There is a need to clearly state what "responsible pet ownership" means in Surf Coast. The standards need to be unambiguous so enforcement can be fair.

Another issue is the need for a feedback loop about the actions taken to resolve customer requests. People who take the trouble to make a request want to know what action is taken.

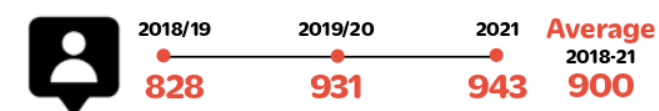
943 customer requests for animal management issues were made in 2020-21. Requests for registration, lost animals and animals at large are the highest request topics. Customer action requests are generally remaining steady. This is an encouraging trend, given the growth in the dog and cat population. It indicates that the level of service provided by Council has been increasing.

#### Customer action requests by year

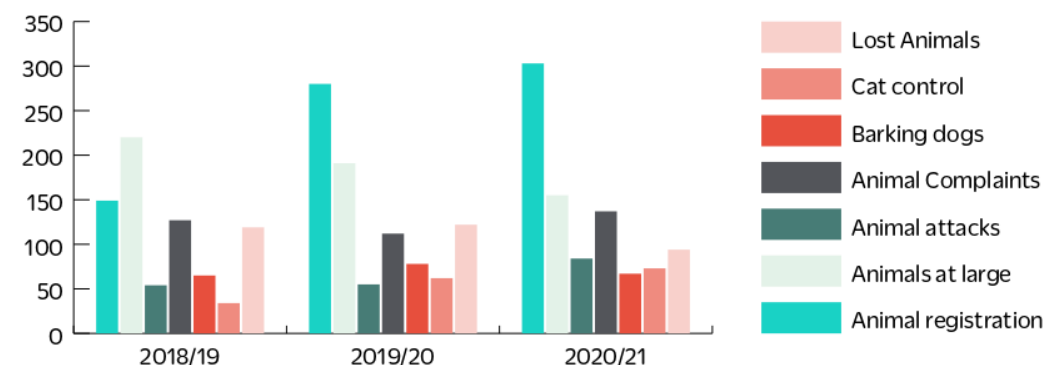
Similarly, the number of days to complete customer requests has reduced, with barking dog complaints taking the longest time to resolve. Over the past four years, Council has improved response times through identification of more effective ways of addressing nuisance issues. Since 2018, there has also been a focus on the timely closing out of customer requests, which is reflected in the reduced times. Equally though, this service area has been the subject of high visibility, regularly featuring in press articles and letters to the editor along with social media interest. The service has been given a priority over other areas, resulting in an improved level of service overall.

Infringements have remained consistent. The use of cautions and warnings for first time offenders has become a standard practice. There is a community desire for more penalties to be applied to those owners not being responsible, however Rangers will continue to provide people with an opportunity to comply with any directions before issuing an infringement.

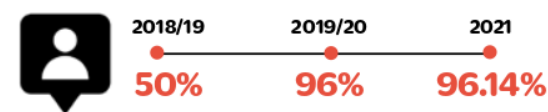
#### Customer action requests:



#### Customer action requests by year



#### Customer Requests complete on time



#### Citronella collars

In line with RSPCA Australia advice, Council is discontinuing the use of citronella collars to manage barking dogs that can be a nuisance in the community.

By identifying the reason for a dog barking excessively, it is possible to manage the problem behaviour. Causes for barking can include loneliness, boredom, fear, anxiety or illness. Dogs may be trying to warn you of something they see as a potential threat (e.g., other people, animals or vehicles moving outside the property), to get some attention (possibly even preferring scolding rather than no attention), or because they are cold, hungry or thirsty.

Some simple ways to solve the problem include:

- giving a dog obedience training
- giving it more attention or some enrichment (such as toys or walks)
- blocking its view of movement outside the property
- allowing it in the house (or an area where it has regular contact with people).



6.2 Domestic Animal Management Plan 2022-25



A veterinarian, veterinary behaviourist or qualified dog trainer can assist with identifying the reason, and provide advice or training to reduce or stop the barking behaviour.

A review of infringement numbers highlights that a large portion of infringements issued are for dog at large i.e. dogs that the Rangers collect and care for in the pound before finding owners. These are reducing as the community, though facebook primarily, are reuniting lost dogs with owners without needing Council's involvement. It is also worth highlighting that there is not an increase in infringement numbers compared to reported animal attacks. This is because a large percentage of reported dog attacks (mostly dog rushes and minor altercations between dogs) reported to Council come with no identifiable information i.e. offending owners details etc so there is little Rangers can do to investigate or take enforcement action from these reports.

**Objectives**

- Balance the needs of responsible dog and cat owners with those of the community.
- Ensure information on animal nuisances and regulations is available and accessible to the community, including clearly defined enforcement standards with informed and responsible pet owners.
- Establish effective ways to monitor and enforce compliance with regulations and laws that will provide for safe and clean community spaces.

**Performance measures**

- Number of community requests for service
- Time taken to resolve service requests
- Community satisfaction with responsible animal ownership
- Evidence of improved owner attitude

Actions	2022	2023	2024	2025
Identify a suitable location for a dog park in Torquay	🐾			
Seek funding for a dog park in Torquay at the identified location		🐾		
Finalise actions for management of dogs on sports grounds. This will include extensive communication and education and may include bag dispensers and extra bins	🐾			
Discontinue use and support of Citronella collars and instead promote positive reinforcement training techniques to reduce barking	🐾			
Investigate and make recommendations on the option to extend the current cat curfew	🐾			
Double the number of cat cages available and remove hire costs for customers	🐾			
Investigate the development of an app, in partnership with other adjoining land managers, to provide better advice about on/off-leash areas for dogs and for pet owner education/information.		🐾		
Deliver consistent community education on key topics through a variety of channels (social media, print media, direct emails) – minimum of 8 campaigns per year. May include a quarterly info newsletter to registered owners.	🐾	🐾	🐾	🐾
Partner with GORCAPA to deliver 'pop-up' education booths at known problem locations. Include local service providers including vets, trainers etc.		🐾	🐾	🐾
Deliver a minimum of 30 hours of proactive patrols per week in peak period, 20 hours in off-peak period. Increase use of beach all-terrain vehicle. Primary aim to engage and educate dog owners regarding responsibilities.	🐾	🐾	🐾	🐾
Investigate option for people to attend training / behavior courses (at owner's cost) in lieu of receiving fines for minor enforcement matters.		🐾		
Investigate and seek funding for a scheme to reward pawsome pet owners.			🐾	🐾
Investigate partnership opportunities with local dog trainers to provide discounted services, particularly in areas of concern such as recall.		🐾		
Partner with GORCAPA and the community to develop alternative, playful signage styles to try and cut through on key messages, particularly around dog poo.	🐾	🐾		
Continue to deliver a 24/7 on-call service for urgent animal matters	🐾	🐾	🐾	🐾
Continue proactive trapping of cats on Shire managed sites such as landfill sites, parks and reserves	🐾	🐾	🐾	🐾
Advocate to Council's Waste Management team and GORCAPA to include Food Organic Green Organic bins, or similar alternative, at popular dog walking locations for dog owners to dispose of dog poo.	🐾	🐾		

6.2 Domestic Animal Management Plan 2022-25

## Dog attacks and dangerous dogs

This section of the plan aims to minimise the risk of dog attacks throughout Surf Coast Shire under Section 68A(2)(c)(iii) of the Domestic Animals Act 1994. It also addresses the identification and control of dangerous and menacing dogs and restricted dog breeds under Section 68A(2)(c)(vii) of the Domestic Animals Act 1994.

The notion of attack is not just confined to dangerous and aggressive breeds. Dog attacks include attacks on people, dogs, livestock and other animals. A dog attack includes where a dog may rush or lunge at a person or other animal.

Details of dangerous, menacing and registered breed dogs in the Shire are maintained on the Victorian Declared Dog Registry (VDDR).

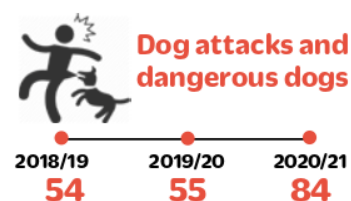
Legislation exists in Victoria restricting the following dog breeds: American Pitbull Terrier (or Pit Bull Terrier) and Perro de Presa Canario (or Presa Canario), Japanese Tosa, Fila Brasileiro, Dogo Argentino.

If Council declares a dog to be dangerous, it must be appropriately identified and restrained within premises that display compliant warning signs.

### Present situation

As at December 2021, there were no restricted breed or declared menacing dogs within the Shire. There was one dog declared as dangerous which is registered on the Victorian Declared Dog Registry.

Over the last four years, there has been a 55.5 % increase in reported dog attacks. The current ratio of dog attacks to registered dogs in the municipality is 1:76.



Reported dog attacks for the period 2015 to 2020 were relatively stable with an average of 54 reported attacks per year. This figure increased significantly during the 20/21 reporting period to 84 reported incidents. These are predominantly reports of dogs attacking other dogs and the majority are minor in nature.

This increase may be due to a greater propensity to report incidents, as well as a higher level of activity in public spaces with dogs during COVID lock downs. This increase will be a focus for Council's communications and education program.

Council encourages the community to report all dog attacks for investigation. Appropriate enforcement action and court outcomes from prosecutions of serious attacks are published to keep the community informed and encourage secure containment of dogs. If an attack is reported, Rangers conduct a full investigation and may prosecute the owner. Dog attacks are treated seriously and are fully investigated when appropriate details can be provided about the offending dog or owner. Communication with the

public is essential to give community members every option to lodge a complaint. Rangers may exercise discretionary power under legislation to euthanise dogs in certain circumstances, impose a Dangerous Dog declaration or a Menacing Dog declaration as an outcome, depending on the severity of the attack and the danger to the community if the dog were returned to its owner.

### Our Objectives

- Progressively lower the current ratio of dog attacks to registered dog numbers in the municipality over the four years of the plan.
- Prompt and thorough response to reported dog attacks
- Provide improved education to assist the aim to have all dogs in public spaces under effective control.
- High community awareness of dog attacks, with all dog owners aware of the consequences of their dog attacking a person or another animal.
- Full regulatory compliance for registered dangerous dogs and restricted breeds.

### Performance measures

- Number of dog attacks
- Number of dog attack complaints
- Time taken to attend dog attacks
- Time taken to resolve dog attacks
- Accuracy of records
- Number of inspections of declared dogs conducted
- Number of prosecutions of owners of dangerous and restricted dogs for non-compliance
- Community perceptions of safety from dog attack

Actions	2022	2023	2024	2025
Specific communications campaigns regarding animal-on-animal attacks – provide education and promotion for training options				
Continue to encourage reporting of dog attacks – promote Council contact channels				
Complete random inspections of declared Dangerous Dog premises to make sure owners are meeting obligations				

6.2 Domestic Animal Management Plan 2022-25

## Domestic Animal Businesses

This section of the plan aim to ensure Council is complaint with Section 68A (2)(c)(ii) of the **Domestic Animals Act 1994**.

Domestic Animal Businesses (DABs) include:

- Breeding and rearing establishments
- Pet shops
- Shelters and pounds
- Boarding establishments
- Dog training operations

### Dog trainers and DAB requirements

The only dog training courses or programs endorsed by the Minister for Agriculture are those linked with the four approved Dog Obedience Training Organisations. They are:

- DOGS Victoria
- Australian Association of Professional Dog Trainers Inc
- The Gentle Dog Trainers Association
- Four Paws K9 Training

A person can operate as a trainer without being affiliated with the above training organisations. They must, however, comply with the Code of Practice for the Operation of Dog Training Establishments. All dog training businesses that operate for profit must register as a domestic animal business with Council and undergo an annual audit.

### Present situation

There are nine registered DABs in the Shire.

They include:

- Dog training establishments     3
- Shelters and pounds:             1 dog and 1 cat
- Boarding establishments:         6

There are no council orders in place relating to DABs, so officers rely on the **Domestic Animals Act 1994**. Random and scheduled audits are conducted and complaints followed up.

Pre-permit inspections are carried out prior to registration.








### Our Objectives

- Manage all Domestic Animal Businesses in accordance with legislated standards.
- Protect the welfare of animals being traded through domestic animal businesses.

### Performance measures

- Accurate register of domestic animal businesses
- Number of registered domestic animal businesses
- Compliance with regulations
- Protection of animal welfare

### Domestic Animal Businesses

Actions	2022	2023	2024	2025
Develop and promote website guidance for dog owners regarding animal trainers and behaviourists operating in our region				
Educate dog trainers operating in the Shire on registration requirements				
Ensure all dog trainers operating for profit, or other unregistered DABs, are registered as DABs				
Random inspection of dog trainers and establishments to ensure compliance with Animal Welfare Victoria Code of Practice, in addition to prescribed yearly audit.				

6.2 Domestic Animal Management Plan 2022-25

## Domestic animal overpopulation and euthanasia

This section of the plan addresses over-population and high euthanasia rates for dogs and cats under Section 68A (2)(c)(iv) of the *Domestic Animals Act 1994*. It reinforces the need to have animals registered and identified to avoid impoundment and be returned home, avoiding euthanasia. Trapping wandering domestic cats and stray cats combined with sterilisation reduces the potential for feral cat populations developing.

This helps with the conservation of local flora and fauna. Surf Coast Shire has extensive public lands and National Park areas. The Threat abatement plan for predation by feral cats 2015 identifies the important role of local government in the management of feral populations.

Under the national plan, cats can be grouped into categories according to how and where they live. The definitions and categories used vary widely, so the following terms are used for the purposes of this plan:

- feral cats are those that live and reproduce in the wild (e.g., forests, woodlands, grasslands, deserts) and survive by hunting or scavenging; none of their needs are satisfied intentionally by humans;
- stray cats are those found in and around cities, towns and rural properties; they may depend on some resources provided by humans but are not owned; and
- domestic cats are those owned by an individual household, a business or corporation; most or all of their needs are supplied by their owners. If the confinement of domestic cats becomes more common, the category of a domestic cat may need to be divided to confined and unconfined cats because the potential for these two groups to impact on native fauna is different.

### Present situation

The number of dogs being impounded is trending down from a high of 115 in 2018/19.

On average, 34 cats are impounded each year. The low number of animals being euthanised and re-homed indicates successful stray animal identification and owner reclaim. Identification has been greatly assisted by the micro-chipping program.

Cats within the Shire, except the rural zone, must be confined to their owners' premises between 8pm and 6am daily. Our cat curfew is in response to community concerns about the negative environmental impact of cats on native animals, and the nuisance issue of animals wandering into neighbouring households.

The curfew doesn't apply in areas zoned rural in the planning scheme as it is difficult to confine cats to a farm, and they often help control vermin.

Under the curfew, Rangers can seize cats found at large in any public area or outside their owner's property between 8pm and 6am.

Within the current Domestic Animal Management Plan, we undertake to:

- Investigate and make recommendations on the option to extend the current cat curfew.
- Double the number of cat cages available and remove hire costs for customers.
- Continue proactive trapping of cats on Shire-managed sites, such as landfill sites, parks and reserves.

	2018/19	2019/20	2020/21
Dogs impounded	115	84	47
Cats Impounded	47	41	15
Dogs euthanised	4	1	3
Cats euthanised	1	5	3

### Our Objectives

- Encourage cat owners to confine domestic cats.
- Reduce the population of stray and feral cats to lower the need for euthanasia resulting from over-population of stray and feral cats.
- Maintain high reclaiming rates for dogs.
- Minimise animal hoarding by acting on all reports and assisting owners to remove excess animals.

### Performance measures

- Percentage of dogs and cats registered and micro-chipped
- Number of dogs and cats impounded (trend)
- Number of dogs and cats reclaimed by their owner
- Number of dogs and feral cats euthanised
- Lower impacts on local flora and fauna
- Number of registered cats and dogs returned home

### Domestic Animal Population and Euthanasia

Actions	2022	2023	2024	2025
Develop and promote website guidance to promote local adoption and shelter services				
Continue to utilise the services of Geelong Animal Welfare Society				
Continue to provide 12 month free registration for adopted animals				
Double the number of cat cages available and remove hire costs for customers				

6.2 Domestic Animal Management Plan 2022-25

## Annual review, reporting and performance management

This section addresses compliance with Section 68A(3) of the *Domestic Animals Act 1994*.

### Present situation

The collection and use of data to help with performance measurement has improved. More could be done to communicate performance with the community through improved website













### Our Objectives

- A current and well-maintained plan
- Assessment of actions taken and annual performance
- A data set that guides continual improvement of processes
- Updated local orders and local laws
- Inclusion of new projects and programs
- Published evaluation of plan implementation in Council's annual report

### Performance measures

- Completion of the DAMP annual review
- Publication of the DAMP annual implementation report
- Provision of a copy of the DAMP to State Government
- Implementation of the revised performance measurement system

### Annual Report and Performance Management

Actions	2022	2023	2024	2025
Undertake annual review of the DAMP in November				
Present annual review of the DAMP to the community via Council Meeting minutes				
Provide a copy of DAMP review to State Government annually				

## Appendix

### 1. Legislative requirement of the Domestic Animals Act

#### Domestic Animal Management Plans

Under Section 68A of the *Domestic Animals Act 1994*, every Council must prepare a domestic animal management plan, as follows:

#### 68A Councils to prepare domestic animal management plans

1. Every Council must, in consultation with the Secretary (of the Department of Economic Development, Jobs, Transport and Resources), prepare at 4-year intervals a domestic animal management plan.
2. A domestic animal management plan prepared by a Council must—
  - a) Set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations;
  - b) Outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district;
  - c) Outline programs, services and strategies that the Council intends to pursue in its municipal district—
    - i) To promote and encourage the responsible ownership of dogs and cats;
    - ii) To ensure that people comply with this Act, the regulations and any related legislation;
    - iii) To minimise the risk of attacks by dogs on people and animals;
    - iv) To address any over-population and high euthanasia rates for dogs and cats;
    - v) To encourage the registration and identification of dogs and cats;
    - vi) To minimise the potential for dogs and cats to create a nuisance; and
  - d) To effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations;
  - e) Provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable;
  - f) Provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary; and
  - g) Provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.
3. Every Council must—
  - a) Review its domestic animal management plan annually and, if appropriate, amend the plan;
  - b) Provide the Secretary with a copy of the plan and any amendments to the plan; and
  - c) Publish an evaluation of its implementation of the plan in its annual report.

6.2 Domestic Animal Management Plan 2022-25

**4. Surf Coast Shire Community Amenity Local Law No 1**

**PART 5 - KEEPING OF ANIMALS**

**5.1 Keeping Extra Animals**

1. A person must not, without a permit, keep domestic animals, in a dwelling, in residential zones, a rural living zone or a built up area:
  - a) Any animal that is not listed in Table 1; or
  - b) More than 5 different types of animals or more than the number prescribed for each type of animal in Table 1.
2. A person must not, without a permit, keep animals in flats and units in a residential area:
  - a) Any animal that is not listed in the Table 2; or
  - b) More than the number prescribed for each type of animal in Table 2.
3. A person must not, without a permit for keeping animals, also applies to a person keeping more than 5 dogs or 5 cats on any other land in the municipal district.
4. The following animals and the maximum number permitted are allowed to be kept in residential zones, a rural living zone or a built-up area to:

Table 1

TYPE OF ANIMAL	MAXIMUM PERMITTED
Dog	2
Cat	2

The following animals and the maximum number permitted are allowed to be kept in flats and units in residential areas are:

Table 2

TYPE OF ANIMAL	MAXIMUM PERMITTED (Without permit)
Dog	1
Cat	1

**5.2 Trespassing Animal**

The owner or occupier of any land where any animal is kept, other than a dog or cat, must ensure the type of animal being kept on the land does not trespass on any Council land or a road.

**5.3 Animal Litter**

The owner or person in charge of an animal must:

- a) Whilst on Council land or a road or in a public place, have in their possession a bag or container which can be used for the collection of that animal's excrement.
- b) Immediately collect and remove all of the excrement left by the animal on Council land or a road or a public place.

**5. Council's current orders, local laws, policies and procedures**

The following table details the orders, local laws and work instructions that are in place to manage dogs and cats across the Shire.

Name	Purpose
Domestic Animals Act 1994	Compulsory de-sexing of all cats over the age of 3 months.
Surf Coast Shire Community Amenity Local Law	Designated 'Off-Leash Areas' Dogs must be on leash at all times unless in designated off-leash areas. Designated 'Time Share Areas' where dogs are not allowed and during particular periods allowed off-leash. Designated 'No Dogs Allowed' areas. Limitation of two (2) dogs and (2) cats in residential areas without a permit.
Domestic Animals Act 1994	All areas except rural areas 8pm to 6am – Cat Curfew. The cat curfew was introduced in 2007 and has proved effective by reducing cats from trespassing and nuisance complaints of cats on private properties. Compulsory de-sexing of all cats over the age of 3 months. De-sexing of cats prior to registrations, encourages responsible ownership, prevents potential feral and unwanted litters.
Work Instruction 102	Livestock Control D14/52107
Work Instruction 104	Dangerous Dog & Dog Attack D14/52112
Work Instruction 110	Attending Call-Outs After Hours D14/52167 After Hours Procedure that manages all requests that come in after hours.
Work Instruction 120	Stress Management D14/52095
Work Instruction 121	Personal Safety D14/52096
Work Instruction 123	Handling of Firearms D14/52098
Work Instruction 126	Nuisance Barking Dogs D14/52101
Victorian Declared Dog Registry (VDDR) (s.44AE).	The Local Laws Team Leader maintains and provides details of Dangerous Dogs, Restricted Breed Dogs and Menacing Dogs
Domestic Animal Businesses	Surf Coast Shire currently has no orders in place relating to Domestic Animal Businesses. Therefore, Council acts in accordance with the requirements set in the Act.
2.3 Behaviour in Municipal Buildings	A person must not: Bring any animal into, or allow any animal under his or her control to remain in a Municipal Building, without the consent of Council or an authorised officer, except for a guide dog being used by a visually impaired person, a hearing dog being used by a hearing impaired person or a dog being used to assist a person with limited mobility.

6.2 Domestic Animal Management Plan 2022-25

### 6. Dog regulation Maps

The dog regulations areas are indicated on the maps on the following page. No change to the dog regulation areas is proposed here, though is likely to be considered as the transition of the Great Ocean Road Coast and Parks Authority progresses.

#### What do the symbols mean?

**D1 OFF LEASH AREAS 1**  
Dogs allowed off leash



Within these areas, dogs are allowed off leash at all times, provided they are kept under effective control.

1. Dog to be immediately controllable by voice commands
2. Dog to always be within close proximity to owner
3. Prevent dogs from approaching people or other dogs unless invited. If in doubt place your dog back on lead out of respect and harmony for all.

**D2 OFF LEASH AREAS 2**  
Dogs allowed off leash  
Dogs allowed on leash during events



Within these areas dogs are allowed off leash except when organised events are occurring or being prepared for. In this instance dogs must be on leash, provided they are under effective control.

**TIMESHARE ZONE**  
Active from 1 Dec - 28 Feb and over Easter  
9am - 7pm No dogs allowed  
7pm - 9am Dogs allowed off leash



Dogs are only allowed with the following times and conditions:

**9am-7pm: No Dogs allowed** (except on defined paths and on a leash).

**7pm-9am: Dogs allowed** in these areas off leash but under effective control.

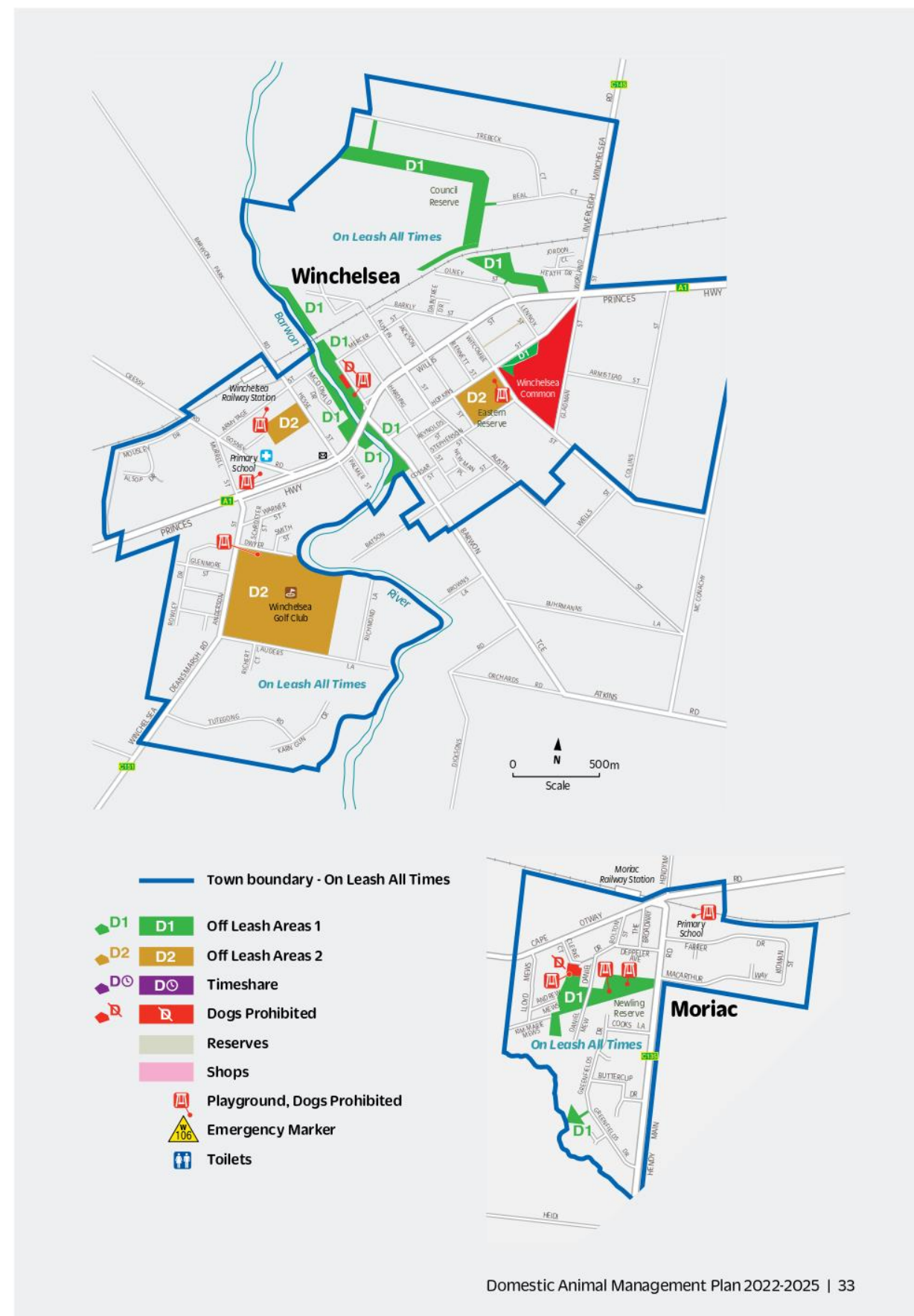
Outside the active timeshare zone dates: Dogs are allowed off leash but under effective control.

**NO DOGS ALLOWED**

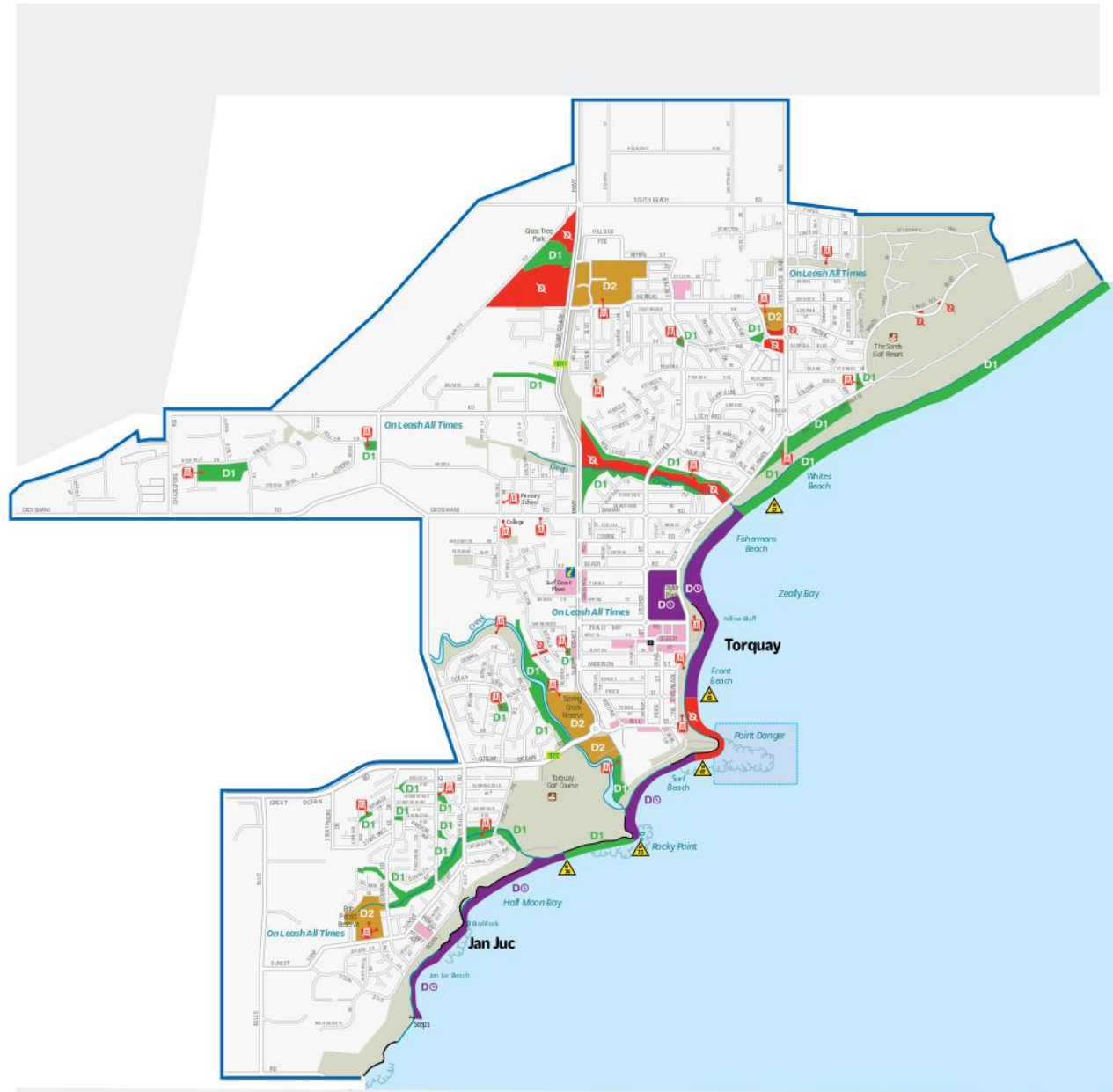


In these areas dogs are not allowed, with the exception of defined pathways, where they must be on a leash.

**Note:** Includes all fenced dune or vegetation areas and playgrounds.



6.2 Domestic Animal Management Plan 2022-25





6.2 Domestic Animal Management Plan 2022-25



## **6.2 Domestic Animal Management Plan 2022-25**

### **APPENDIX 2 SUMMARY OF DAMP SUBMISSIONS - COUNCIL MEETING**

**SUMMARY OF DAMP SUBMISSIONS – DECEMBER 2021**

No	Summary	Submitter Location
1	Request bio disposable poo bags at ocean Acres	Torquay
2	General Comment about dogs on lead.	Lorne
3	Request copy of the DAMP	NA
4	Submission does not agree with 24 hr cat curfew in urban or rural areas	Torquay
5	Bin and Bag request for Sunnymeade car park. Also concerned about health and summer dog poo and flies. Wants to see more direct action like a resource to pick up poo	Aireys Inlet
6	No support for 24x7 cat curfew. If implemented you need to give several years notice so that residents can make other arrangements for their existing pets and only acquire any new ones in the knowledge that this is council's long term plan.	Torquay
7	Supports 24x7 cat curfew – does not believe an investigation is necessary. Wants it implemented immediately.	Bellbrae
8	Support for 24x7 cat curfew	Bellbrae
9	Request for more enforcement, did not think 21 infringements was enough. Also requested a dog free beach all year round. Signage to improve Front Beach on lead and requested no dogs at Fishos.	Torquay
10	Lack of control and dog poo. Better signage – detailing enforcement More enforcement on beaches Timeshare times should be relaxed but lack of control/recall makes people want more Does not support the dog park Thinks banning dogs on Torquay front beach and allow all year of leash access from Fishos boat ramp could work	Jan Juc
11	Timeshare rules not adhered to or enforced. Timeshare signage is inadequate Not enough on beach enforcement/patrols Ban dogs from Anglesea main beach during summer and easter	Anglesea
12	Supportive of extended cat curfew (24x7)	Torquay
13	More control of dogs on beaches between Fishos to Pt Impossible	Torquay
14	Supportive of extended cat curfew (24x7)	Torquay
15	Keen for Council to play a stronger role to curb instances of menacing dogs off leash. Not everything can be solved by training – sometimes just bad dogs.	Torquay

## 6.2 Domestic Animal Management Plan 2022-25

16	Would like timeshare restriction on dogs in Taylor Park removed to allow on leash walking (Note: This is already allowed – submitted has been advised of the current restrictions via email)	Torquay
17	More dog poo bag dispensers and bings. Should be at all beach carparks including Guvvo's in Anglesea	Anglesea
18	Concern about potential 24x7 cat curfew Lives rurally and needs cat for rodent control. Would be happy to see night time curfew only	Freshwater Creek
19	Concern about the wording re 'currently no dangerous, menacing or restricted breed dogs within the Shire' – referencing one in Moggs Creek.	Moggs Creek
20	Concern about damage from cats on neighbouring properties i.e. fouling of vegetable gardens.	Torquay
21	Speaking in favour of leaving current cat curfew as is. No 24x7 curfew.	Torquay
22	Wants dog poo bags and bins provided at all ovals	Torquay
23	Sent in error	NA
24	Concerns about disability access onto off lead areas of Jan Juc Beach in summer No support for dog park – wants to encourage pet owners to get more exercise and to not drive to exercise their pets (issue of greenhouse gas emissions from driving)	Jan Juc
25	More enforcement and heavier fines for people not picking up dog poo – Bells track Need bins at Pt Addis for dog poo bags Reduce speed to 80kph along Pt Addis Rd.	Jan Juc
26	Support for 24x7 cat curfew Suggests free registration for people that build outdoor cat enclosures	Bellbrae
27	Timeshare area at Fishos should be extended from Deep Creek up to the Sands, meaning reduced dog number on beach between the Sands and Fishos	Torquay

### 6.3 Review of First Party Native Vegetation Offsets Policy

**Author's Title:** Ecologist **General Manager:** Ransce Salan  
**Department:** Environment and Community Safety **File No:** F12/1367-2  
**Division:** Environment & Development **Trim No:** IC21/2058

**Appendix:**

1. SCS-036 - First Party Native Vegetation Offsets Policy (D21/244216)
2. SCS-036 - First Party Native Vegetation Offsets Policy - track changes (D21/244212)

**Officer Conflict of Interest:**

In accordance with Local Government Act 2020 –  
Section 130:

Yes

No

**Status:**

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

Yes

No

**Reason:** Nil

**Reason:** Nil

#### Purpose

The purpose of this report is to adopt the revised SCS-036 First Party Native Vegetation Offsets Policy (the Policy).

#### Summary

The Native Vegetation Offset Policy was first adopted by Council in March 2018. It was initially developed in response to a request from a developer within the Spring Creek Urban Growth Area to transfer a proposed conservation reserve to Council and also use that site as a net gain offset area for the native vegetation to be removed as part of their development of the land for residential purposes. The Policy is periodically reviewed by Council.

The context of the Policy has not changed since first adopted. It sets two main policy positions for Council – it reinforces compliance with the requirements of State Government policies and guidelines regarding native vegetation offset sites, and states Council's preference that first party offset sites are not transferred to Council to own or manage. Offset sites are encumbered with permanent restrictions and requirements which make their management incompatible with many uses, in particular public open space.

The revised Policy (attached in Appendix 1) has been changed into the current policy format with the following additional minor changes:

- a slight change of name to specify that it relates to First Party offsets;
- inclusion of agreements with the Secretary to the Department of Environment, Land, Water and Planning (DELWP) under Section 69 of the Conservation Forest and Lands Act 1987 for securing offsets; and
- the use of generic agency references to avoid confusion if agency names change in the future.

It is recommended the revised Policy be retained and adopted by Council.

#### Recommendation

That Council adopts SCS-036 First Party Native Vegetation Offsets Policy as attached at Appendix 1.

### 6.3 Review of First Party Native Vegetation Offsets Policy

#### **Report**

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

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

##### ***Background***

The Policy commenced development in 2017 in response to requests from developers in Torquay to transfer proposed conservation reserves to Council and to also use the site as an offset area for the native vegetation to be removed as part of their development of their land for residential purposes.

At the time, Council had no policy position on these matters, although at the October 2017 Council meeting Council resolved as part of Planning Scheme Amendment C114 not to accept the Bellarine Yellow Gum conservation site in the Spring Creek Growth Area as a native vegetation offset site if transferred to Council.

Native vegetation is defined in planning schemes as “plants that are indigenous to Victoria, including trees, shrubs, herbs and grasses”. The State Government “*Guidelines for the removal, destruction or lopping of native vegetation December 2017*” (“The Guidelines”) further classify a patch or a scattered tree which assist in measuring the value of native vegetation and assessing its removal.

The key policy for native vegetation in Victoria is a three step approach – avoid, minimise, offset. In summary, it means avoiding the removal of native vegetation, minimising the impacts if loss cannot be avoided, and finally providing an offset to compensate for the biodiversity impact if it is removed.

Offsets are often provided external to the development site (third party offsets) where permit holders can buy native vegetation credits from other landowners to meet their offset obligations. A first party offset is where an offset is provided on land owned by the holder of the permit to remove native vegetation. This policy is about first party offset sites.

Offset sites must be protected in perpetuity through an on-title agreement and must be managed for the purpose of conservation. These sites are essentially encumbered with permanent restrictions and requirements which make their management incompatible with many uses, in particular public open space. Open space reserve functions can include active recreation, walking trails and stormwater management which are incompatible with biodiversity conservation. In addition, the stringent requirements on offset sites constrain public access.

The Policy was developed and adopted to avoid situations where land containing first party offsets are transferred to Council as part of a Public Open Space Contribution. In addition, the Policy ensures a minimum standard and appropriate controls for native vegetation protection on private land.

##### ***Discussion***

The Policy was originally developed by Council’s Environment Department with input from Strategic Planning and has regard to the Department of Environment, Land, Water and Planning (DELWP) policies on native vegetation and DELWP guidelines for offset areas.

There were two main policy positions created by the Policy:

- Requiring that first party native vegetation offsets meet the requirements of the State Government Guidelines.
- Setting Council’s preference that first party offset sites are not transferred to Council to own or manage. (Council retains the ability under the Policy to accept ownership of first party offset sites at its discretion if the site is of strategic significance and certain pre-requisites under the Policy are met).

The Policy has been reviewed by Council’s Environment Unit. Feedback was sought and obtained from Governance, Strategic Planning and Statutory Planning officers. The main change to the Policy is the inclusion of agreements with the Secretary to DELWP under Section 69 of the *Conservation, Forests and Lands Act 1987* (Section 69 agreements) for securing offset sites. The original policy only specified conservation covenants under Section 3A of the *Victorian Conservation Trust 1972* (a Trust for Nature Covenant) as an eligible offset security arrangement. Both Section 69 agreements and Trust for Nature Covenants are on-title security arrangements that have stringent approval processes, scheduled monitoring

### 6.3 Review of First Party Native Vegetation Offsets Policy

and ensure the offset sites are secured in perpetuity. It is therefore considered appropriate to include both agreements as eligible under the Policy.

The title of the Policy has been updated to specifically refer to First Party Native Vegetation Offsets to ensure that the scope of the Policy is clear. There have also been minor changes to provide generic agency references to avoid confusion if agency names change in the future.

#### **Council Plan**

Theme 3 Environmental Leadership  
Strategy 7 Protect significant habitats, landscapes and biodiversity

Theme 4 Sustainable Growth  
Strategy 11 Protect heritage and township character

Theme 2 A Healthy Connected Community  
Strategy 3 Facilitate the provision of social infrastructure and open space to enable healthy lifestyles

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

*Local Government Act 2020 – LGA 2020*

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

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

The Policy helps ensure that relevant state government guidelines are taken into consideration in decisions regarding first party native vegetation offsets. The Policy supports implementation of Victoria's *Guidelines for the removal, destruction or lopping of native vegetation* (and any subsequent approved regulations or guidelines) requiring approved clearing of native vegetation to have an offset that makes an equivalent or greater contribution to Victoria's biodiversity. The Policy also helps ensure that proposed offset areas meet eligibility requirements as defined by the State Government and Council.

#### **Policy/Relevant Law**

This Council decision will retain a policy position for Council as a land manager and owner and help support implementation of Victoria's *Guidelines for the removal, destruction or lopping of native vegetation* (and any subsequent approved regulations or guidelines).

### 6.3 Review of First Party Native Vegetation Offsets Policy

#### ***Environmental/Sustainability Implications***

The Policy supports Council's commitment to environmental leadership and the preservation and enhancement of the natural environment by requiring minimum standards and appropriate controls for native vegetation protection on private land. The Policy sets a position regarding first party native vegetation offset sites and the preference that such sites are owned or managed by landowners other than Council.

Council has not changed its position regarding the transfer of sites to Council, as part of a development, where significant biodiversity values exist. These are generally described as 'Conservation Reserves' and in most instances Council is willing to accept those parcels of land and manage them into the future to ensure the biodiversity values on the site are protected and enhanced.

#### ***Community Engagement***

External consultation has not taken place as Council is making a decision as a landowner/manager and not as a Planning Authority. The Policy will be made available to the public through Council's website.

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

Engagement Level	Promise to the Community	Role of Community	Example of Activities
Inform: Provide news and information to the community to help them understand.	Council will keep you informed.	Receive information.	Information sessions Provide information via media Social media posts On-site signage Direct mail Project updates Public meetings

#### ***Public Transparency***

The intention and recommendation to readopt the Policy is being reported to Council and is therefore a decision being made through a public process. The adopted Policy will be available on Council's website.

#### ***Financial Management***

Offset sites are secured through legal mechanisms and have significant ongoing management, monitoring and auditing costs. If Council were to accept an offset site as owner or land manager, Council would require an appropriate amount be transferred to Council with the land to compensate for future costs. The Policy states that Council's preferred position that first party offset sites should be owned and managed by land owners other than Council.

#### ***Service Performance***

The Policy provides clear direction to officers for consistent decision making. It also ensures that Council does not take on additional biodiversity conservation obligations for native vegetation offsets and that open space reserves owned by Council will remain publicly accessible and useable.

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

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

There are no other risks associated with adopting the Policy.

#### ***Communication***

The Policy, if re-adopted, will be made available on Council's website.



### **6.3 Review of First Party Native Vegetation Offsets Policy**

#### ***Options***

##### Option 1 – Readopt the Policy

This option is recommended by officers as the Policy is still relevant and applicable, provides clear direction on the issue and the changes proposed are minor.

##### Option 2 – Defer adoption of the Policy

This option is not recommended by officers as the Policy has been successfully applied since it was originally adopted and has been reviewed with only minor changes made.

##### Option 3 – Not adopt the Policy

This option is not recommended by officers as it would leave Council as a landowner without a policy position on this matter.

#### ***Conclusion***

The First Party Native Vegetation Offset Policy (the Policy) reinforces State Government requirements for offset sites and sets a clear policy position for Council as a landowner that first party offset sites should be owned and managed by others. The Policy provides clarity and certainty for permit holders, avoids the transfer to Council of significant ongoing management costs, and establishes good open space outcomes for the community. It is recommended that the revised Policy be adopted in the form proposed.

### **6.3 Review of First Party Native Vegetation Offsets Policy**

#### **APPENDIX 1 SCS-036 - FIRST PARTY NATIVE VEGETATION OFFSETS POLICY**



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COUNCIL POLICY

# SCS-036 First Party Native Vegetation Offsets Policy

TRIM Reference:

Due for Review:

**Responsible Officer:** General Manager Environment and Development

## Purpose

This policy outlines Surf Coast Shire Council's (Council) commitment to:

- Support implementation of Victoria's *Guidelines for the removal, destruction or lopping of native vegetation* (and any subsequent approved regulations or guidelines) requiring approved clearing of native vegetation to have an offset that makes an equivalent or greater contribution to Victoria's biodiversity.
- Ensure proposed offset areas meet eligibility requirements as defined by the State Government and Council.
- Provide direction to permit holders on the location of first party native vegetation offset areas (i.e. offsets are established on land owned by the permit holder).
- Confirm that native vegetation offset sites cannot be used as any part of Public Open Space Contributions.
- Ensure applicants bear responsibility for costs relating to the establishment and management of native vegetation offset areas.
- Further Council's commitment to environmental leadership and support the preservation and enhancement of the natural environment.

## Policy Principles

*To support Council's commitment to preserve and enhance the natural environment this policy ensures a minimum standard and appropriate controls for native vegetation protection on private land.*

## Scope

This policy is applicable to any planning permit application or planning approval under the Surf Coast Planning Scheme where native vegetation is proposed to be removed and a first party native vegetation offset is proposed.

## Policy

Council is committed to avoiding and minimising the loss of native vegetation in any proposal. It must be demonstrated to Council's satisfaction that these options have been fully explored and discounted prior to proposing the removal of native vegetation. Alternatives include: redesign of the proposal or a reduction in size of the development.

Offset sites must meet the eligibility criteria as outlined in section 1.1.

Native vegetation offset sites cannot be used as Public Open Space Contributions as outlined in Section 1.2.

First Party Offset sites should be incorporated into land owned and managed by landowners other than Council.

## 6.3 Review of First Party Native Vegetation Offsets Policy



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Council may, by resolution, agree to take over ownership of an offset site if such a proposal is of strategic benefit.

### 1.1 Eligibility

The offset site must be eligible to be an offset site, with eligibility confirmed against State government criteria and Council requirements including but not limited to the following:

#### **a) The site must be able to be protected by a legally binding offset security agreement**

An area of vegetation is eligible to be a First Party Offset site if the applicant can enter into a legally binding offset security agreement and commit to the following minimum security standards:

- Contains legally enforceable provisions
- Has no termination date
- Is approved by Council or the relevant State Government Department..

It is Council's preference for First Party Offset areas to be secured with a covenant under Section 3A of the *Victorian Conservation Trust Act 1972* (a Trust for Nature covenant) or an agreement with the Secretary to DELWP under Section 69 of the *Conservation, Forests and Lands Act 1987* (a Section 69 agreement).

The costs of securing any legally binding offset is the responsibility of the applicant.

#### **b) The site must not be subject to an existing offset or agreement**

It will need to be determined if the site is part of an existing offset or agreement such as a conservation covenant.

A site can only be eligible as an offset if it:

- a) has not already been used to offset the clearance of native vegetation;
- b) has not been subject to an agreement under an incentive or grant program to undertake actions equivalent to commitments in a first party general offset agreement;
- c) has not been designated as an area for native vegetation legislative enforcement purposes and is not already protected by an existing agreement..

#### **c) The applicant must agree to minimum management commitments**

For an area of native vegetation to be eligible to be an offset, the applicant must agree to minimum ongoing management commitments included in a **10 year** management plan. The management plan must be included in the legally binding offset security agreement. The following minimum commitments must form part of any management plan:

- Retain all standing trees (dead and alive)
- Exclude stock and other threats such as unregulated public access
- Ensure weed cover does not increase beyond the current level (Catchment and Land Protection Act 1994 and non-Catchment and Land Protection Act weeds combined)
- Monitor for any new and emerging weeds and eliminate to less than one percent cover
- Retain all logs, fallen timber and organic litter
- Control rabbits
- For grassland vegetation types, biomass management may be a requirement

Additional commitments will also be required to ensure the site meets eligibility criteria. For example, fencing may be required to control public use of the site to remove threats to long term conservation.

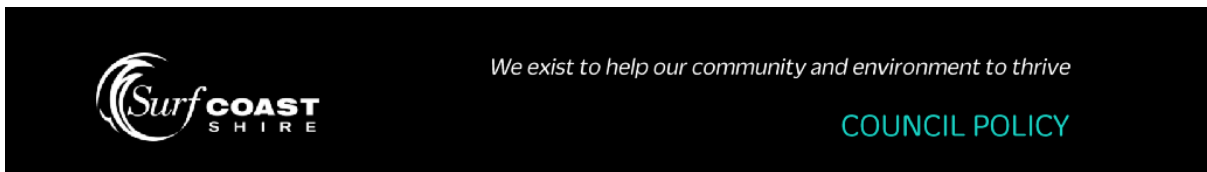
The offset site must be maintained in perpetuity at the condition achieved at the end of the first 10 years of the management plan.

#### **d) Current and future land use must be compatible with an offset site**

Incompatible uses include but are not limited to:

- Activities requiring removal of logs or trimming/clearing of understorey plants or trees
- Horse-riding, cycling or motorised vehicle use off established tracks

## 6.3 Review of First Party Native Vegetation Offsets Policy



- Unrestricted public access where walking or off-track cycling may require trimming to remove hazards or directly trample vegetation
- Infrastructure easements
- Cropping
- Earthworks
- Ongoing activities that are likely to degrade vegetation condition or restrict improvement in vegetation condition e.g. informal recreation, mowing, stormwater management, off-lead dog walking.

### e) The site must be free of current and future threats to the native vegetation condition

There must be no current or future threats to managing the native vegetation for conservation purposes. Examples of potential threats include but are not limited to:

- High levels of nutrient runoff
- Secondary salinity
- Continuing significant erosion which can't be controlled without impacting the vegetation
- Likely ongoing invasion of pest plants and animals
- Planned disturbances such as fuel reduction burning or flood mitigation

### f) The location and management of the offset site must be compatible with bushfire management

Management of an offset site should not be restricted by the need to take action to address bushfire hazards and should not increase the bushfire hazards of adjoining or nearby properties. Eligible sites must conform to the following:

- **Outside a Bushfire Management Overlay:** A site is not eligible to be an offset if it is within 50 metres of a dwelling or land (but not a road) in a residential zone. The 50 metres allows for any future modification of vegetation in order to create defensible space around a dwelling.
- **Within a Bushfire Management Overlay:** A site is not eligible to be an offset if it is within 150 metres of a dwelling or land (but not a road) in a residential zone, unless confirmation is obtained from the Country Fire Authority or relevant fire authority that the offset site will not increase bushfire risk. The 150 metres allows for any future modification of vegetation within the defensible space zone, and avoids increasing the bushfire hazard within the 150 metre assessment area.

### g) Minimum standards for patches of native vegetation

To be eligible to be an offset site patches of native vegetation must have a minimum 'site condition offset score' of 30 out of 75. If the offset is a treeless Ecological Vegetation Class, the site must have a minimum 'lack of weeds' score of 7 out of 15.

### 1.2 Native vegetation offset sites cannot be part of Public Open Space Contributions

Native vegetation offset sites are encumbered with permanent restrictions and requirements that make their management incompatible with many uses. Native vegetation offset sites cannot be used as Public Open Space Contributions.

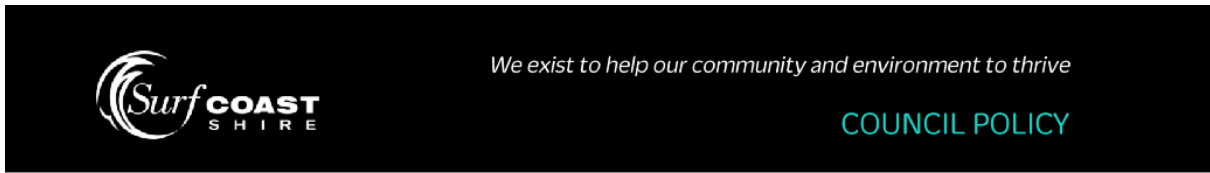
Offset sites are not compatible with some open space reserve functions including active recreation, walking trails and stormwater management. In many cases public access and the risk management practices necessary to allow public use may conflict with the primary function of the site for native vegetation offsets and biodiversity conservation.

### 1.3 Long term ownership and management of First Party Offset sites

Council's preference is for First Party Offsets to be incorporated into allotments owned and managed by land owners other than Council.

If Council determines an offset site to be of strategic significance, it may consider accepting ownership of the land. This decision must be ratified at an ordinary Council meeting. In the event of Council accepting a transferral of land, the offset site must be secured by a Trust for Nature covenant or Section 69

### 6.3 Review of First Party Native Vegetation Offsets Policy



agreement. A Section 173 agreement under the Planning and Environment Act cannot be used to secure the offset.

#### Definitions

Native vegetation offset = An offset that provides an equivalent or greater contribution to Victoria's biodiversity in exchange for the legal removal of native vegetation through the issue of a planning permit.

First Party Offset = A native vegetation offset secured on the landowner's privately owned land (excluding all publicly owned land or Crown Land).

Public Open Space Contribution = In this case, a land contribution as a public open space contribution under section 18 of the Subdivision Act 1988 or Clause 52.01 of the planning scheme.

#### References

- Guidelines for the removal, destruction and lopping of native vegetation, Department of Environment, Land, Water and Planning, 2017
- Native vegetation gain scoring manual, Version 2, Department of Environment, Land, Water and Planning, 2017
- First Party Offset Guide, Department of Environment, Land, Water and Planning, 2018

#### Document History

Version	Document History	Approved by – Date
1		Council resolution – 27 March 2018
2	Scheduled Review	TBC

**6.3 Review of First Party Native Vegetation Offsets Policy**

**APPENDIX 2 SCS-036 - FIRST PARTY NATIVE VEGETATION OFFSETS POLICY - TRACK CHANGES**



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COUNCIL POLICY

## SCS-036 ~~First Party~~ Native Vegetation Offsets Policy

TRIM Reference: Due for Review:  
Responsible Officer: General Manager Environment and Development

### Purpose

This policy outlines Surf Coast Shire Council's (Council) commitment to:

- Support implementation of Victoria's *Guidelines for the removal, destruction or lopping of native vegetation* (and any subsequent approved regulations or guidelines) requiring approved clearing of native vegetation to have an offset that makes an equivalent or greater contribution to Victoria's biodiversity.
- Ensure proposed offset areas meet eligibility requirements as defined by the State Government and Council.
- Provide direction to permit holders on the location of first party native vegetation offset areas (i.e. offsets are established on land owned by the permit holder).
- Confirm that native vegetation offset sites cannot be used as any part of Public Open Space Contributions.
- Ensure applicants bear responsibility for costs relating to the establishment and management of native vegetation offset areas.
- Further Council's commitment to environmental leadership and support the preservation and enhancement of the natural environment.

### Policy Principles

*To support the Surf Coast Shire Council's commitment to preserve and enhance the natural environment this policy ensures a minimum standard and appropriate controls for native vegetation protection on private land. <A statement outlining the principles that underpin this policy — why the policy is needed>*

*EXAMPLE: This policy assists Surf Coast Shire Council control of its investment decisions to meet its infrastructure and service responsibilities, promotes local and regional economic development and employment growth, and is best placed to plan for, deliver and manage essential local infrastructure*

### Scope

*This policy applies to all proposals for native vegetation removal where planning approval is required and where the applicant is proposing a First Party Offset.*


This policy is applicable to any planning permit application or planning approval under the Surf Coast Planning Scheme where native vegetation is proposed to be removed and a first party native vegetation offset is proposed.

### Policy

Council is committed to avoiding and minimising the loss of native vegetation in any proposal. It must be demonstrated to Council's satisfaction that these options have been fully explored and discounted prior to proposing the removal of native vegetation. Alternatives include: redesign of the proposal or a reduction in size of the development.



## 6.3 Review of First Party Native Vegetation Offsets Policy

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Offset sites must meet the eligibility criteria as outlined in section 1.1.

Native vegetation offset sites cannot be used as Public Open Space Contributions as outlined in Section 1.2.

First Party Offset sites should be incorporated into land owned and managed by landowners other than Council.

Council may, ~~at its discretion,~~ by Council resolution, agree to take over ownership of an offset site if such a proposal is of strategic benefit.

### 1.1 Eligibility

The offset site must be eligible to be an offset site, with eligibility confirmed against State government criteria and Council requirements including but not limited to the following:

**a) The site must be able to be protected by a legally binding offset security agreement**

An area of vegetation is eligible to be a First Party Offset site if the applicant can enter into a legally binding offset security agreement and commit to the following minimum security standards:

- Contains legally enforceable provisions
- Has no termination date
- Is approved by Council or the ~~relevant State Government Department Department of Environment, Land, Water and Planning (DELWP).~~

It is Council's preference for First Party Offset areas to be secured with a covenant under Section 3A of the *Victorian Conservation Trust Act 1972* (a Trust for Nature covenant) ~~or an agreement with the Secretary to DELWP under Section 69 of the Conservation, Forests and Lands Act 1987 (a Section 69 agreement).~~

The costs of securing any legally binding offset is the responsibility of the applicant.

**b) The site must not be subject to an existing offset or agreement**

~~Is it will need to be determined if the site is~~ part of an existing offset or agreement such as a conservation covenant? ~~?~~

A site can only be eligible as an offset if it:

- a) has not already been used to offset the clearance of native vegetation;
- b) ~~has not been subject to an agreement under an incentive or grant program to undertake actions~~ equivalent to commitments in a first party general offset agreement;
- c) ~~has not been designated as an area for native vegetation legislative enforcement purposes and is not already protected by an existing agreement (e.g. a conservation covenant).~~

**c) The applicant must agree to minimum management commitments**

For an area of native vegetation to be eligible to be an offset, the applicant must agree to minimum ongoing management commitments included in a **10 year** management plan. The management plan must be included in the legally binding offset security agreement. The following minimum commitments must form part of any management plan:

- Retain all standing trees (dead and alive)
- Exclude stock and other threats such as unregulated public access
- Ensure weed cover does not increase beyond the current level (Catchment and Land Protection Act ~~1994~~ and non-Catchment and Land Protection Act weeds combined)
- Monitor for any new and emerging weeds and eliminate to less than one percent cover
- Retain ~~all logs, fallen logs and timber and organic litter~~
- Control rabbits
- ~~For grassland vegetation types, biomass management may be a requirement~~

**Commented [LN1]:** To avoid confusion if department changes name

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## 6.3 Review of First Party Native Vegetation Offsets Policy



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Additional commitments will also be required to ensure the site meets eligibility criteria. For example, fencing and formed pathways may be required to control public use of the site to remove threats to long term conservation.

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The offset site must be maintained in perpetuity at the condition achieved at the end of the first 10 years of the management plan.

### d) Current and future land use must be compatible with an offset site

Incompatible uses include but are not limited to:

- Activities requiring removal of logs or trimming/clearing of understorey plants or trees
- Horse-riding, cycling or motorised vehicle use off established tracks
- Unrestricted public access where walking or off-track cycling may require trimming to remove hazards or directly trample vegetation
- Infrastructure easements
- Cropping
- Earthworks
- Ongoing activities that are likely to degrade vegetation condition or restrict improvement in vegetation condition e.g. informal recreation, mowing, stormwater management, off-lead dog walking.

### e) The site must be free of current and future threats to the native vegetation condition

There must be no current or future threats to managing the native vegetation for conservation purposes. Examples of potential threats include but are not limited to:

- High levels of nutrient runoff
- Secondary salinity
- Continuing significant erosion which can't be controlled without impacting the vegetation
- Likely ongoing invasion of pest plants and animals
- Planned disturbances such as fuel reduction burning or flood mitigation

### f) The location and management of the offset site must be compatible with bushfire management

Management of an offset site should not be restricted by the need to take action to address bushfire hazards and should not increase the bushfire hazards of adjoining or nearby properties. Eligible sites must conform to the following:

- **Outside a Bushfire Management Overlay:** A site is not eligible to be an offset if it is within 50 metres of a dwelling or land (but not a road) in a residential zone. The 50 metres allows for any future modification of vegetation in order to create defensible space around a dwelling.
- **Within a Bushfire Management Overlay:** A site is not eligible to be an offset if it is within 150 metres of a dwelling or land (but not a road) in a residential zone, unless confirmation is obtained from the Country Fire Authority or [local government Municipal Fire Prevention Officer relevant fire authority](#) that the offset site will not increase bushfire risk. The 150 metres allows for any future modification of vegetation within the defensible space zone, and avoids increasing the bushfire hazard within the 150 metre assessment area.

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### g) Minimum standards for patches of native vegetation


To be eligible to be an offset site patches of native vegetation must have a minimum 'site condition offset score' of 30 out of 75. If the offset is a treeless Ecological Vegetation Class, the site must have a minimum 'lack of weeds' score of 7 out of 15.

### 1.2 Native vegetation offset sites cannot be part of Public Open Space Contributions

Native vegetation offset sites are encumbered with permanent restrictions and requirements that make their management incompatible with many uses. Native vegetation offset sites cannot be used as Public Open Space Contributions.

Offset sites are not compatible with some open space reserve functions including active recreation, walking trails and stormwater management. In many cases public access and the risk management

## 6.3 Review of First Party Native Vegetation Offsets Policy



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practices necessary to allow public use may conflict with the primary function of the site for native vegetation offsets and biodiversity conservation.

### 1.3 Long term ownership and management of First Party Offset sites

Council's preference is for First Party Offsets to be incorporated into allotments owned and managed by land owners other than Council.

If Council determines an offset site to be of strategic significance, it may consider accepting ownership of the land. This decision must be ratified at an ordinary Council meeting. In the event of Council accepting a transferral of land, the offset site must be secured by a Trust for Nature covenant or Section 69 agreement. A Section 173 agreement under the Planning and Environment Act cannot be used to secure the offset.

### Definitions

Native vegetation offset = An offset that provides an equivalent or greater contribution to Victoria's biodiversity in exchange for the legal removal of native vegetation through the issue of a planning permit.

First Party Offset = A secured native vegetation offset secured on the landowner's privately owned land (excluding all publicly owned land or Crown Land).

Public Open Space Contribution = In this case, a land contribution as a public open space contribution under section 18 of the Subdivision Act 1988 or Clause 52.01 of the planning scheme.

### References ~~ated~~ Procedure

- Guidelines for the removal, destruction and lopping of native vegetation, Department of Environment, Land, Water and Planning, 2017
- Native vegetation gain scoring manual, Version 2, Department of Environment, Land, Water and Planning, 2017
- First Party Offset Guide, Department of Environment, Land, Water and Planning, 2018

### References

<Include other documentation, e.g. Legislation, Policies, Standards, Forms, etc.>

### Document History

Version	Document History	Approved by – Date
1		Council resolution – 27 March 2018
2	Scheduled Review	TBC

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#### 6.4 Environment & Development Monthly Report - November to December 2021

**Author's Title:** Executive Assistant

**General Manager:** Ransce Salan

**Department:** Environment & Development

**File No:** F18/1519-3

**Division:** Environment & Development

**Trim No:** IC21/2022

**Appendix:**

Nil

**Officer Conflict of Interest:**

In accordance with Local Government Act 2020 –  
Section 130:

Yes

No

**Status:**

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

Yes

No

**Reason:** Nil

**Reason:** Nil

#### Purpose

The purpose of this report is to receive and note the Environment & Development activity report for November to December 2021.

#### Summary

The activity report provides an overview of the Environment & Development Division's key activities undertaken in November to December 2021.

#### Recommendation

That Council receives the Environment & Development Activity Report for November to December 2021, and notes the following items:

1. In December, 88.4% of planning permit applications were determined within 60 statutory days.
2. The Planning Compliance team closed 25 investigations during this period.
3. Throughout 2021, the Environmental Health team conducted a wide range of services including food safety inspections, food premises complaint investigations and noise complaint investigations.
4. Council's emergency team took part in an exercise scenario with response agencies to test a new community evacuation modelling framework. The scenario involved Lorne, Airey Inlet and Anglesea unable to evacuate due to it being unsafe to travel on the Great Ocean Road on an Extreme Fire Risk Day under a running bushfire.
5. Council has received State Government approval for a \$250,000 Grant Application under the Outdoor Activation Program.
6. The buy-local campaign, *Inspired by Surf Coast* recently celebrated its first birthday. This campaign has promoted over 600 local businesses and shared inspiring business stories, reaching 480,000 people and gaining 1,800+ followers on both Facebook and Instagram.
7. A new Surf Coast Ride Guide has just been released by the Economic Development & Tourism team. The Guide will help visitors and locals alike explore and discover the network of trails around Anglesea by bike.
8. A recently completed Australian National Surfing Museum (ANSM) Collection Significance Assessment by Dr Megan Cardamone has identified the ANSM collection as being of national and international significance.
9. A consultant has been engaged and work has commenced on the first stage of a review into Council's Early Years Services.
10. The Ranger Services team completed 648 CRMs during this period with 99.6% of these completed in the target time frame. The December CRM numbers were a 25% increase on the previous year.
11. Community feedback was sought through November on the draft Domestic Animal Management Plan (DAMP). Officers have compiled feedback received and made minor amendments to the draft DAMP to reflect this. A final version of the DAMP will be presented to Council in January for adoption.
12. The Building Compliance team opened 29 investigations during this period.

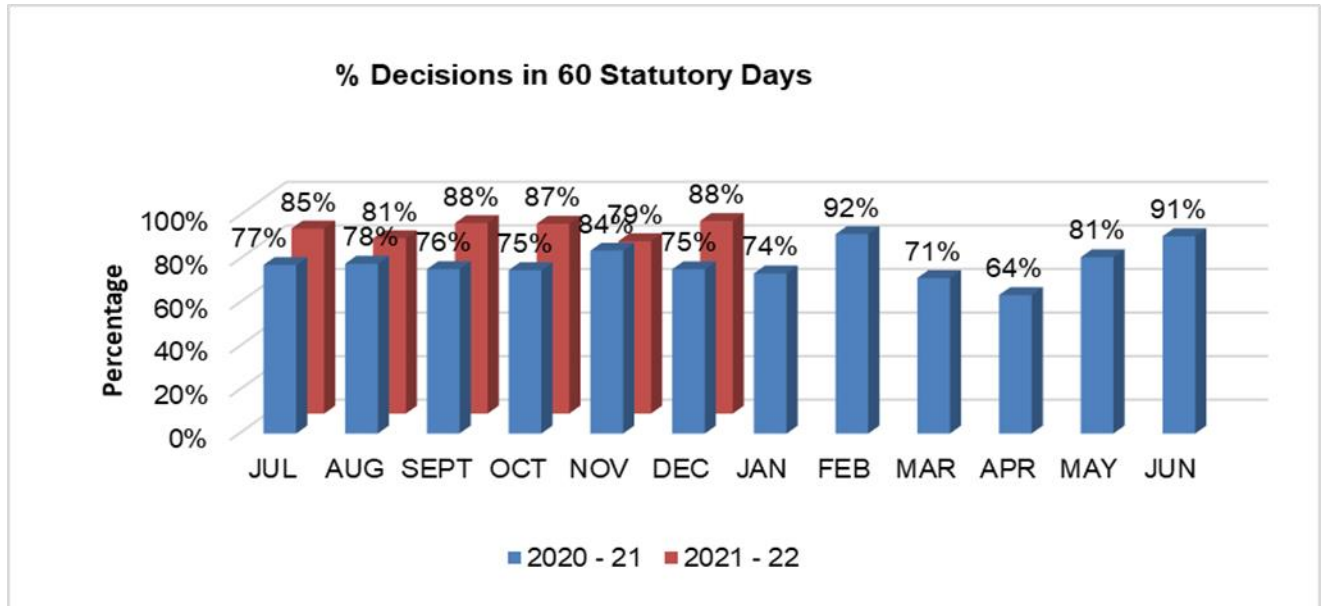
**6.4 Environment & Development Monthly Report - November to December 2021**

**PLANNING & DEVELOPMENT**

**Statutory Planning**

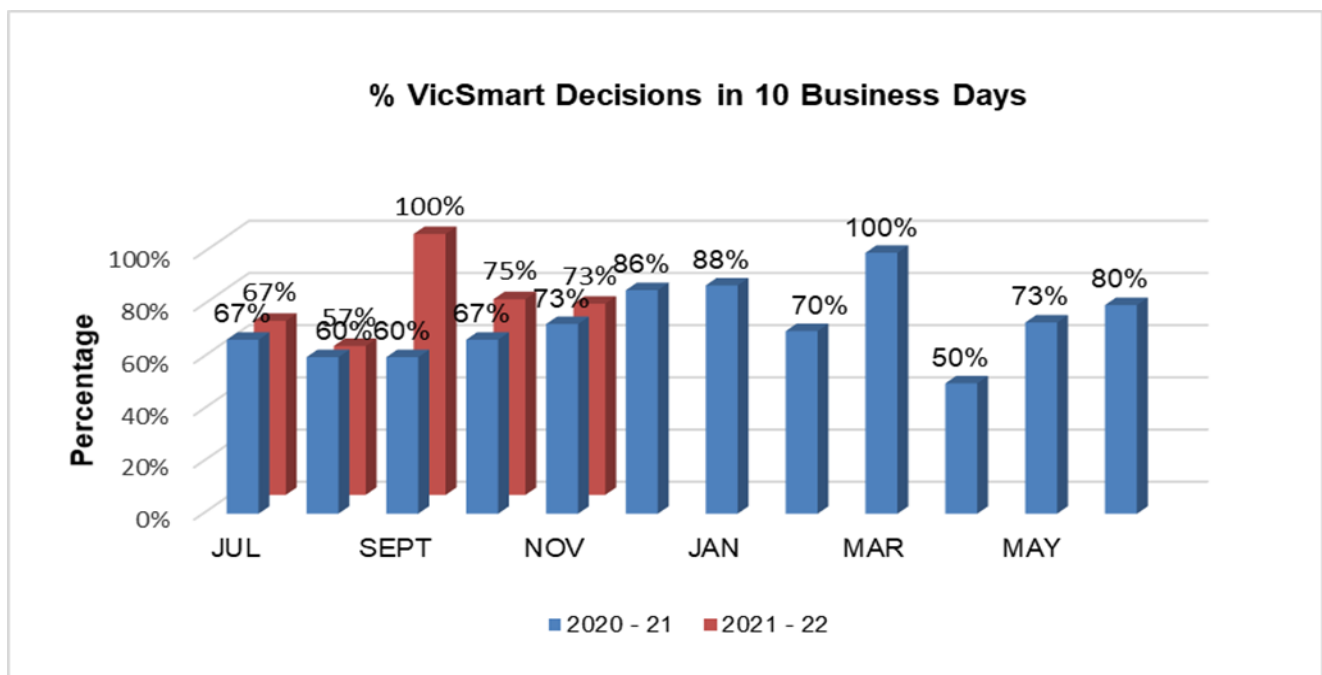
**Measure: 60 Statutory Days**

The result for November 2021 were 79.2% of applications determined within 60 statutory days.  
The result for December 2021 were 88.4 % of applications determined within 60 statutory days.



**Measure: VicSmart (95% completed within 10 business days from the date of lodgement)**

November 2021 – 73.3% of VicSmart applications were determined within 10 business days.  
December 2021 – The data for VicSmart applications was not available at the time this report was written.



**Measure: ePlanning Portal Applications Received**

The percentages of applications lodged via the ePlanning portal for:

- November 2021 - 55.08%

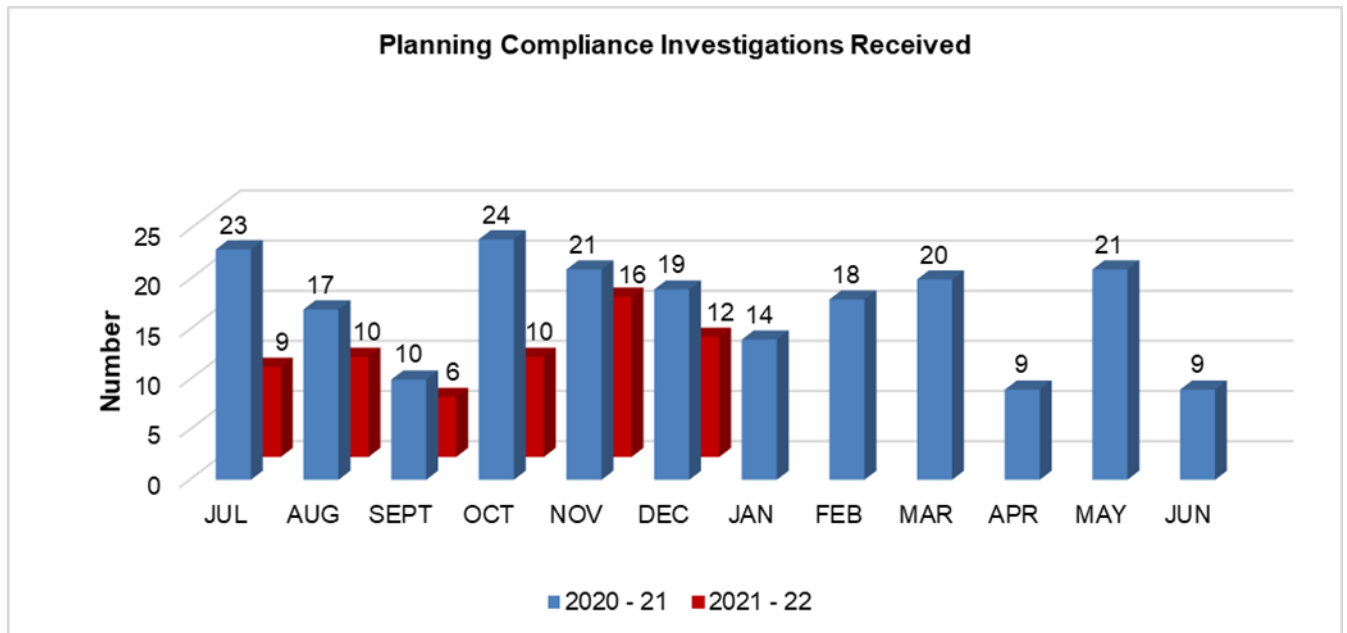
### 6.4 Environment & Development Monthly Report - November to December 2021

- December 2021 – 65.66%

#### Planning Compliance

The number of new compliance investigations received are:

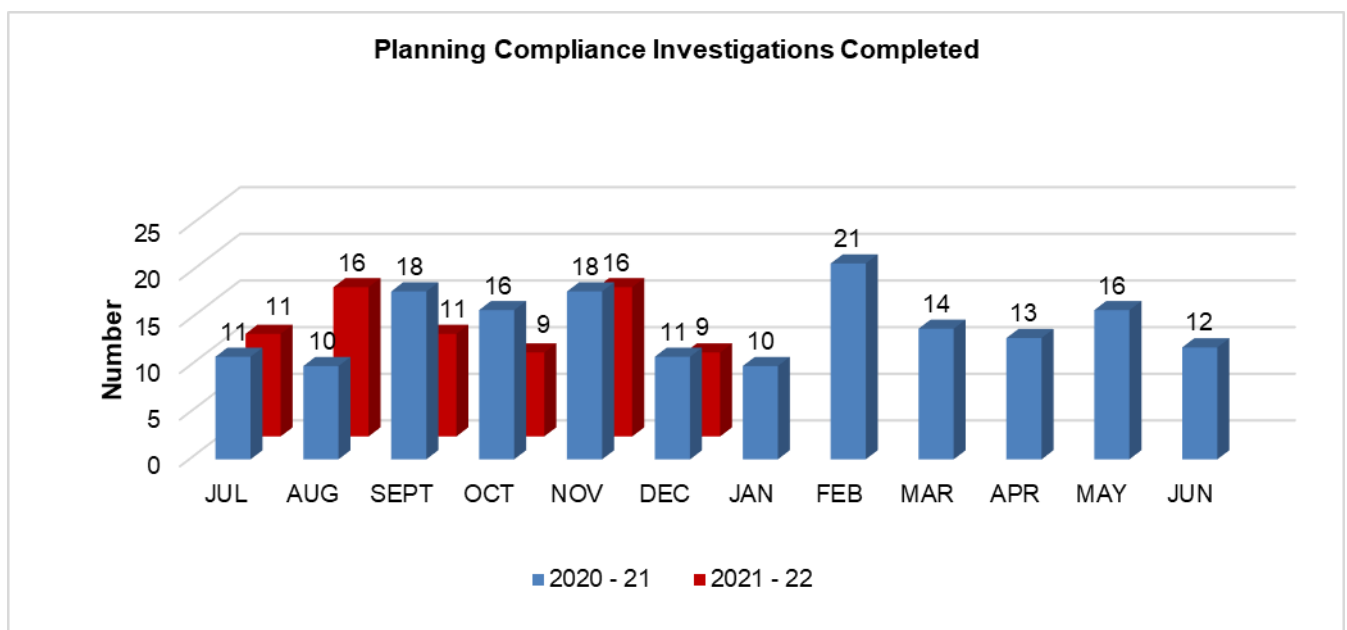
- 16 in November 2021
- 12 in December 2021.



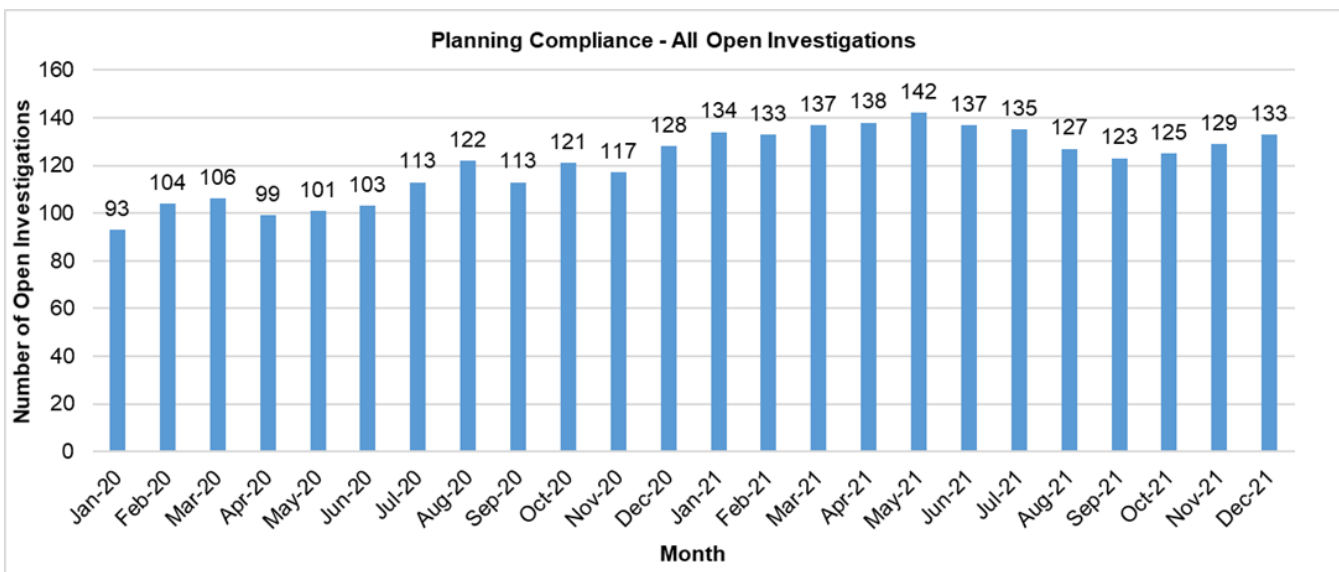
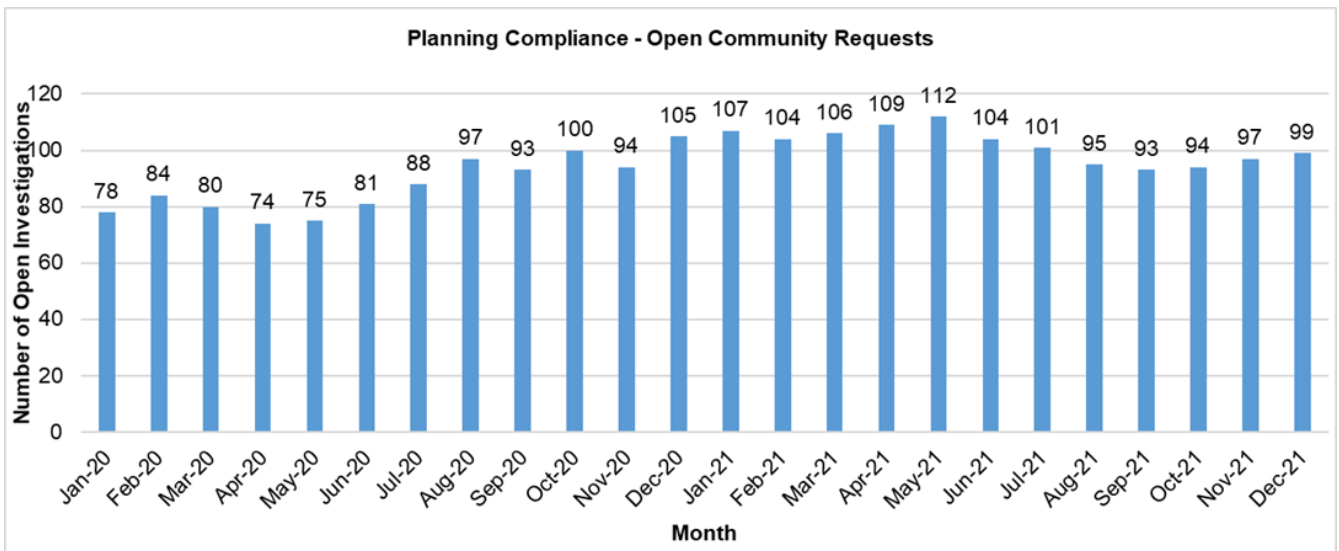
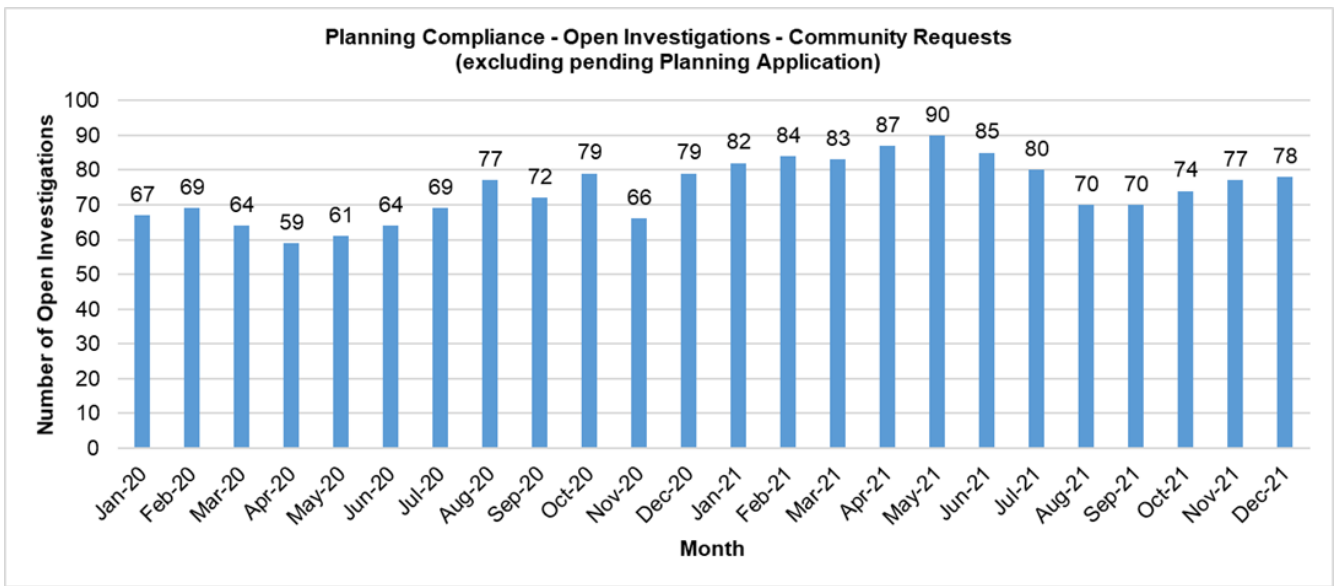
#### **Measure: Compliance Open Investigations**

The Planning Compliance team completed the following investigations:

- 16 in November 2021
- 9 in December 2021.



6.4 Environment & Development Monthly Report - November to December 2021



## 6.4 Environment & Development Monthly Report - November to December 2021

### Victorian Civil and Administrative Appeals Tribunal (VCAT) Decisions

**Six decisions were made during November 2021 – these are outlined below:**

#### **20/0033 – 460 Grossmans Road, Bellbrae – Affirmed – 11 November 2021**

**Key Issues:** Intrusion of an urban use (motor vehicle repairs being an industrial use) outside town boundary, loss of agricultural land, visual impact on key road corridors and management of waste and stormwater.

**Outcome:** Refusal of motor vehicle repairs in the Farming Zone was upheld.

#### **20/0217 – 17 Fernald Ave, Anglesea – Affirmed – 9 November 2021**

**Key Issues:** Large double storey outbuilding proposed to be constructed on a common boundary that did not comply with setbacks, height, design detail and site coverage under NCO3 (Neighbourhood Character Overlay). Permit was refused on the basis that the proposal was incompatible with the existing and preferred neighbourhood character of Anglesea.

**Outcome:** Refusal based on neighbourhood character. Verbal decision to uphold Council's refusal given by the Member on the day.

#### **20/0242 – 3 Hall Street, Lorne – Set Aside – 3 November 2021**

**Key Issues:** Construction of fence under Schedule 12 to the Design and Development Overlay. Permit applicant withdrawing from proceeding after Council decision has been made. Refusal by consent.

**Outcome:** The application sought approval for the construction of a 2.0m high fence to a side boundary. Council approved the grant of a permit and the application for review was brought by an objector neighbour. The permit applicant decided to not proceed with the construction of the fence and therefore with the consent of all parties to the application for review an order was sought and issued by the Tribunal to set aside Council's decision and refuse to grant a permit. The merits of the application were not reviewed by the Tribunal.

#### **20/0290 – 27 Hopetoun Tce, Lorne – Varied – 17 November 2021**

**Key Issues:** View sharing

**Outcome:** The application for review was brought by two of the objectors, one neighbouring the application site and the other on the opposite side of the road, on the basis that the proposal did not provide for a reasonable sharing of views. The member stated that they have given weight in each case to the overall range and extent of views available and that they are satisfied that the proposal has been designed to achieve a reasonable sharing of views to significant landscape features from the objectors properties in accordance with the objectives of the Neighbourhood Character Overlay - Schedule 2. Permit issued with the decision varied to including a condition requiring a landscape plan.

#### **16/0325 – 35 Larcombes Road, Moriac – Withdrawn/Struck Out – 3 November 2021**

**Key Issues:** Use ceased and no further permissions sought.

**Outcome:** Matter mediated through enforcement VCAT proceedings and did not proceed to hearing for planning proceedings.

**Two Decisions were made during December 2021 – these are outlined below:**

#### **19/0292 – 350 Coombes Road, Freshwater Creek Vic 3217 – Withdrawn/Struck Out – 14 December 2021**

**Key Issues:** Intrusion on green break outside town boundary, loss of agricultural land, recommendation of Great Ocean Road Standing Advisory Committee

**Outcome:** Application for a camping and caravan park that followed a previous application that was refused by Council and VCAT. Current proposal of a smaller scale but raising similar issues of being contrary to strategic directions to maintain urban development within town boundaries and protecting the green break of the Thompson Valley. The application was referred to the Great Ocean Road Standing Advisory Committee which recommended that the application be refused on this strategic basis. Council determined to refuse to grant a permit and the applicant sought a review of this decision. The applicant then withdrew the review application and VCAT affirmed the decision to refuse a permit.

#### **20/0331 – 5 Marian Street, Aireys Inlet Vic 3231 – Varied – 10 December 2021**

**Key Issues:** View sharing



## 6.4 Environment & Development Monthly Report - November to December 2021

**Outcome:** The application sought permission for the construction of a new two storey dwelling replacing the existing. Council granted a permit finding that the proposed development represented an acceptable outcome, including providing for a reasonable sharing of views. The application for review was brought by objectors. At compulsory conference a mediated outcome was reached that the proposed building will be reduced in height by 0.3m. As a result Council's decision was varied, with a permit granted conditionally requiring amended plans that reduce the height as agreed.

### Current Strategic Planning Projects

- **Moriac Structure Plan:** Officers have prepared a draft Background Report to inform the first rounds of community engagement. The report presents a significant amount of information about Moriac and introduces a number of key issues and opportunities to prompt conversations with the community. The report is currently in the process of being independently reviewed. Once the review and editing process is complete the Background Report will be presented to Councillors prior to its public release.
- **Distinctive Areas and Landscapes Program (DAL):** Council is currently awaiting receipt of the final draft Surf Coast Statement of Planning Policy (SPP). The DAL area has been re-declared to provide DELWP more time to complete the SPP.

### Planning Scheme Amendments

- **C126:** 125-135 Strathmore Drive proposed rezoning from Low Density Residential Zone to General Residential Zone is on hold pending DAL project outcomes.
- **C133:** Rural Hinterland Futures Amendment implements the planning recommendations of the Rural Hinterland Futures Strategy 2019. The amendment was placed on exhibition in October 2021. Following exhibition Council received a number of submissions, and in November Council resolved to refer submissions to an independent Planning Panel for review. A Planning Panel is scheduled to be held in February 2021.
- **C134:** Winchelsea Commercial Area Guidelines Implementation – This amendment was exhibited between October and November 2021. Following exhibition Council received two submissions to the amendment. Officers are currently communicating with submitters to further explore matters of concern.
- **C138:** 25 Cressy Road, Winchelsea – Proposes the rezoning of Farming Zone land in Winchelsea to create 22 lots zoned for the purposes of industrial use and development (INZ1). Council recently received further information prepared by the proponent at the request of Council and other agencies. The revised background reports will be reviewed and referred to the relevant internal and external departments before a decision is made to progress the rezoning request.
- **C139:** The Torquay-Jan Juc DCP review was placed on public exhibition in November 2021. Council received two submissions to the amendment. Officers are currently communicating with both submitters with a view to resolving the concerns outlined.
- **GC 183** – Proposes an amendment to both the Surf Coast Planning Scheme and Golden Plains Planning Scheme to implement the recommendations in the Stage 2C Heritage Study. The amendment was exhibited between 11 November and 13 December 2021. To date Council has received one submission to the amendment.
- **C140** – This amendment is an 'anomalies' or correctional amendment to the Surf Coast Planning Scheme. Amendment C140 includes the correction of minor mapping and wording errors. A report seeking Council's support to progress the amendment towards exhibition was presented at the November 2021 Ordinary Council Meeting. C140 is likely to be placed on public exhibition early in 2022.

### Development Plans

- **Briody Drive West Development Plan (amended):** applies to land bounded by Grossmans Road, Messmate Road and Illawong Drive in multiple ownership. The development plan was approved by Council in 2017 and an application to amend the plan has been received is under consideration. The amendment would make significant changes, which include the addition of a retirement village. The implications of the changes are complex and discussions with the applicant are ongoing. Officers are currently considering the level of upgrade required for Briody Drive, and the funding implications in respect of the DCP and Development Plan.

## **6.4 Environment & Development Monthly Report - November to December 2021**

### **Other (Strategic Planning)**

- The Strategic Planning Team is continuing to participate in a range of social and affordable housing related forums related to the State Government's announced 'Big Build' initiatives and the G21 Social Housing Strategy.
- Torquay-Jan Juc Retail and Employment Land Strategy (TJJ RELS): A Planning Scheme Amendment to implement the recommendations of the Strategy into the Surf Coast Planning Scheme will be prepared and exhibited in 2022.

## **ENVIRONMENT & COMMUNITY SAFETY**

### **Environmental Health**

#### **Environmental Health – 2021 Summary**

To help protect the health and wellbeing of our community, Council's environmental health services during 2021 conducted:

- 516 food safety inspections of food businesses;
- 43 food premises complaint investigations;
- 38 health & hygiene inspections of registered beauty and personal care businesses;
- 68 inspections of registered accommodation premises;
- 8 gastrointestinal outbreak investigations in childcare;
- 45 noise complaint investigations;
- 44 pollution, odour and pest complaint investigations;
- 124 wastewater (septic tank) inspections;
- 99 septic permits issued and 86 approvals to use septic tank systems issued;
- 75 tobacco audits of eating establishments and tobacco retailers;
- 1,794 vaccinations delivered to infants and adolescents; and
- 61 public immunisation sessions and 5 school sessions held.

### **Community Emergency Management**

#### **COVID Relief**

Council continues to be available to provide food or other relief services to people isolating or quarantining due to COVID-19. Officer's work closely with relief services operating in our community's to provide relief. With our very resilient community, over 99% of those impacted have been able to arrange support through friends and family networks while they have been in isolation and therefore have not needed to call on Council's support. With the Omicron outbreak numbers growing so quickly, this situation may change.

#### **ICC Evacuation Modelling Exercise**

Council's emergency team took part in an exercise scenario with response agencies to test a new community evacuation modelling framework. The scenario involved Lorne, Airey Inlet and Anglesea unable to evacuate due to it being unsafe to travel on the Great Ocean Road on an Extreme Fire Risk Day under a running bushfire. Police and fire agencies worked through their decision making framework using the new Local Response Plans, officers have assisted develop. The exercise highlighted the difficulties in safely evacuating our coastal communities during a bushfire and the need to continue our community emergency planning to build resilience and connectedness in these townships. It also highlighted the need to request relief support at a state level early. The key message remains to leave early in the morning of any extreme fire danger day.

#### **CFA Brigade Advisory Group**

Our biannual meeting with CFA Brigade Captains was held in December. Council brings together Captains from across the Shire to discuss current fire risks and raise issues. Brigades are seeing significant grass fuel loads in the north of the shire this year, increasing the grassfire risk. Captains were happy to see the new Mt Gellibrand fire tower ready for operation this summer, a project Council had contributed to. Officers also reported on the submission of a grant to increase fire water storage in the Paraparap response area.

## 6.4 Environment & Development Monthly Report - November to December 2021

### Recovery Inception Blueprint

Officers have worked with Colac-Otway and Corangamite Shires to develop a Recovery Blueprint - a guide to roles and key responsibilities during the early phase of emergency recovery. In a large emergency staff from across the Shire will be required to support Council's recovery efforts with everything from the operational roles of opening roads, providing logistical support to residents with extra waste collection and advice on how to get the support they need to ensuring funding is established from state. This Recovery Blueprint is the first of its kind within the State and will assist Council to scale up quickly and effectively in times of high demand.

## ECONOMIC DEVELOPMENT & TOURISM

### Economic Development

Links to Surf Coast Shire Council Plan:  
*Strategy 5: Robust and Diverse Economy*

Links to Surf Coast Shire Economic Development Strategy:  
*Business Goal 2. A thriving and connected business community.*

### Outdoor Activation Grant Success

Council has received State Government approval for a \$250,000 Grant Application under the Outdoor Activation Program. Successful projects include:

- Waived permit fees for hair & beauty businesses
- Outdoor Activation Marketing Campaign featuring local businesses in our buy local campaign, Inspired by Surf Coast, Explore Surf Coast (tourism) and Surf Coast Events.
- A photographer to complete a tourism destination library photo refresh
- Inspired Performers program (1-1 Specialist Musicians)
- Creative Specialist Content Creation Packages
- Event infrastructure to support outdoor activation
- Commercial Waste Reduction Program (Be Alternative)

A grant application for a further \$250,000 under 'Outdoor Activation: Semi permanent & permanent precinct improvements' is pending approval.

This will bring the total grant funding secured by Economic Development for Business Support initiatives to \$840,000 since September 2020.

### **Inspired by Surf Coast Campaign Turns One!**

Our very popular buy-local campaign, *Inspired by Surf Coast* recently celebrated its first birthday!

Our team has genuinely enjoyed working on this campaign, promoting over 600 local businesses and sharing inspiring business stories, reaching 480,000 people and gaining 1,800+ followers on both Facebook and Instagram.

We are very grateful to live and work in such a beautiful place and have made a short video to mark the one-year milestone of *Inspired by Surf Coast*. The video link is [happy 1st birthday V2.mp4 - Google Drive](#).

### COVIDSafe Business Support Officers

Council received a \$30,000 extension to a \$60,000 grant to employ a COVIDSafe Business Support Officer to provide additional support to businesses to understand and respond to COVID-19 restrictions as they changed. Two part-time officers have now finished and a new full time officer will commence on 12 January until 30 June 2022. Since the commencement of the program staff visited and or spoke with over 150 businesses to help navigate the changing COVID restrictions for business. The visits and information provided were very appreciated by businesses.



### **Surf Coast Ride Guide is Launched!**

A new Surf Coast Ride Guide has just been released by the Economic Development & Tourism team.

## 6.4 Environment & Development Monthly Report - November to December 2021

The Guide will help visitors and locals alike explore and discover the network of trails around Anglesea by bike. It includes a legend to match ride types to ability and the ride experience. There are also some suggested trails to get started.

Surf Coast Ride Guide has been created with assistance from Surf Coast MTB Club and local riders.

The Ride Guide has been available in Visitor Information Centres and selected retailers from 17 December 2021, with additional online content to be announced in 2022.

### **Visitor Information Centres**

Links to Surf Coast Shire Council Plan:

*Strategy 13: Support Tourism and Events That Encourage People To Stay Longer And Appreciate And Care For This Place*

Links to Surf Coast Shire Economic Development Strategy:

*People Goal 1. Slow and purposeful tourism*

Visitor Information services have seen a steady increase in foot traffic and enquiries since the lessening of COVID restrictions in November 2021. As a result, the VICs have been preparing for a return to our busy summer season.

### **Volunteer Morning Teas**

December has seen Visitor Information services staff meet with volunteers from Winchelsea, Anglesea, Lorne and Torquay. The morning and afternoon tea events have provided great opportunity to reconnect with those who are enthusiastic about returning to service.

Centre updates are as follows-

- Lorne and Torquay VICs recommence with volunteer staff in the week prior the Christmas, helping provide a 7 day a week service.
- Anglesea VIC will resume volunteer operations after Boxing Day - operating 4 days per week.
- Winchelsea services will resume following completion of works in the former Winchelsea Shire Hall (historically Friday – Sunday) - anticipated service start date February 2022. In the interim, a number of very successful digital campaigns have been rolled out to ensure coverage.

### ***Eat Well Christmas Campaign***

Tourism and economic development, in partnership with GORRT teamed up to undertake a pre-Christmas feature - *Eat Well Christmas with Emma Dean* - that aired on Channel 9 on Sunday 11 December.

The *Eat Well Christmas* episode showcased several of our hinterland producers as Emma worked with known chefs to create a variety of Christmas meals. Producers included, Michael Hastings – Ostrich Farm, Hot Chilli Mama, Glenkeen Honey, Otway Walnuts, Freshwater Creek Garlic, Stir Crazy, Kinsfolk Farm, Otway Olives, Surf Coast Strawberry Fields, Coast n Smoke, Ocean Grind, Hilbilby and others. There is also a potential for one of the products to be featured in Master Chef.

The feedback from involved businesses has been positive. In addition, it has also led to new collaborations between participating businesses.

The Channel 9 feature was followed by the *Eat Well Magazine* which hit the shelves on December 16 and then the social media and EDM campaign rolling out until the 24 December. Additional retail business such as The Light Box – ceramics – are featured in the *Eat Well Magazine*.



Council's investment was \$10,000 and made possible from funding received under the \$75,000 to Great Ocean Road Regional Tourism as part of the COVID Recovery Program.

## 6.4 Environment & Development Monthly Report - November to December 2021

### Our Backyard Campaign

This campaign features locals and community storytellers sharing their favourite Surf Coast locations and highlights. In October, Explore Surf Coast developed and released 12 vignettes to share these local stories. To date, this campaign has reached 86,498 views and experienced 3,395 link clicks to the website. The most popular vignettes to date are:

- Jake from Bike Matters speaking in relation to Mountain Bike experiences (12,943 views),
- Barwon Park Mansion (10,886 views),
- Surf Coast Walk/ Point Addis and the Happy Runner (8,360 views) and;
- Graeme Wilkie speaking on the Lorne Biennale and QDOS (8,285 views).

The campaign is still underway with final campaign figures available in late January. Further product for the campaign will be developed in 2022.

### Australian National Surf Museum

As visitor confidence grows and state border restrictions drop, visitor number to ANSM have been increasing.

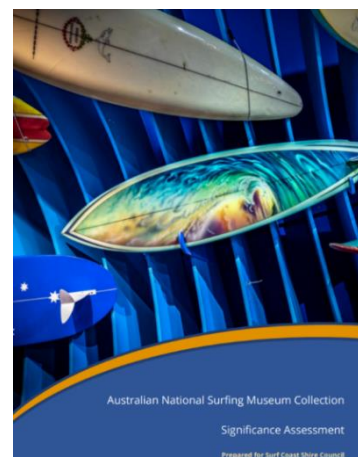
It is pleasing to receive bookings for community events as well as for school groups. Our 2022 year will kick off with the Bells Beach Surf Festival (January 5-8 inclusive) and continues with school bookings received for February (9 bookings comprising a total of 210 students), a further 11 groups in March (279 students) and 9 groups booked for April 2022 (184 students).

We expect to receive further bookings as the school year commences.

### Australian National Surf Museum (ANSM) – Significance Assessment

A recently completed ANSM Collection Significance Assessment by Dr Megan Cardamone has identified the ANSM collection as being of national and international significance as demonstrated in the following excerpts taken from the 66 page report.

- *The ANSM Collection holds immense social significance for the surfing community, both in Australia and internationally. (P 6)*
- *The ANSM Collection is the most significant collection assembled about Australian surfing and one of the finest surfing collections in the world. It is also one of Australia's best sports collections. ANSM's Collection of around 12,000 items is diverse, comprising surfboards and other surfing equipment, artworks, clothing, cultural artefacts and a comprehensive library of photographs, ephemera, books, magazines, documents and audio-visual materials. (P 6)*
- *With strong significance across all of the measurable values, ANSM holds an Australian collection of local, national and international significance, in particular for the sport of surfing and for an understanding of Australian history, culture and national identity. (P 7)*



The Significance Assessment has already proven useful as an advocacy tool and will continue to inform other museum planning, including prioritisation for the care, display and interpretation of significant objects and themes.

The Assessment has been used as supporting material for Library and Cultural Centre funding requests lodged with state and federal government.

### Events

Links to Surf Coast Shire Council Plan:

*Strategy 13: Support Tourism and Events That Encourage People To Stay Longer And Appreciate And Care For This Place*

Links to Surf Coast Shire Economic Development Strategy:

*Place Goal 1. Events that create a sense of place, community connection and thriving businesses*

Major and community events were welcomed back in November and December with a flurry of activity. Events were a key part of the visitor attraction strategy as well as creating a way to connect our community.

## 6.4 Environment & Development Monthly Report - November to December 2021

### Afterglow Trail Run

Held on 20 November 2021 the Afterglow Trail run delivered the long lost happy vibes the Surf Coast had missed due to COVID restrictions. Participants had a range of running options from 5km through to the 21km half marathon.

Several hundred runners wound their way from Point Addis to Fishos Beach in a literal sea of fluorescent colour, kick starting the return of major events to the Surf Coast.



Staged in the evening/ night, the Afterglow typically generates over \$500,000 into our local businesses.

### Surf Coast Century

The Surf Coast Century celebrated its 10<sup>th</sup> year in 2021 with over 800 runners competing across the 100km solo, 50km solo or 100km team relay. Typically held in September the Surf Coast Century was delayed until December due to COVID-19 restrictions.

The event provided a welcome boost to the Surf Coast filling accommodation and cafes and generating plenty of smiles. Participants and their support crew came from across Australia with 56% coming from metro Melbourne, 21% from regional areas beyond the Surf Coast, 6% interstate and 17% from within Surf Coast.

This year saw the first female overall winner – Anna McKenna – in a time of 9 hours 4 minutes. Incredibly, it was Anna's first 100km race. The overall male category winner was Ash Harink in a time of 9 hours 39 minutes.

The event typically generates an economic benefit of several million dollars.

A highlights video can be viewed at: [https://youtu.be/5H6zF5fD\\_QQ](https://youtu.be/5H6zF5fD_QQ)



### Surf Coast Safe Cycling Video

A new video was released in November to encourage riders to play it safe on Surf Coast's roads and trails. The short video showcasing some of the shire's most scenic rides and experiences of local riders was produced with funding from a Department of Transport Community Road Safety Grant.

A key objective of the video was to encourage the cycling community to embrace shared responsibility towards road safety.

It calls on local and visiting riders to take simple safety measures, including:

- Wear bright clothing for visibility
- Wear a properly fitted helmet
- Obey road rules
- Stay alert and avoid distractions
- Slow down and be patient
- Always look both ways

## 6.4 Environment & Development Monthly Report - November to December 2021

- Have respect for one another on the road

The video will be available on the Surf Coast Events website. The Events team is working with event organisers to promote the safe cycling video through digital networks and on social media platforms.

The video can be viewed here: [www.surfcoastevents.com.au/inspo/safe-cycling-on-the-surf-coast](http://www.surfcoastevents.com.au/inspo/safe-cycling-on-the-surf-coast)

### BUSINESS IMPROVEMENT, RANGER SERVICES AND BUILDING COMPLIANCE




#### Departmental critical functions – performance overview

	Business Improvement	Ranger Services	Building Compliance	
<b>Financial</b>				Easing of COVID restrictions should provide the opportunity for the Ranger team to meet its infringement revenue budget – this will still rely on a very busy Summer
<b>CRMs</b>				835 of the 838 CRMs completed in between Nov and Dec were completed on time.
<b>OHS</b>				No issues reported

Key:



#### Business Improvement

Deliverable	Overview	Status
Develop 2021/22 Business Improvement Program		Complete
Deliver 2021/22 Program		Underway
Deliver identified savings		Underway

The 2021-22 Business Improvement Program was endorsed by Council and work has commenced on this program.

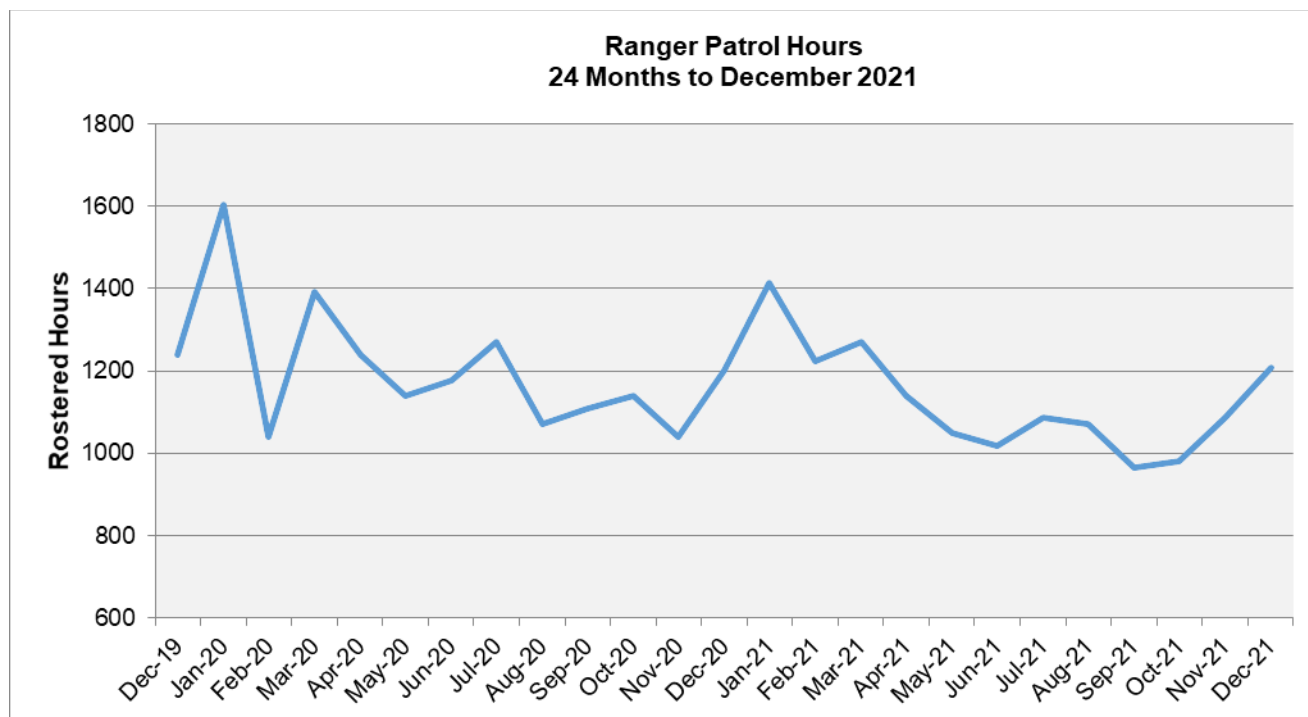
A consultant has been engaged and work has commenced on the first stage of a review into Council's Early Years Services. The predominantly desktop review will thoroughly analyse Council's service offering and compare this to a range of benchmark partners (Local Government and private/not for profit provider). The review will deliver recommendations to consider the best service delivery options in the medium term (3+ years) to ensure we can continue to deliver great outcomes for 0-8 year olds on the Surf Coast.

## 6.4 Environment & Development Monthly Report - November to December 2021

### Ranger Services

The following chart indicates the high volume of Ranger Services resources deployed to deliver services. The chart shows a two year period – this highlights the flexibility in the roster to account for the summer peak.

The roster has increased to cater for the summer peak period. There is a minimum of five rangers working on weekends between Boxing Day and Australia Day. Rostered hours are slightly down on previous December periods due to a recent resignation and staff illness. A new casual Ranger has been appointed and will commence work in the first week of January.



In the period from 1 November until 31 December, the Ranger Services team completed 648 CRMs, 99.6% of these were completed in the target time frame. The December figures were a 25% increase on the previous year. At the end of December, there were 25 outstanding CRMs, none of which were overdue.

A list of the top five CRM requests actioned (by volume) in the period November - December is shown below. Parking complaints have remained high as COVID restrictions have eased. These were predominantly for illegal parking in central Torquay as the tourist/visitor traffic increased. The seasonal spike in complaints about long grass on vacant blocks has been observed again – these have been managed well by the team through the Notice to Comply process.

Category	Number Completed	% Completed on Time
Parking	117	100
Litter	99	98.9
Admin enquires	76	100
Long Grass - residential	75	100
Animal registrations	48	97.9

Community feedback was sought through November on the draft Domestic Animal Management Plan (DAMP). The draft DAMP was adopted by Council in October and put on public exhibition. Officers have compiled feedback received and made minor amendments to the draft DAMP to reflect this. A final version of the DAMP will be presented to Council in January for adoption.



## 6.4 Environment & Development Monthly Report - November to December 2021

### Building Compliance

The team continues to work through all of the recently received pool/spa registrations and follow up correspondence. Officers are following up with each customer individually regarding their next steps, in accordance with the new regulations.

### Key Service Statistics

#### CRMs

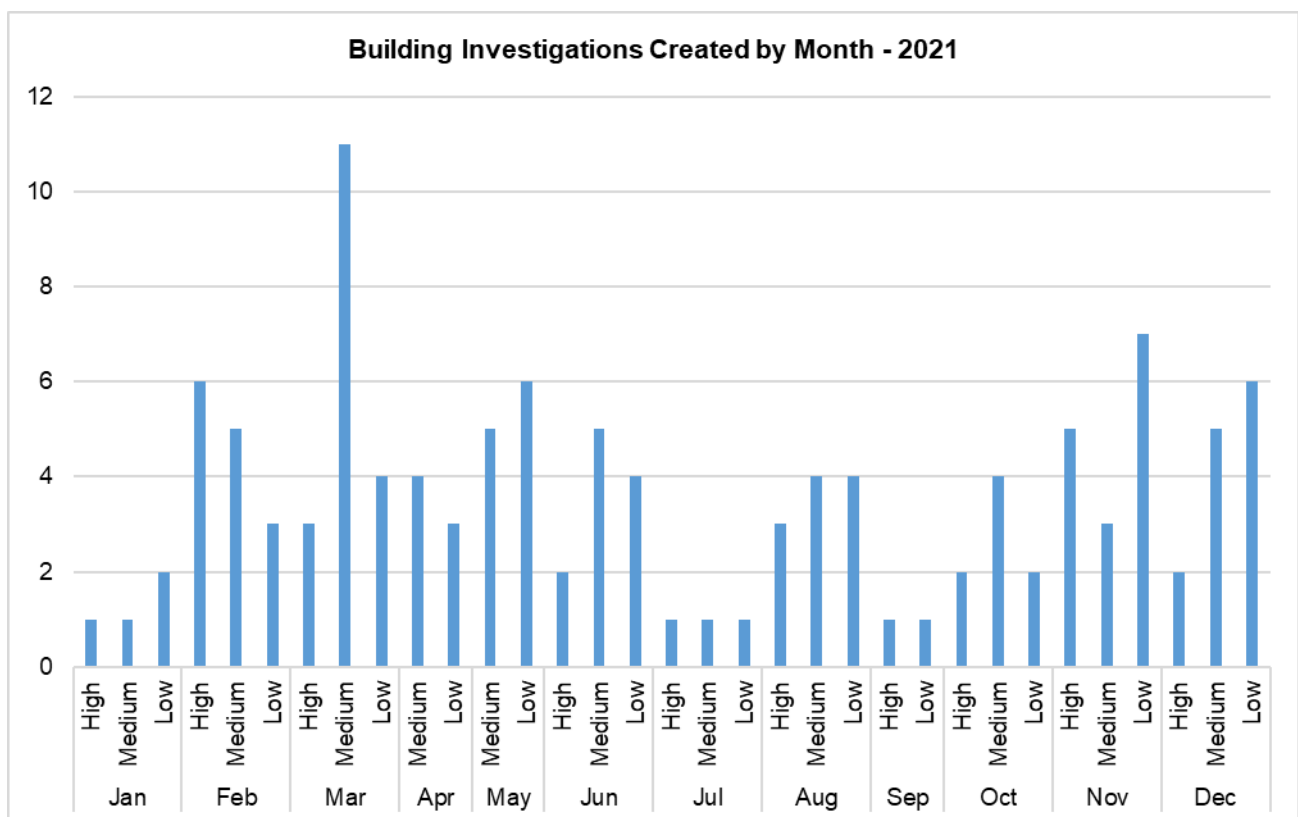
The Building Compliance team completed 190 CRMs in November and December, 98.9% of which were completed within the target time frame. At the end of December, there were no open CRMs. The response rate to such a high volume of requests demonstrates another excellent customer service outcome for the team. This is a key focus for the team.

#### Building Investigations

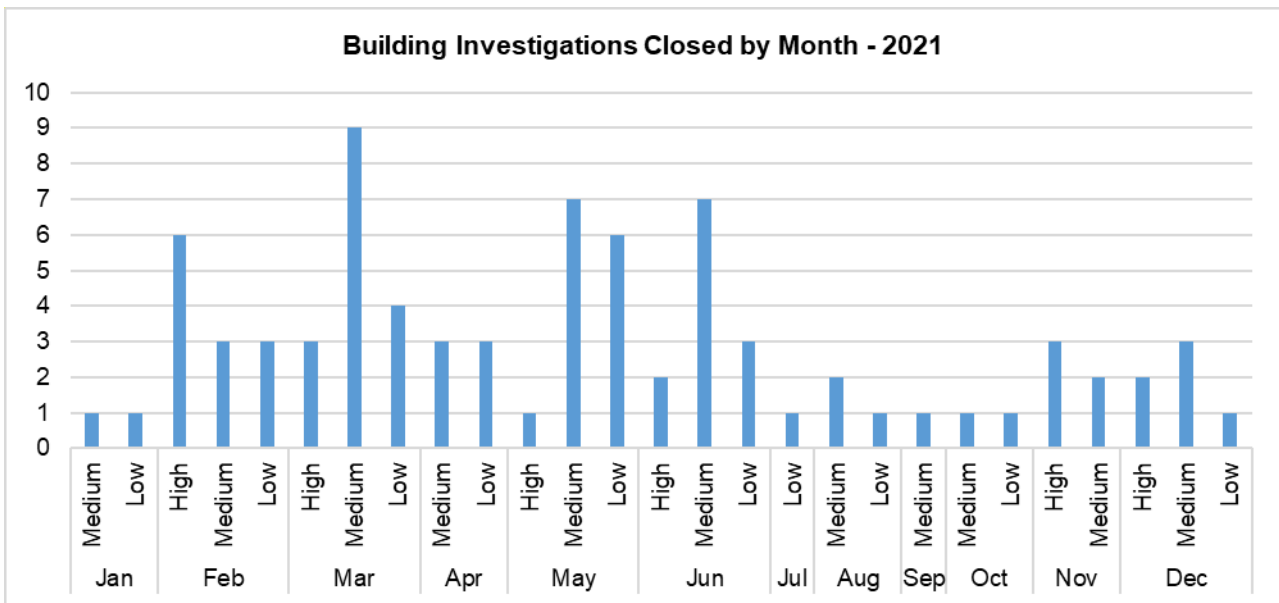
Council's Building Compliance team will open and complete new building investigations every month. These are generally as a result of a report of concern from a member of the public. These investigations can be simple and others result in a consultative rectification process with property owners that could last for months.

The investigations are lodged into our system as high, medium or low priority and this is based primarily on risk to persons. Investigations could result in no further action or could result in the Building Surveyors issuing Building Notices or Orders to comply property owners to complete specified actions in accordance with the Building Act.

The charts below show the numbers of Building Investigations opened and closed in 2021. These charts are provided to better represent the high technical work load of the building inspectors and surveyors.

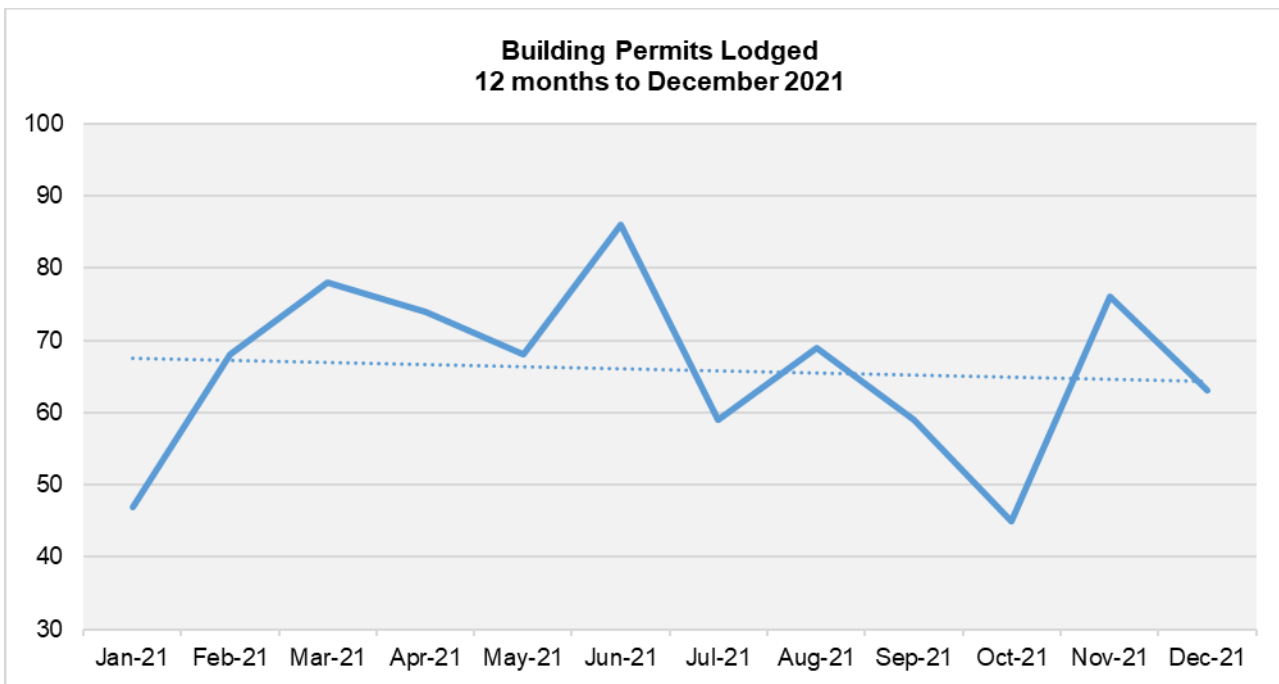


**6.4 Environment & Development Monthly Report - November to December 2021**

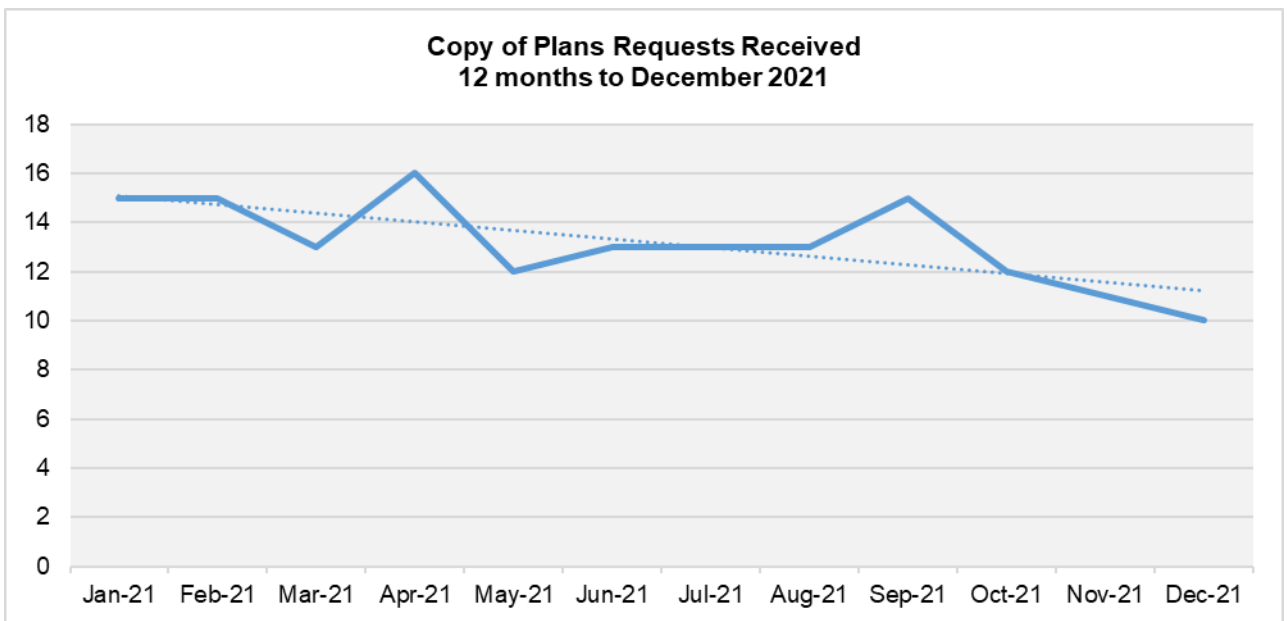
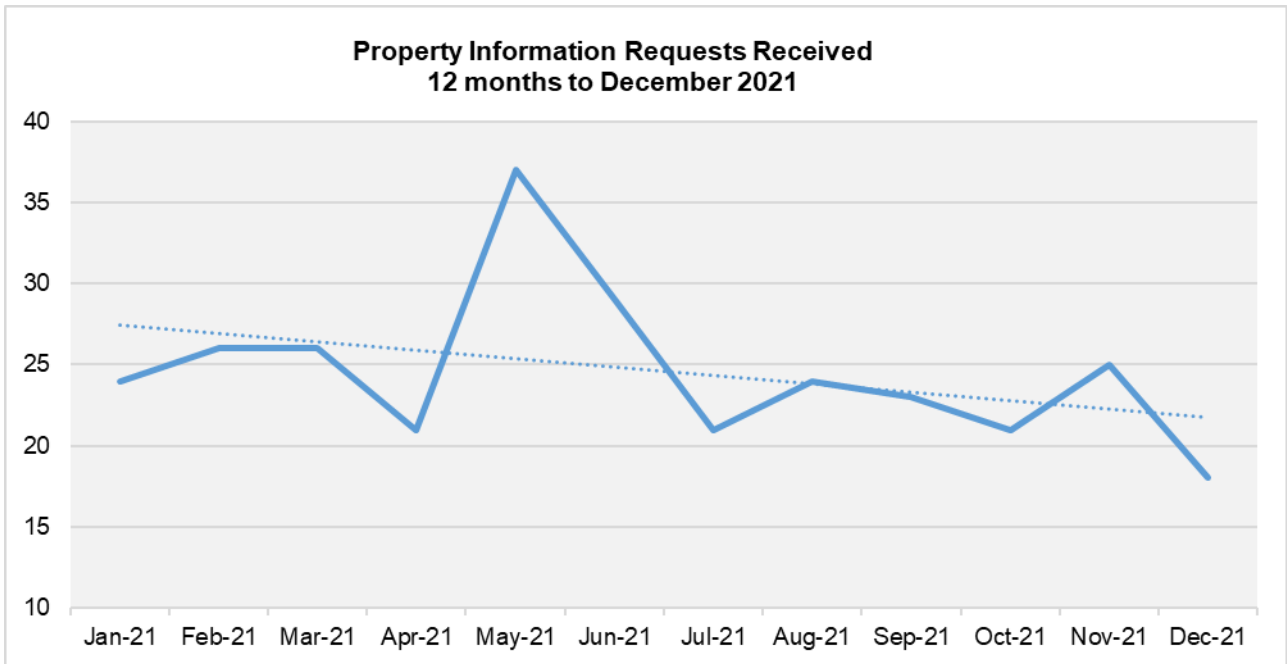


Other Key Workload Indicators

Other key workload indicators for the Building Compliance team are shown below. These service delivery tasks are generated by the high level of building activity in the Shire. This is a significant workload for officers to manage, particularly the high number of Building Permits that are lodged.



**6.4 Environment & Development Monthly Report - November to December 2021**



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## 7. GOVERNANCE & INFRASTRUCTURE

### 7.1 Biannual Audit and Risk Committee Update

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

**Department:** Governance & Risk

**File No:** F18/145-3

**Division:** Governance & Infrastructure

**Trim No:** IC21/2065

**Appendix:**

1. Audit and Risk Committee Biannual Activity Report - 1 Jul - 31 Dec 2021 (D21/199991)

**Officer Conflict of Interest:**

In accordance with Local Government Act 2020 – Section 130:

**Status:**

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

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

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**Purpose**

The purpose of this report is to provide Council with an update on the activities, findings and recommendations of the Audit and Risk Committee from the past six months as prescribed by section 54(5) of the *Local Government Act 2020*.

**Summary**

The report at Appendix 1 includes a summary of Committee activities from 1 July 2021 – 31 December 2021 in which time the committee met twice.

**Recommendation**

That Council receives and notes the Audit and Risk Committee Biannual Activity Report as attached at Appendix 1.

## 7.1 Biannual Audit and Risk Committee Update

### Report

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

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

#### **Background**

The Audit and Risk Committee is an advisory committee of Council which is responsible for providing structured and systematic oversight over Council's governance, risk management and internal control practices.

The Committee's scope, functions and responsibilities are set out in the Audit and Risk Committee Charter which is endorsed by Council. Committee tasks are carried out at meetings which are held quarterly and occasionally using email between meetings if required. Councillors are provided with the minutes following each meeting.

#### **Discussion**

The Audit and Risk Committee Charter requires the committee to present a biannual audit and risk report to Council in accordance with section 54(5) of the *Local Government Act 2020*. The report at Appendix 1 includes committee activities from 1 July 2021 – 31 December 2021 in which time the committee met twice.

The biannual report includes a summary of key matters considered at the September and November meetings. In instances where the committee requests that a recommendation be made to Council, it is communicated at the next practicable council meeting through an officer's report. The biannual report therefore serves as a summary of the committee's activities over the past six months.

The report at Appendix 1 and is endorsed by the committee chair and has been reviewed by members.

#### **Council Plan**

Theme 7 Accountable and Viable Council

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

*Local Government Act 2020 – LGA 2020*

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

## **7.1 Biannual Audit and Risk Committee Update**

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

In accordance with section 9(2)(a) of the *Local Government Act 2020*, this report is presented to facilitate Council in making decisions and taking actions in accordance with the relevant law.

### ***Policy/Relevant Law***

The preparation and presentation of this biannual report complies with section 54(5) of the *Local Government Act 2020*.

### ***Public Transparency***

The biannual report enables the community to further understand the role of Council's Audit and Risk Committee. The report outlines key areas that the committee are involved in and how their advice is communicated to assist council decisions.

### ***Options***

Option 1 – Note the Audit and Risk Committee Biannual Activity Report as attached at Appendix 1

This option is recommended by officers the report has been endorsed by committee members and it ensures compliance with the committee charter and the Act.

Option 2 – Do not note the Audit and Risk Committee Biannual Activity Report as attached at Appendix 1

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

### ***Conclusion***

Biannual reporting provides Council and the community with an overview of the activities of the Audit and Risk Committee during the previous six months.

**7.1 Biannual Audit and Risk Committee Update**

**APPENDIX 1 AUDIT AND RISK COMMITTEE BIENNIAL ACTIVITY REPORT - 1 JUL - 31 DEC 2021**

# Audit and Risk Committee Biannual Activity Report

1 Jul – 31 Dec 2021

## 1. Reporting period

This report covers Audit and Risk Committee (ARC) activity from 1 July 2021 – 31 December 2021. In that period the ARC met twice, on 14 September 2021 and 15 November 2021.

## 2. Report purpose

The purpose of this report is to provide Council with an update on the activities, findings and recommendations of the ARC from the past 6 months as required by section 54(5) of the *Local Government Act 2020* (the Act).

## 3. Committee members

### Independent committee members

John Gavens (Chair) Appointed by Council on 11 December 2018 for a three year period from 27 January 2019 to 26 January 2022, which was extended by Council on 14 December 2021 until 26 January 2023.

Appointed as Chair for the period of 31 January 2022 until the expiry of appointment on 26 January 2023.

Paul Robson Appointed by Council on 23 February 2021 for a four year period from 1 March 2021 to 28 February 2025.

Debra Russell Appointed by Council on 11 December 2018 for a three year period from 27 January 2019 to 26 January 2022, which was extended by Council on 14 December 2021 until 26 January 2023.

Robert Tommasini Appointed by Council on 23 February 2021 for a four year period from 1 March 2021 to 28 February 2025.

### Councillors:

Cr Paul Barker Appointed by Council on 8 December 2020 as the 2021 councillor delegate and on 14 December 2021 as the 2022 councillor delegate.

Cr Heather Wellington Appointed by Council on 8 December 2020 as the 2021 councillor delegate and on 14 December 2021 as the 2022 councillor delegate.



## 7.1 Biannual Audit and Risk Committee Update

### Member attendance at committee meetings:

	14 September 2021	15 November 2021
John Gavens	Attended	Attended
Paul Robson	Attended	Attended
Debra Russell	Attended	Attended
Robert Tommasini	Attended	Attended
Cr Paul Barker	Attended	Apology
Cr Heather Wellington	Attended	Apology

### 4. Committee charter

The Act outlines that a council must adopt a charter that specifies the functions and responsibilities of the ARC. The charter was first updated to reflect the requirements of the new Act and approved by Council on 25 August 2020. Following a recent review by the ARC, Council adopted an updated charter on 14 December 2021.

Key updates to the charter relate to the role of the Committee in reviewing Council's risk management processes, as well as enabling the Committee to meet annually with internal and external auditors. Additionally, the updates will enable the Committee to have greater oversight of matters including accounting issues and CEO reimbursements.

Council also approved the Committee Chair as a member of the independent member selection panel. This change was recommended following discussion by the Committee and will ensure that audit and risk expert representation will be present on the selection panel. The panel will now consist of the Councillor representatives, the Chief Executive Officer and the Committee Chair.

The charter can be found on Council's website - <https://www.surfcoast.vic.gov.au/About-us/Council/Public-Access-to-Council-Information>

### 5. Reporting to Council

Councillors are provided with committee meeting minutes following approval by the Chair. The charter outlines that the Chair has the authority to submit any recommendations that are proposed to be addressed by Council with more immediacy than the biannual report will allow. During the previous six months there have been no urgent reports addressed to Council, however recommendations have been made to Council through the Committee's resolutions. Each of these resolutions are outlined below (key matters considered at recent meetings).

### 6. Committee work plan

In accordance with the Act, the ARC reviewed and adopted its annual work plan on 15 November 2021. The work plan determines what is included in each meeting's agenda and has been developed to ensure that the ARC meets their responsibilities as set out in the charter.

The 2021 and 2022 work plans are attached to this report. They outline each of the matters that were addressed at meetings throughout 2021 and what is scheduled for meetings in 2022.

## 7.1 Biannual Audit and Risk Committee Update

### 7. Key matters considered at recent meetings

#### Legislative compliance

The Act specifies that one of the Committee's duties is to monitor the compliance of Council policies and procedures with the overarching governance principles and the Act, the Regulations and any Ministerial directions.

During the past six months, the Committee has reviewed a total of four policies and procedures.

At its September meeting the Committee reviewed the following three policies that are prescribed by the Act:

- Procurement Policy
- Councillor Gifts, Benefits and Hospitality Policy
- Councillor Entitlements, Expenses and Facilities Policy.

The Committee endorsed the Procurement Policy and recommended to Council for adoption subject to review and amendment of the CEO's ability to approve changes to the listed exemptions table. The Committee also requested that benchmarking and a summary of their discussions be included in the Council report.

The Committee endorsed the Councillor Gifts, Benefits and Hospitality Policy as adopted by Council at its 23 March Council meeting, subject to review of register maintenance, provision of gifts and councillor representation of council. These will be considered during the next review of the policy.

The Committee endorsed the Councillor Entitlements, Expenses and Facilities Policy and recommended to Council for adoption subject to management completing a review of paragraph 3 in clause 7.6. This review was undertaken prior to presentation to Council.

At its November meeting the Committee was asked by the Chair to provide feedback on the draft CEO Employment and Remuneration Policy offline as the responsible officer was an apology. This feedback was provided to the responsible officer for consideration prior to the policy being presented to Council for adoption at its 14 December 2021 Council meeting.

The Committee also received a report on progress against compliance with the new *Environmental Protection Authority Act* (EPA Act) with particular reference to the Anglesea Landfill. The Committee identified monitoring of compliance with the EPA Act as an area of focus in 2022.

#### Financial management

The Committee is required by the Act to monitor Council's financial and performance reporting.

At its September meeting the Committee received the 2020-21 Annual Financial Report and Annual Performance Statement, plus a written and verbal update on the results presented in these reports. VAGO representatives also provided an update on the results and indicated that there were no expected issues to be identified in the management letter. The Committee recommended that Council adopt and certify the 'in-principle' 2020-21 Financial Statements and Performance Statements, subject to any further adjustments required by Council's auditor. This recommendation was provided to Council at its 21 September 2021 meeting.

## 7.1 Biannual Audit and Risk Committee Update

### External audit

The Committee oversees external audit functions as required by the Act.

At its September meeting, the Committee noted the following:

- Victorian Auditor General's Draft Closing Report 2020-21
- Council's Draft Management Representation Letter
- VAGO's Interim Management Letter

Final versions of the above two above drafts were noted at the November meeting.

VAGO's final closing report and final management letter (presented at the November meeting) outline that the financial report and performance statement were presented fairly and that no issues of significance arose during the final phase of the audit.

At the September meeting, VAGO met with the Committee for a one-on-one session that did not include management or senior staff. This meeting allowed for the Committee to receive an update on VAGO's execution of the audit and their findings.

The Committee received an update at its November meeting which outlined that VAGO would be engaging RSD Audit as an external provider to conduct audits, noting that VAGO will continue to issue the audit opinion.

### Risk management

The Committee is required to monitor and provide advice on risk management.

At both the September and November meetings, the Committee received updates on Council's risk management plan. In particular, at the November meeting, the Committee noted a plan to:

- refresh the risk management framework including governance
- review the Council's risk appetite and tolerance
- revise the Council's strategic risks, and
- support the above actions with professional development.

As this plan matures, the Committee will be receiving updates and providing advice at each of its meetings in 2022.

### Internal controls

The Committee is required to monitor and provide advice on fraud prevention systems and controls.

At its November meeting, the Committee received an update on Council's fraud and corruption strategies. Further, the Committee flagged a focus area for 2022 is to receive reports on how the Council is proactively raising and promoting the importance of integrity, detective activities to identify integrity breaches and reporting of integrity concerns.

### Internal audit

Council's internal audits are conducted by NTT Limited. The Committee and NTT met without the presence of management following the May meeting in accordance with the charter.

Four final internal audit reports were presented to the Committee in the past six months. These include:

## 7.1 Biannual Audit and Risk Committee Update

- Financial Sustainability and Budgeting (2020-21 audit)
- Cybersecurity (2020-21 audit)
- Planning Legislative Compliance
- Emergency Management

The following audits are scheduled to be carried out in the 2021-22 financial year:

- Procurement Health Check
- Responding to Sexual Harassment Allegations
- Fraud and Corruption
- Project Management
- Follow up Review of Previous Internal Audit Projects

The Committee has maintained oversight of all open audit findings and the status of treatment plans through the review of the outstanding actions register at each meeting.

At its May meeting the committee endorsed the 2021-24 Strategic Internal Audit Plan (SIAP). This was then presented to Councillors prior to it being finalised. Following a request from the Committee at its September meeting, the SIAP undertook minor changes to swap the 2021-22 Risk Management Framework Review with the 2022-23 Project Management Review. This was finalised at the November meeting.

Management has continued to provide the Committee with draft scope documents for upcoming internal audits for review and feedback. This approach has ensured there is a broad agreed approach in the scope of work for each internal audit prior to commencement.

In accordance with the charter, the effectiveness of the internal audit function is reviewed annually through the results of an internal audit survey which is administered by the internal auditors. Survey responses were reasonably high, with three out of five committee members responding and eleven out of fifteen officers responding. NTT presented these results to the committee at the September meeting and these form part of the meeting minutes. The majority of survey responses were positive and for those less positive, NTT have committed to on-going improvement.

### Committee

At its November meeting, the Committee reviewed the ARC charter, 2022 work plan and 2022 meeting dates. The Committee endorsed the and recommended to Council for adoption. It was adopted on 14 December 2021.

The Committee adopted the 2022 work plan as attached and 2022 dates as outlined below.

## 8. Assessment of performance against the charter

Prior to its November meeting, the Committee completed a survey which assesses their performance against the charter. These results were tabled at the November Committee meeting and were noted by Council at its 14 December meeting.

## 9. Meeting schedule

The charter outlines that four ARC meetings are to be held each year. The ARC's meeting schedule for 2022 is as follows:

- Friday 18 March

## 7.1 Biannual Audit and Risk Committee Update

- Friday 20 May
- Friday 9 September
- Friday 18 November

At its November meeting the Committee requested that management consider adding an additional ARC meeting moving forward to alleviate the volume of content currently being presented to each meeting. Management are currently reviewing this request and will update the Committee and Council when a position has been finalised.

### **John Gavens**

Chair

On behalf of the Audit and Risk Committee

1 January 2022

**Appendix 1:**

**Audit and Risk Committee – Work Plan (incl. reports) 2021**

Charter	Reports	Mar	May	Sept	Nov
<i>Legislative Compliance</i>	Council Policies Report - Complete an initial review of relevant established, or newly created Council policies and procedures against the Local Government Act 2020; or - Where a relevant Council policy/procedure has recently been amended; or - Where any change the legislation is made, review any relevant or effected policy.	6.1	2.2, 2.3	2.1 2.3 2.4	
	CEO Employment Matters Policy and CEO Employment Matters Advisory Committee Terms of Reference Report				2.1
	Accounting Policies Report	5.1			
	Investment Policy		2.4		
<i>Financial Management</i>	Financial Statements and Performance Statement			3.1	
	Financial Report - Include 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	5.2	3.1	3.1	3.1
	Councillor and Delegated Committee Member Reimbursements Report		9.4	9.1	9.2
	Shell Financial Statements		Sent offline		
<i>External Audit</i>	External Audit Plan		4.1		
	External Audit Interim Audit Report			4.3	
	Final External Audit Report			Draft 4.1	Final 4.1
	Representation Letters (signed by management)			Draft 4.2	Final 4.1
	VAGO & Other Integrity Agencies Local Government and Related Performance Audits or Investigations	3.1	7.3		7.3
<i>Risk Management</i>	Risk Management Framework and Risk Register - Include in report the process/es for effective identification of business risks, and the processes for assessment, development and implementation of treatment plans	3.2		5.1	5.1

## 7.1 Biannual Audit and Risk Committee Update

	Business Continuity Planning Report - Include the approach to business continuity planning arrangements, including whether business continuity and disaster recovery plans have been regularly updated and tested	3.2			
<i>Internal Controls</i>	IT Security Report - Internal controls for security relevant to systems and applications. - results of any control tests undertaken in the preceding 12 months				
	Fraud Report - Internal controls in preventing or mitigating fraud - Results of any control tests undertaken in the preceding 12 months				6.1
	Legislative Compliance Framework Report - Results of any audits or control tests undertaken in the preceding 12 months				6.1
	Annual Internal Audit Plan Review OR Draft three-year Internal Audit Plan		7.1		
	Status Update - Internal Audit Program. - Include any finalised internal audit report	4.1	7.2	7.1	7.1
	Internal Audit Performance Survey			7.2	
<i>Internal Audit</i>	Annual Review - 3-year Internal Audit Plan		7.2		
	Progress Report – Internal Audit Program (Audit Year) – Includes any completed audits with finalised management responses.	4.1	7.1	7.1	7.1
	Internal Audit Performance Survey Results			7.2	
	Outstanding Audit and Committee Actions Report	1.1	1.2	1.3	1.3
<i>Committee</i>	Committee Self-Assessment Report				8.1
	Audit and Risk Committee Charter Review	6.3			8.2
	Committee Work Plan				8.2
	Committee Report to Council		8.1		9.3

## 7.1 Biannual Audit and Risk Committee Update

### Appendix 2:

#### Audit and Risk Committee – Work Plan (incl. reports) 2022

Charter	Reports	Mar	May	Sep	Nov
<i>Legislative Compliance</i>	Council Policies Report - Complete an initial review of relevant established, or newly created Council policies and procedures against the Local Government Act 2020; or - Where a relevant Council policy/procedure has recently been reviewed by officers; or - Where any change the legislation is made, review any relevant or effected policy.	✓	✓	✓	✓
	CEO Employment Matters Policy and CEO Employment Matters Advisory Committee Terms of Reference Report				✓
	Report outlining how compliance has been achieved with requirements of CEO Employment Matters Policy and the Act	✓			
	Accounting Policies Report	✓			
	Investment Policy				
	Implementation of Local Government Act 2020 requirements	✓	✓	✓	✓
<i>Financial Management</i>	Financial Statements and Performance Statement			✓	
	Know Your Council performance report	✓			
	Accounting issues report - Include asset revaluation, impairment consideration, new standards application and other technical accounting issues		✓		
	Financial Report - Include 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	✓	✓	✓	✓
	Councillor and Delegated Committee Member Reimbursements Summary	✓	✓	✓	✓
	CEO Reimbursement Summary	✓	✓	✓	✓
<i>External Audit</i>	External Audit Plan	✓			
	External Audit - Interim Report		✓		
	External Audit - Closing Report			✓	
	Representation Letters (signed by management)			✓	



## 7.1 Biannual Audit and Risk Committee Update

Charter	Reports	Mar	May	Sep	Nov
<i>Risk Management</i>	Risk Management Framework	✓			
	Risk Report (including risk register) - Include specific review of certain risks each quarter – ensure that all risks are reviewed at least once per year.	✓	✓	✓	✓
	Litigation, claims and OHS (incl. sexual harassment) report	✓		✓	
	Insurance coverage report	✓			
	Update on effective identification of business risks - Include in report the process/es for effective identification of business risks, and the processes for assessment, development and implementation of treatment plans	✓			
	Business Continuity Planning Report - Include the approach to business continuity planning arrangements, including whether business continuity and disaster recovery plans have been regularly updated and tested	✓			
	Report on findings from Integrity Agencies	✓	✓	✓	✓
<i>Internal Controls</i>	IT Security Report - Internal controls for security relevant to systems and applications. - Results of any control tests undertaken in the preceding 6 months		✓		✓
	Fraud and Legislative Compliance Framework Report - Internal controls in preventing or mitigating fraud - Results of any audits or control tests undertaken in the preceding 12 months				✓
	Annual Internal Audit Plan Review OR Draft three-year Internal Audit Plan		✓		
	Gifts, Benefits and Hospitality Register		✓		✓
<i>Internal Audit</i>	Annual Review - 3-year Internal Audit Plan		✓		
	Progress Report – Internal Audit Program – Includes any completed audits with finalised management responses.	✓	✓	✓	✓
	Internal Audit Performance Survey Results (conducted by NTT)		✓		
	Outstanding Audit and Committee Actions Report	✓	✓	✓	✓
<i>Committee</i>	Committee Self-Assessment Report				✓
	Audit and Risk Committee Charter Review				✓
	Committee Work Plan				✓
	Committee Report to Council		✓		✓

## 7.2 Instrument of Appointment and Authorisation - Planning and Environment Act 1987

**Author's Title:** Governance Officer

**General Manager:** John Bertoldi

**Department:** Governance and Risk

**File No:** F18/221-3

**Division:** Governance & Infrastructure

**Trim No:** IC21/2021

### Appendix:

1. Instrument of Appointment and Authorisation - Planning and Environment Act 1987 (D21/83069)
2. Instrument of Appointment and Authorisation - Planning and Environment Act 1987 - Tracked Changes (D19/77588)

### Officer Conflict of Interest:

In accordance with Local Government Act 2020 – Section 130:

Yes

No

### Status:

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

Yes

No

**Reason:** Nil

**Reason:** Nil

### Purpose

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

### Summary

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

The updated instrument of appointment and authorisation under the *Planning and Environment Act 1987* is attached at Appendix 1.

### Recommendation

That Council:

1. Authorises the instrument of authorisation as attached at Appendix 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 25 May 2021, is revoked.

## 7.2 Instrument of Appointment and Authorisation - Planning and Environment Act 1987

### Report

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

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

#### **Background**

The appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated and must be made through resolution of Council.

#### **Discussion**

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

The specific authorisations provided through this instrument include:

1. under section 147(4) of the *Planning and Environment Act 1987* – appointment as an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 313 of the *Local Government Act 2020* authorisation generally to institute proceedings for offences against the Act and/or any regulations.

The attached instrument has been reviewed and updated to reflect recent staff changes.

#### **Council Plan**

Theme 7 Accountable and Viable Council

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

*Local Government Act 2020 – LGA 2020*

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

#### **Policy/Relevant Law**

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**

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 across the Shire. If officers act without the correct

## **7.2 Instrument of Appointment and Authorisation - Planning and Environment Act 1987**

authority, actions can also be challenged and invalidated on that basis, and the officers may be personally liable.

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

### ***Options***

#### Option 1 – Endorse the updated instrument

This option is recommended by officers as it will ensure the selected officers are appropriately authorised under the *Planning & Environment Act 1987*.

#### Option 2 – Not endorse the updated instrument

This option is not recommended by officers as it will limit the authorisations and authority of selected officers.

### ***Conclusion***

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

**7.2 Instrument of Appointment and Authorisation - Planning and Environment Act 1987**

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



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

In this instrument "officer" means –

- |                      |                         |
|----------------------|-------------------------|
| Adam Lee             | Leah Protyniak          |
| Andrew Hewitt        | Luke Shanhun            |
| Anthony (Tony) Rolfs | Melinda (Mindy) Vardy   |
| Barbara Noelker      | Michelle Warren         |
| Ben Schmied          | Nick Helliwell          |
| Bianca Wilkin        | Rhonda Gambetta         |
| Brendan Walsh        | Rhiannan Glenister      |
| Carol Mitchell       | Robert Page             |
| Claire Cowan         | Robert Pitcher          |
| Daniel Gorell        | Robert (Rob) Wandell    |
| Donna Groves         | Rochelle Humphrey       |
| Emma Monteath        | Samantha Natt           |
| Guy Price            | Sarah Farrer            |
| Isabelle Spinks      | Shaan Briggs            |
| Jason Scammell       | Shaun Barling           |
| Jayde Whitten        | Tim Waller              |
| Jennifer Davidson    | Tracey Simmons          |
| John Bauer           | Trevor Doueal           |
| Karen Campbell       | Wayne Sandars           |
| Karen Hose           | William (Bill) Cathcart |

**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 25 January 2022.

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

.....  
*Chief Executive Officer*

.....  
*Mayor/Deputy Mayor*

.....  
*Date*

.....  
*Date*

**7.2 Instrument of Appointment and Authorisation - Planning and Environment Act 1987**

**APPENDIX 2 INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987 - TRACKED CHANGES**



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

In this instrument "officer" means –

Adam Lee	<del>Laura Hardiman</del>
Andrew Hewitt	Leah Protyniak
Anthony (Tony) Rolfs	Luke Shanhun
Barbara Noelker	Melinda (Mindy) Vardy
Ben Schmied	Michelle Warren
Bianca Wilkin	Nick Helliwell
Brendan Walsh	Rhonda Gambetta
<del>Callum Thompson</del>	Rhiannan Glenister
<del>Cameron Hayes</del>	Robert Page
Carol Mitchell	Robert Pitcher
Claire Cowan	Robert (Rob) Wandell
Daniel Gorell	Rochelle Humphrey
<del>David Simon</del>	<del>Roger Curnow</del>
Donna Groves	Samantha Natt
Emma Monteath	Sarah Farrer
Guy Price	<del>Shaan Briggs</del>
<del>Gerard McCann</del>	Shaun Barling
Isabelle Spinks	<del>Steven Sagona</del>
<del>Jason Scammell</del>	Tim Waller
Jayde Whitten	Tracey Simmons
Jennifer Davidson	Trevor Doueal
John Bauer	Wayne Sandars
Karen Campbell	William (Bill) Cathcart
Karen Hose	

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

- 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
- 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 -

- comes into force immediately upon its execution;
- 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 25 January 2022.

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

.....  
Chief Executive Officer

.....  
Date



**7.2 Instrument of Appointment and Authorisation - Planning and Environment Act 1987**

.....  
*Mayor/Deputy Mayor*

.....  
*Date*

### 7.3 S6 Instrument of Delegation

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

**General Manager:** John Bertoldi  
**File No:** F19/642-4  
**Trim No:** IC22/33

**Appendix:**

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

**Officer Conflict of Interest:**

In accordance with Local Government Act 2020 –  
Section 130:

Yes

No

**Reason:** Nil

**Status:**

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

Yes

No

**Reason:** Nil

#### Purpose

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

#### Summary

The organisation has undergone a restructure which will be effective from 31 January 2022. The restructure has involved changes to department names and structures, which has a direct impact on roles and responsibilities. As such, all instruments of delegation need to be updated to reflect this. Updated instruments need to be adopted prior to 31 January 2022 to enable relevant staff to perform their roles.

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

#### Recommendation

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

1. Delegates to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in that Instrument, the powers, duties and functions set out in the Instrument, subject to the conditions and limitations specified in that Instrument;
2. Authorises the Chief Executive Officer to execute the S6 Instrument of Delegation on 31 January 2022;
3. Approves the S6 Instrument of Delegation to come into force immediately upon execution;
4. Approves that on the coming into force of the S6 instrument of delegation, the previous S6 instrument of delegation from Council to members of Council staff is revoked.

### 7.3 S6 Instrument of Delegation

#### Report

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

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

##### **Background**

Council's Instruments of Delegation are updated periodically to reflect changes in legislation, as well as changes to roles and organisational structure. The S6 Instrument of Delegation was last updated by Council resolution on 28 September 2021.

Prior to the implementation of the *Local Government Act 2020*, Council had the power to delegate to Council staff in accordance with section 98 of the *Local Government Act 1989*. An equivalent provision does not exist in the new Act, however there are provisions under each Act within the Instrument which allow Council to delegate directly to staff. These sections are displayed under each Act within the Instrument.

##### **Discussion**

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

The updates to the S6 Instrument of Delegation reflect changes to staff roles and organisational structure. The following new roles have been added to the Instrument as appropriate:

- *Manager Integrated Planning*
- *Manager Planning and Compliance*
- *Manager Assets and Engineering*
- *Manager Community Safety*
- *General Manager Community Life*
- *General Manager Place Making and Environment*
- *General Manager Strategy and Effectiveness*

The delegates assigned to the new or changed provisions have been allocated as advised by the applicable managers to enable the relevant Council officers to perform their roles. Once adopted, all staff will be informed of the updated instrument in accordance with established procedure.

##### **Council Plan**

Theme 5 High Performing Council

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

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

*Local Government Act 2020 – LGA 2020*

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

### 7.3 S6 Instrument of Delegation

<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	No

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

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

#### **Policy/Relevant Law**

Section 11 of the *Local Government Act 2020* allows Council to delegate certain matters to the CEO, however does not address delegations from Council to members of staff. The below sections of legislation identify the mechanisms by which Council is authorised to delegate the items in the S6 Instrument of Delegation. This eliminates any concern that Council's ability to delegate to staff has not been taken into account under section 11 of the new Act. Council's delegations are derived from the Maddocks Lawyers Instruments of Delegation package templates and have therefore been thoroughly vetted and reviewed by local government lawyers.

The relevant provisions are as follows:

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

#### **Public Transparency**

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

#### **Risk Assessment**

The operational risks associated with not delegating certain powers and duties include a severe slowing of Council's operations and Council meetings being overwhelmed with day-to-day decisions. This would ultimately result in the community not being serviced adequately.

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

#### **Communication**

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

### **7.3 S6 Instrument of Delegation**

#### ***Options***

##### Option 1 – Adopt the Instrument of Delegation as attached at Appendix 1

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

##### Option 2 – Adopt the Instrument of Delegation with changes

This option is not recommended by officers as a thorough review has been conducted by staff to ensure the correct positions are included under each provision. Changes to this recommendation could result in unqualified personnel being made responsible for actioning operations, or appropriately qualified personnel being unable to perform their roles.

##### Option 3 – Do not adopt the Instrument of Delegation

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

#### ***Conclusion***

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

**7.3 S6 Instrument of Delegation**

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



Surf Coast Shire

## Instrument of Delegation

S6 Instrument of Delegation – Council to Members of Council Staff

## 7.3 S6 Instrument of Delegation



### S6 Instrument of Delegation – Council to Members of Council Staff

#### Instrument of Delegation

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

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. 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



### 7.3 S6 Instrument of Delegation



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 24 August 2021, and

### 7.3 S6 Instrument of Delegation



3.2. the delegation:

- 3.2.1. comes into force immediately upon signing of this Instrument of Delegation;
- 3.2.2. remains in force until varied or revoked;
- 3.2.3. is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
- 3.2.4. must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

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

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

Executed by the Chief Executive Officer on behalf of the Surf Coast Shire Council pursuant to the Council resolution dated 25 January 2022.

.....  
*Robyn Seymour - Chief Executive Officer*

.....  
Dated



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

<b>Food Act 1984</b>			
<i>Section 58A states - (1) A council may delegate to one or more of its officers or members of its staff its powers and discretions under Part III (other than its power under section 19(3), 19AA(4)(a) or 19AA(4)(b)), Part IIIB, Part VI and section 46(5).</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CEH, EHO	If s 19(1) applies

7.3 S6 Instrument of Delegation



<b>Food Act 1984</b>			
<i>Section 58A states - (1) A council may delegate to one or more of its officers or members of its staff its powers and discretions under Part III (other than its power under section 19(3), 19AA(4)(a) or 19AA(4)(b)), Part IIIB, Part VI and section 46(5).</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CEH, EHO	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CEH, EHO	If s 19(1) applies  Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CEH, CEO	If s 19(1) applies

**7.3 S6 Instrument of Delegation**



<b>Food Act 1984</b>			
<i>Section 58A states - (1) A council may delegate to one or more of its officers or members of its staff its powers and discretions under Part III (other than its power under section 19(3), 19AA(4)(a) or 19AA(4)(b)), Part IIIB, Part VI and section 46(5).</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	CEH, CEO, EHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	CEH, CEO, EHO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	CEH, EHO	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	CEH, EHO	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution

**7.3 S6 Instrument of Delegation**



<b>Food Act 1984</b>			
<i>Section 58A states - (1) A council may delegate to one or more of its officers or members of its staff its powers and discretions under Part III (other than its power under section 19(3), 19AA(4)(a) or 19AA(4)(b)), Part IIIB, Part VI and section 46(5).</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	CEH, EHO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	CEH, EHO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	CEH, EHO	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CEH, EHO	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	ND	Where Council is the registration authority

**7.3 S6 Instrument of Delegation**



<b>Food Act 1984</b>			
<i>Section 58A states - (1) A council may delegate to one or more of its officers or members of its staff its powers and discretions under Part III (other than its power under section 19(3), 19AA(4)(a) or 19AA(4)(b)), Part IIIB, Part VI and section 46(5).</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 19NA(1)	Power to request food safety audit reports	CEH, EHO	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	ND	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CEH	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CEH, EHO	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CEH	Where Council is the registration authority

**7.3 S6 Instrument of Delegation**



<b>Food Act 1984</b>			
<i>Section 58A states - (1) A council may delegate to one or more of its officers or members of its staff its powers and discretions under Part III (other than its power under section 19(3), 19AA(4)(a) or 19AA(4)(b)), Part IIIB, Part VI and section 46(5).</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CEH	Where Council is the registration authority
	Power to register, renew or transfer registration	CEH, EHO	Where Council is the registration authority  refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	CEH, EHO	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	CEH	Where Council is the registration authority



### 7.3 S6 Instrument of Delegation



<b>Food Act 1984</b>			
<i>Section 58A states - (1) A council may delegate to one or more of its officers or members of its staff its powers and discretions under Part III (other than its power under section 19(3), 19AA(4)(a) or 19AA(4)(b)), Part IIIB, Part VI and section 46(5).</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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

**7.3 S6 Instrument of Delegation**



<b>Food Act 1984</b>			
<i>Section 58A states - (1) A council may delegate to one or more of its officers or members of its staff its powers and discretions under Part III (other than its power under section 19(3), 19AA(4)(a) or 19AA(4)(b)), Part IIIB, Part VI and section 46(5).</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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

7.3 S6 Instrument of Delegation



<b>Food Act 1984</b>			
<i>Section 58A states - (1) A council may delegate to one or more of its officers or members of its staff its powers and discretions under Part III (other than its power under section 19(3), 19AA(4)(a) or 19AA(4)(b)), Part IIIB, Part VI and section 46(5).</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
			not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	CEH, EHO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CEH, EHO	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	CEH, EHO	Where Council is the registration authority
s 38G(2)	Power to require the proprietor of the food premises to comply with any requirement of the Act	CEH, EHO	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	CEH, EHO	Where Council is the registration authority

**7.3 S6 Instrument of Delegation**



<b>Food Act 1984</b>			
<i>Section 58A states - (1) A council may delegate to one or more of its officers or members of its staff its powers and discretions under Part III (other than its power under section 19(3), 19AA(4)(a) or 19AA(4)(b)), Part IIIB, Part VI and section 46(5).</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
			Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	CEH	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CEH, EHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CEH	Where Council is the registration authority
s 40F	Power to cancel registration of food premises	CEH, EHO	Where Council is the registration authority

7.3 S6 Instrument of Delegation



<b>Food Act 1984</b>			
<i>Section 58A states - (1) A council may delegate to one or more of its officers or members of its staff its powers and discretions under Part III (other than its power under section 19(3), 19AA(4)(a) or 19AA(4)(b)), Part IIIB, Part VI and section 46(5).</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	CEH, EHO	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CEH, EHO	Where Council is the registration authority
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CEH, EHO	Where Council is the registration authority

**7.3 S6 Instrument of Delegation**



Heritage Act 2017			
Section 116(3) states - <i>A responsible authority to which a function, duty or power has been delegated under subsection (1) may sub-delegate that function, duty or power to an officer of the responsible authority if the instrument of delegation authorises its sub-delegation.</i>			
NOTE: Responsible authority has the meaning given by section 13 of the Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO, GMPME	Must first obtain Executive Director's written consent  Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

Local Government Act 1989			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	CSLUP, CSP, MIP, GMPME, MPCo	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	PO, CSLUP, CSP, PStaP, PSO, VSP, SP, 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,	

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		AOPlan, PPO, PSO, VSP, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 41	Duty to keep 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	



7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	
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	

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	
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	

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s19 of the Planning and Environment (Planning Schemes) Act 1996)	CSLUP, CSP, 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,	

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		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, SP, SPP, PStrP, TLPPS, CRMg, MIP, GMPME, MPCo	

7.3 S6 Instrument of Delegation



<p align="center"><b>Planning and Environment Act 1987</b></p> <p align="center"><i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i></p> <p align="center"><i>(a) a committee of the authority; or</i></p> <p align="center"><i>(b) an officer of the authority; or</i></p> <p align="center"><i>(c) the Victorian Planning Authority.</i></p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 17(1)	Duty of giving copy amendment to the planning scheme	PO, CSLUP, CSP, PStaP, PSO, VSP, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 17(2)	Duty of giving copy s 173 agreement	PO, CSLUP, CSP, PStaP, VSP, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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, SP, 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, PStrP, TLPPS, MIP, GMPME, MPCo	

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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, SP, 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, SP, 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.

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	
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	
s 21A(4)	Duty to publish notice	PO, CSLUP, CSP, PStaP, PSO, VSP,	



7.3 S6 Instrument of Delegation



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<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 22	Duty to consider all submissions	PO, CSLUP, CSP, PStaP, VSP, SP, 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 Special Council Meeting for Hearing Submissions.
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CSLUP, CSP, MIP, GMPME, MPCo	

7.3 S6 Instrument of Delegation



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

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<b>Planning and Environment Act 1987</b>			
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<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	PO, CSLUP, CSP, PStaP, PSO, VSP, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
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,	Note: the power to make a decision to abandon an amendment cannot be delegated

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		GMPME, MPCo	
s 28(2)	Duty to publish notice of the decision on Internet site	PO, CSLUP, CSP, PStaP, PSO, VSP, SP, 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, SP, SPP, PStrP, TLPPS, MIP,	

7.3 S6 Instrument of Delegation



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

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<i>(a) a committee of the authority; or</i>			
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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		SP, 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, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 36(2)	Duty to give notice of approval of amendment	PO, CSLUP, CSP, PStaP, PSO, VSP, SP, SPP,	

7.3 S6 Instrument of Delegation



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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		PStrP, TLPPS, MIP, GMPME, MPCo	
s 38(5)	Duty to give notice of revocation of an amendment	CSLUP, CSP, PStAP, PSO, VSP, SP, SPP, 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	

7.3 S6 Instrument of Delegation



<p align="center"><b>Planning and Environment Act 1987</b></p> <p align="center"><i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i></p> <p align="center"><i>(a) a committee of the authority; or</i></p> <p align="center"><i>(b) an officer of the authority; or</i></p> <p align="center"><i>(c) the Victorian Planning Authority.</i></p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 40(1)	Function of lodging copy of approved amendment	PO, CSLUP, CSP, PStaP, PSO, VSP, SP, 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, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	



7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
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<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
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, SP, SPP, PStrP, TLPPS, MIP,	

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
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<i>(a) a committee of the authority; or</i>			
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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		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.  Note: No delegate is appointed as this provision does not affect the Surf Coast Shire.
s 46AW	Function of being consulted by the Minister	CSLUP, CSP, MIP,	Where Council is a responsible public entity

7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		GMPME, MPCo	
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

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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
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	

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
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<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
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<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 46GP	Function of receiving a notice under s 46GO	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	CSLUP, CSP, 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	

7.3 S6 Instrument of Delegation



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

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	



7.3 S6 Instrument of Delegation



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

7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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	

7.3 S6 Instrument of Delegation



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

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
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<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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
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

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
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<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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 that are to be forwarded to a development agency under s 46GZ(5)	MF, MIP, GMPME, MPCo, GMSE	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	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

7.3 S6 Instrument of Delegation



<p style="text-align: center;"><b>Planning and Environment Act 1987</b></p> <p style="text-align: center;"><i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i></p> <p style="text-align: center;"><i>(a) a committee of the authority; or</i></p> <p style="text-align: center;"><i>(b) an officer of the authority; or</i></p> <p style="text-align: center;"><i>(c) the Victorian Planning Authority.</i></p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	<p>Where Council is the development agency specified in the approved infrastructure contributions plan</p> <p>This provision does not apply where Council is also the collecting agency</p>
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

7.3 S6 Instrument of Delegation



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



7.3 S6 Instrument of Delegation



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Provision	Powers 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

7.3 S6 Instrument of Delegation



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

7.3 S6 Instrument of Delegation



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

7.3 S6 Instrument of Delegation



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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
			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

7.3 S6 Instrument of Delegation



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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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  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

7.3 S6 Instrument of Delegation



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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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
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,	

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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		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,	

7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		GMPME, MPCo	
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,	



7.3 S6 Instrument of Delegation



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<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		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	
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,	

7.3 S6 Instrument of Delegation



<p align="center"><b>Planning and Environment Act 1987</b></p> <p align="center"><i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i></p> <p align="center"><i>(a) a committee of the authority; or</i></p> <p align="center"><i>(b) an officer of the authority; or</i></p> <p align="center"><i>(c) the Victorian Planning Authority.</i></p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		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'

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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
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

7.3 S6 Instrument of Delegation



<p style="text-align: center;"><b>Planning and Environment Act 1987</b></p> <p style="text-align: center;"><i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i></p> <p style="text-align: center;"><i>(a) a committee of the authority; or</i></p> <p style="text-align: center;"><i>(b) an officer of the authority; or</i></p> <p style="text-align: center;"><i>(c) the Victorian Planning Authority.</i></p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	ND	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	ND	

7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, SP, SPP, PStrP, TLPPS, CRMg, MIP, GMPME, MPCo	

7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, SP, SPP, PStrP, TLPPS, CRMg, MIP, GMPME, MPCo	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO,	

7.3 S6 Instrument of Delegation



<p align="center"><b>Planning and Environment Act 1987</b></p> <p align="center"><i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i></p> <p align="center"><i>(a) a committee of the authority; or</i></p> <p align="center"><i>(b) an officer of the authority; or</i></p> <p align="center"><i>(c) the Victorian Planning Authority.</i></p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		AOPlan, PPO, PSO, VSP, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 50(4)	Duty to amend application	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	

7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 50(5)	Power to refuse to amend application	PO, CSLUP, CSP, PStaP, VSP, SP, 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, PPO, PSO, VSP, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	



7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
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<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 50A(1)	Power to make amendment to application	PO, CSLUP, CSP, PStaP, VSP, SP, 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, SP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 50A(4)	Duty to note amendment to application in register	PO, CSLUP, CSP, PStaP,	

7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
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	

7.3 S6 Instrument of Delegation



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

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b> Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to— (a) a committee of the authority; or (b) an officer of the authority; or (c) the Victorian Planning Authority.			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		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, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	

7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, SP, 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, SP,	

7.3 S6 Instrument of Delegation



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<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		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, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	

7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, SP, 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, SP,	

7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		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, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	



7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 54(1)	Power to require the applicant to provide more information	PO, CSLUP, CSP, PStaP, VSP, SP, SPP, PStrP, TLPPS, MIP,	

7.3 S6 Instrument of Delegation



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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		GMPME, MPCo	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	PO, CSLUP, CSP, PStaP, VSP, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 54(1B)	Duty to specify the lapse date for an application	PO, CSLUP, CSP, PStaP, VSP, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	

7.3 S6 Instrument of Delegation



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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	PO, CSLUP, CSP, PStaP, VSP, SP, 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, SP, 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,	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		AOPlan, PPO, PSO, VSP, SP, 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	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Place Making & Environment, or Manager Planning & Compliance or Manager Integrated Planning.
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,	

7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		PCSASO, AOPlan, PPO, PSO, VSP, SP, 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, SP, SPP, PStrP, TLPPS, MIP,	

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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		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, PPO, PSO, VSP, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 57A(5)	Power to refuse to amend application	PO, CSLUP, CSP, PStaP, PSO, VSP, SP, SPP,	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		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, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	

7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 57B(1)	Duty to determine whether and to whom notice should be given	PO, CSLUP, CSP, PStaP, PSO, VSP, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	PO, CSLUP, CSP, PStaP, PSO, VSP, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	



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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 57C(1)	Duty to give copy of amended application to referral authority	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 58	Duty to consider every application for a permit	PO, CSLUP, CSP, PStaP, PSO, VSP, SP, SPP, PStrP, TLPPS, MIP,	

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<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		GMPME, MPCo	
s 58A	Power to request advice from the Planning Application Committee	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	
s 60	Duty to consider certain matters	PO, CSLUP, CSP, PStaP, PSO, VSP, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	

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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 60(1A)	Duty to consider certain matters	PO, CSLUP, CSP, PStaP, PSO, VSP, SP, 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, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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, SP, 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 Place Making &amp; Environment, Manager Planning &amp; Compliance, Coordinator Statutory Planning or the Principal Statutory Planner.</p> <p>LIMITATIONS:</p> <p>The Statutory Planner, VicSmart 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</p>

7.3 S6 Instrument of Delegation



<p style="text-align: center;"><b>Planning and Environment Act 1987</b></p> <p style="text-align: center;"><i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i></p> <p style="text-align: center;"><i>(a) a committee of the authority; or</i> <i>(b) an officer of the authority; or</i> <i>(c) the Victorian Planning Authority.</i></p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			<p>Statutory planner or Coordinator Statutory Planning or Manager Planning &amp; Compliance, or General Manager Place Making &amp; Environment.</p> <p>The Statutory Planner, VicSmart 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; Compliance, or General Manager Place Making &amp; Environment.</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; Compliance and the General Manager Place Making &amp; Environment.</p>

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
			<p>The authority to determine an application with two or more objections is limited to the Manager Planning &amp; Compliance and the General Manager Place Making &amp; Environment.</p> <p>The authority to determine to refuse an application is limited to the Manager Planning &amp; Compliance and the General Manager Place Making &amp; Environment.</p>
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 Place Making & Environment, Manager Planning & Compliance or Coordinator Statutory Planning, or Principal Statutory Planner.

7.3 S6 Instrument of Delegation



<p style="text-align: center;"><b>Planning and Environment Act 1987</b></p> <p style="text-align: center;"><i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i></p> <p style="text-align: center;"><i>(a) a committee of the authority; or</i></p> <p style="text-align: center;"><i>(b) an officer of the authority; or</i></p> <p style="text-align: center;"><i>(c) the Victorian Planning Authority.</i></p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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 Place Making & Environment, Manager Planning and Compliance, 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 Place Making & Environment, Manager Planning & Compliance or Coordinator Statutory Planning.
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CSLUP, CSP, MIP,	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		GMPME, MPCo	Place Making & Environment, Manager Planning & Compliance 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 Place Making and Environment or Manager Planning & Compliance.
s 62(1)	Duty to include certain conditions in deciding to grant a permit	PO, CSLUP, CSP, PStaP, VSP, SP, 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 Place Making and Environment or Manager Planning & Compliance or Coordinator Statutory Planning.



7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 62(2)	Power to include other conditions	PO, CSLUP, CSP, PStaP, VSP, SP, 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 Place Making and Environment or Manager Planning & Compliance or Coordinator Statutory Planning.
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	PO, CSLUP, CSP, PStaP, VSP, SP, 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 Place Making and Environment or Manager Planning & Compliance or Coordinator Statutory Planning.

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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, SP, 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 Place Making and Environment or Manager Planning & Compliance or Coordinator Statutory Planning.
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	PO, CSLUP, CSP, PStaP, VSP, SP, 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 Place Making and Environment or Manager Planning & Compliance or Coordinator Statutory Planning.

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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, SP, 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 Place Making and Environment or Manager Planning & Compliance 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, SP, 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 Place Making and Environment or Manager Planning & Compliance or Coordinator Statutory Planning.

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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, SP, 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 Place Making and Environment or Manager Planning & Compliance or Coordinator Statutory Planning.
s 63	Duty to issue the permit where a decision has been made in favour of the application (if no one has objected)	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SP, 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 Place Making and Environment or Manager Planning & Compliance or Coordinator Statutory Planning.

7.3 S6 Instrument of Delegation



<p align="center"><b>Planning and Environment Act 1987</b></p> <p align="center"><i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i></p> <p align="center"><i>(a) a committee of the authority; or</i></p> <p align="center"><i>(b) an officer of the authority; or</i></p> <p align="center"><i>(c) the Victorian Planning Authority.</i></p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 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, SP, 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(3)	Duty not to issue a permit until after the specified period	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SP,	This provision applies also to a decision to grant an amendment to a permit - see s 75

7.3 S6 Instrument of Delegation



<p align="center"><b>Planning and Environment Act 1987</b></p> <p align="center"><i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i></p> <p align="center"><i>(a) a committee of the authority; or</i></p> <p align="center"><i>(b) an officer of the authority; or</i></p> <p align="center"><i>(c) the Victorian Planning Authority.</i></p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
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, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	This provision applies also to a decision to grant an amendment to a permit - see s 75

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	This provision applies also to a decision to grant an amendment to a permit - see s 75A
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, SP,	

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		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, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	



7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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, SP, 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
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, SP,	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

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
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, SP, 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,	

7.3 S6 Instrument of Delegation



<p align="center"><b>Planning and Environment Act 1987</b></p> <p align="center"><i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i></p> <p align="center"><i>(a) a committee of the authority; or</i></p> <p align="center"><i>(b) an officer of the authority; or</i></p> <p align="center"><i>(c) the Victorian Planning Authority.</i></p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
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, SP, SPP, PStrP, TLPPS, MIP,	

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		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 Place Making and Environment or Manager Planning & Compliance, 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, SP, SPP, PStrP, TLPPS, MIP,	

7.3 S6 Instrument of Delegation



<p align="center"><b>Planning and Environment Act 1987</b></p> <p align="center"><i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i></p> <p align="center"><i>(a) a committee of the authority; or</i></p> <p align="center"><i>(b) an officer of the authority; or</i></p> <p align="center"><i>(c) the Victorian Planning Authority.</i></p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		GMPME, MPCo	
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, SP, SPP, PStrP, TLPPS, MIP,	

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
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<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		GMPME, MPCo	
s 73	Power to decide to grant amendment subject to conditions	PO, CSLUP, CSP, PStaP, VSP, SP, 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 Place Making and Environment or Manager Planning &amp; Compliance, Coordinator Statutory Planning or the Principal Statutory Planner.</p> <p>LIMITATIONS:</p> <p>The Statutory Planner, VicSmart 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</p>

7.3 S6 Instrument of Delegation



<p align="center"><b>Planning and Environment Act 1987</b></p> <p align="center"><i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i></p> <p align="center"><i>(a) a committee of the authority; or</i></p> <p align="center"><i>(b) an officer of the authority; or</i></p> <p align="center"><i>(c) the Victorian Planning Authority.</i></p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			<p>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 General Manager Place Making and Environment or Manager Planning &amp; Compliance.</p> <p>The Statutory Planner, VicSmart 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, General Manager Place Making and Environment or Manager Planning &amp; Compliance.</p> <p>The authority to determine to approve an application with one objection is limited to the Coordinator Statutory Planning and the General</p>

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			<p>Manager Place Making and Environment or Manager Planning &amp; Compliance</p> <p>The authority to determine an application with two or more objections is limited to the General Manager Place Making and Environment or Manager Planning &amp; Compliance</p> <p>The authority to determine to refuse an application is limited to the General Manager Place Making and Environment or Manager Planning &amp; Compliance.</p>
s 74	Duty to issue amended permit to applicant if no objectors	PO, CSLUP, CSP, PStaP, PAO, AOPD,	



7.3 S6 Instrument of Delegation



<p style="text-align: center;"><b>Planning and Environment Act 1987</b></p> <p style="text-align: center;"><i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i></p> <p style="text-align: center;"><i>(a) a committee of the authority; or</i></p> <p style="text-align: center;"><i>(b) an officer of the authority; or</i></p> <p style="text-align: center;"><i>(c) the Victorian Planning Authority.</i></p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		PCSASO, AOPlan, PPO, PSO, VSP, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
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, SP, SPP, PStrP, TLPPS, MIP,	

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
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<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		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, SP, 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,	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		AOPlan, PPO, PSO, VSP, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SP, 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

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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, SP, 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	

7.3 S6 Instrument of Delegation



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<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 83	Function of being respondent to an appeal	PO, CSLUP, CSP, PStaP, VSP, SP, SPP, 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, SP, SPP, PStrP, TLPPS, MIP,	

7.3 S6 Instrument of Delegation



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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		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 Place Making and Environment, Manager Planning & Compliance 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	
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,	

7.3 S6 Instrument of Delegation



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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		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,	

7.3 S6 Instrument of Delegation



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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		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	
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	



7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
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<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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,	

7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		GMPME, MPCo	
s 93(2)	Duty to give notice of VCAT order to stop development	CSLUP, CPC, CSP, PPIO, SPIO, PStaP, SPP, PStrP, TLPPS, CRMg, MIP, GMPME, MPCo	
s 95(3)	Function of referring certain applications to the Minister	CSLUP, CSP, PStaP, PStrP, MIP, GMPME, MPCo	

7.3 S6 Instrument of Delegation



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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	

7.3 S6 Instrument of Delegation



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<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CSLUP, CSP, MIP, GMPME, MPCo	
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, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 96F	Duty to consider the panel's report under s 96E	ND	

7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, PCSASO, AOPlan, PPO, PSO, VSP, SP, SPP, PStrP, TLPPS, MIP,	

7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		GMPME, MPCo	
s 96J	Power to issue permit as directed by the Minister	PO, CSLUP, CSP, PStaP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SP, 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,	

7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		AOPlan, PPO, PSO, VSP, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 96Z	Duty to keep levy certificates given to it under s 47 or s 96A for no less than 5 years from receipt of the certificate	PO, CSLUP, CSP, PStaP, VSP, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	

7.3 S6 Instrument of Delegation



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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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, SP, 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,	



7.3 S6 Instrument of Delegation



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<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		VSP, SP, 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, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	

7.3 S6 Instrument of Delegation



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<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 97L	Duty to include Ministerial decisions in a register kept under s 49	PO, CSLUP, CSP, PAO, AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SP, 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, SP,	

7.3 S6 Instrument of Delegation



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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		SPP, TLPPS, MIP, GMPME, MPCo	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	GMPME, MPCo	
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,	

7.3 S6 Instrument of Delegation



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<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		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,	

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<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		GMPME, MPCo	
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, SP, PStaP, VSP,	

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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		SP, 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, SP, 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	

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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	

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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	
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	



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<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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,	Except Crown Land

7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		GMPME, MPCo	
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,	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		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

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	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

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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
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

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	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, SP, SPP, PStrP, TLPPS, 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, SP, SPP, PStrP, TLPPS, MIP,	

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<p>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</p> <p>(a) a committee of the authority; or</p> <p>(b) an officer of the authority; or</p> <p>(c) the Victorian Planning Authority.</p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		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 Place Making & Environment or the Manager Planning and Compliance
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,	

7.3 S6 Instrument of Delegation



<p align="center"><b>Planning and Environment Act 1987</b></p> <p align="center"><i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i></p> <p align="center"><i>(a) a committee of the authority; or</i></p> <p align="center"><i>(b) an officer of the authority; or</i></p> <p align="center"><i>(c) the Victorian Planning Authority.</i></p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		AOPD, PCSASO, AOPlan, PPO, PSO, VSP, SP, 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.



7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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.
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	

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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, TLPPS, CRMg, MIP, GMPME, MPCo	

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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. <hr/> 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. <hr/> Requires agreement of the CEO unless the CEO has a conflict of interest.

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 178E(3)(d)	Power to refuse to amend or end the agreement	GMPME, MPCo	After considering objections, submissions and matters in s 178B. <hr/> Requires agreement of the CEO unless the CEO has a conflict of interest.
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	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	

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 178I(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, SP, SPP, PStrP, TLPPS,	

7.3 S6 Instrument of Delegation



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

7.3 S6 Instrument of Delegation



<p align="center"><b>Planning and Environment Act 1987</b></p> <p align="center"><i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i></p> <p align="center"><i>(a) a committee of the authority; or</i></p> <p align="center"><i>(b) an officer of the authority; or</i></p> <p align="center"><i>(c) the Victorian Planning Authority.</i></p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		GMPME, MPCo	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	PO, CSLUP, CSP, PStaP, VSP, SP, SPP, 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, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	



7.3 S6 Instrument of Delegation



<p style="text-align: center;"><b>Planning and Environment Act 1987</b></p> <p style="text-align: center;"><i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i></p> <p style="text-align: center;"><i>(a) a committee of the authority; or</i></p> <p style="text-align: center;"><i>(b) an officer of the authority; or</i></p> <p style="text-align: center;"><i>(c) the Victorian Planning Authority.</i></p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 182	Power to enforce an agreement	PO, CSLUP, CSP, PIO, VSP, SP, SPP, TLPPS, MIP, GMPME, MPCo	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	PO, CSLUP, CSP, PIO, VSP, SP, 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	

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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, SP, 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,	

7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		CSLUP, CSP, PIO, PStaP, VSP, SP, SPP, PStrP, TLPPS, MIP, GMPME, MPCo	
s 184G(2)	Duty to comply with a direction of the Tribunal	PO, GMED, MPD, CSLUP, CSP, VSP, SP, SPP, TLPPS, MIP, GMPME, MPCo	

7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 184G(3)	Duty to give notice as directed by the Tribunal	PO, GMED, MPD, CSLUP, CSP, VSP, SP, SPP, TLPPS, MIP, GMPME, MPCo	
s 198(1)	Function to receive application for planning certificate	PO, GMED, MPD, CSLUP, CSP, VSP, SP, SPP, TLPPS, MIP, GMPME, MPCo	

7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 199(1)	Duty to give planning certificate to applicant	PO, GMED, MPD, CSLUP, CSP, VSP, SP, SPP, TLPPS, MIP, GMPME, MPCo	
s 201(1)	Function of receiving application for declaration of underlying zoning	PO, GMED, MPD, CSLUP, CSP, VSP, SP, SPP, TLPPS, MIP, GMPME, MPCo	

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
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<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 201(3)	Duty to make declaration	PO, GMED, MPD, CSLUP, CSP, PStaP, VSP, SP, 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 Place Making and Environment or Manager Planning & Compliance 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, SP, SPP, PStrP, TLPPS,	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Place Making and Environment or Manager Planning & Compliance, Manager Integrated Planning, Coordinator Statutory Planning,

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		CRMg, MIP, GMPME, MPCo	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, SP, 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 Place Making and Environment or Manager Planning & Compliance, Manager Integrated Planning, 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, CSLUP, CPC, CSP, PStaP, VSP,	LIMITATIONS:

7.3 S6 Instrument of Delegation



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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
		<p>SP, SPP, PStrP, TLPPS, CRMg, MIP, GMPME, MPCo</p>	<p>Delegated power to approve development plans is limited to the Manager Planning &amp; Compliance, Manager Integrated Planning or Coordinator Strategic Land Use Planning where there are no unresolved submissions objecting to the plan. Approval of minor amendments to development plans previously approved by Council resolution where there were submissions objecting to the plan and the new plan makes no significant change to the plan that would require public notice of that change.</p> <p>Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Environment &amp; Development or Manager Planning &amp; Development.</p>



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<b>Planning and Environment Act 1987</b>			
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<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
			Statutory Planner, VicSmart 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 General Manager Place Making and Environment or Manager Planning & Compliance.
	Power to give written authorisation in accordance with a provision of a planning scheme	PO, CSLUP, CPC, CSP, PStaP, VSP, SP, SPP, PStrP, TLPPS, CRMg, MIP,	Delegation will be exercised after written support for the intended decision has been obtained from a more senior officer, being the General Manager Place Making and Environment or Manager Planning & Compliance, or Coordinator Statutory Planning, or Principal Statutory Planner.

7.3 S6 Instrument of Delegation



<b>Planning and Environment Act 1987</b>			
<i>Section 188 states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i>			
<i>(a) a committee of the authority; or</i>			
<i>(b) an officer of the authority; or</i>			
<i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		GMPME, MPCo	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	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	CSLUP, CSP, SPP, TLPPS, MIP, GMPME, MPCo	

7.3 S6 Instrument of Delegation



<b>Residential Tenancies Act 1997</b> Section 3(1) states – <i>Council has the same meaning as in section 3(1) of the Local Government Act 2020.</i> Section 524(2) states – <i>A Council may, by instrument, delegate to an officer of, or holder of an office in, the Council any of its power or functions, under this Part and the regulations under this Part, except this power of delegation.</i> Note: Part referenced is Part 14 (s.512 - s.527)			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	CEO	Where Council is a public statutory authority engaged in the provision of housing
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	CEO	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes

7.3 S6 Instrument of Delegation



<b>Residential Tenancies Act 1997</b> Section 3(1) states – <i>Council has the same meaning as in section 3(1) of the Local Government Act 2020.</i> Section 524(2) states – <i>A Council may, by instrument, delegate to an officer of, or holder of an office in, the Council any of its power or functions, under this Part and the regulations under this Part, except this power of delegation.</i> Note: Part referenced is Part 14 (s.512 - s.527)			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	CEO	Where Council is a public statutory authority engaged in the provision of housing
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	GMPME	Where Council is a public statutory authority engaged in the provision of housing
s 142D	Function of receiving notice regarding an unregistered rooming house	CEH, EHO	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	CEH	

**7.3 S6 Instrument of Delegation**



<b>Residential Tenancies Act 1997</b>			
<p>Section 3(1) states – <b>Council</b> has the same meaning as in section 3(1) of the Local Government Act 2020.</p> <p>Section 524(2) states – A Council may, by instrument, delegate to an officer of, or holder of an office in, the Council any of its power or functions, under this Part and the regulations under this Part, except this power of delegation.</p> <p>Note: Part referenced is Part 14 (s.512 - s.527)</p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 142G(2)	Power to enter certain information in the Rooming House Register	CEH, EHO	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CEH, EHO	
s 206AZA(2)	Function of receiving written notification	GMPME	
s 207ZE(2)	Function of receiving written notification	GMPME	

7.3 S6 Instrument of Delegation



Residential Tenancies Act 1997			
<p>Section 3(1) states – <b>Council</b> has the same meaning as in section 3(1) of the Local Government Act 2020.</p> <p>Section 524(2) states – A Council may, by instrument, delegate to an officer of, or holder of an office in, the Council any of its power or functions, under this Part and the regulations under this Part, except this power of delegation.</p> <p>Note: Part referenced is Part 14 (s.512 - s.527)</p>			
Provision	Powers 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	BI, BS, CEH, EHO, MBS	
s 522(1)	Power to give a compliance notice to a person	BI, BS, CEH, EHO, MBS	
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	

7.3 S6 Instrument of Delegation



Residential Tenancies Act 1997			
<p>Section 3(1) states – <b>Council</b> has the same meaning as in section 3(1) of the Local Government Act 2020.</p> <p>Section 524(2) states – A Council may, by instrument, delegate to an officer of, or holder of an office in, the Council any of its power or functions, under this Part and the regulations under this Part, except this power of delegation.</p> <p>Note: Part referenced is Part 14 (s.512 - s.527)</p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 526(5)	Duty to keep record of entry by authorised officer under s 526	BI, BS, CEH, EHO, MBS	
s 526A(3)	Function of receiving report of inspection	CEH, EHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	BI, BS, CEH, EHO, MBS	

7.3 S6 Instrument of Delegation



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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)



**7.3 S6 Instrument of Delegation**



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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  Unless s 12(11) applies

7.3 S6 Instrument of Delegation



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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

7.3 S6 Instrument of Delegation



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	

**7.3 S6 Instrument of Delegation**



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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

7.3 S6 Instrument of Delegation



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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

**7.3 S6 Instrument of Delegation**



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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	
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	

7.3 S6 Instrument of Delegation



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
s 40(1)	Duty to inspect, maintain and repair a public road.	CCO, MAE	

7.3 S6 Instrument of Delegation



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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



7.3 S6 Instrument of Delegation



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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  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	

7.3 S6 Instrument of Delegation



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 49	Power to develop and publish a road management plan	GMPME, MAE	
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	

7.3 S6 Instrument of Delegation



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
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

**7.3 S6 Instrument of Delegation**



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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
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

**7.3 S6 Instrument of Delegation**



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	
s 86	Duty to keep register re s 85 matters	MAE	

**7.3 S6 Instrument of Delegation**



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 87(1)	Function of receiving complaints	MAE	
s 87(2)	Duty to investigate complaint and provide report	MAE	
s 112(2)	Power to recover damages in court	CCO, MAE	
s 116	Power to cause or carry out inspection	CCO, MAE	
s 119(2)	Function of consulting with the Head, Transport for Victoria	GMPME, MAE	

7.3 S6 Instrument of Delegation



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	

**7.3 S6 Instrument of Delegation**



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	



**7.3 S6 Instrument of Delegation**



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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
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

7.3 S6 Instrument of Delegation



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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

7.3 S6 Instrument of Delegation



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
sch 7 cl 13(2)	Power to vary notice period	MAE	Where Council is the coordinating road authority

7.3 S6 Instrument of Delegation



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, CEng, GMPME, MAE	Where Council is the coordinating road authority

7.3 S6 Instrument of Delegation



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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

7.3 S6 Instrument of Delegation



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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

7.3 S6 Instrument of Delegation



<b>Road Management Act 2004</b>			
<i>Section 118(1) states – A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i>			
<i>Note: road authority means a person or body specified in or under section 37 – including municipal council.</i>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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
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)

7.3 S6 Instrument of Delegation



<b>Planning and Environment Regulations 2015</b>			
<i>Section 188 of the Planning and Environment Act 1987, for which this regulation is created under, states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i> <i>(a) a committee of the authority; or</i> <i>(b) an officer of the authority; or</i> <i>(c) the Victorian Planning Authority.</i>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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, SP, 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.
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, SP, SPP, TLPPS, MIP, GMPME, MPCo	



7.3 S6 Instrument of Delegation



<p align="center"><b>Planning and Environment Regulations 2015</b></p> <p align="center"><i>Section 188 of the Planning and Environment Act 1987, for which this regulation is created under, states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—</i></p> <p align="center"><i>(a) a committee of the authority; or</i></p> <p align="center"><i>(b) an officer of the authority; or</i></p> <p align="center"><i>(c) the Victorian Planning Authority.</i></p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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, SP, 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, SP, 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, SP, SPP, TLPPS, MIP, GMPME, MPCo	where Council is not the planning authority and the amendment affects land within Council's municipal district; or

7.3 S6 Instrument of Delegation



<p align="center"><b>Planning and Environment Regulations 2015</b></p> <p align="center">Section 188 of the Planning and Environment Act 1987, for which this regulation is created under, states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to— (a) a committee of the authority; or (b) an officer of the authority; or (c) the Victorian Planning Authority.</p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			where the amendment will amend the planning scheme to designate Council as an acquiring authority.

<p align="center"><b>Planning and Environment (Fees) Regulations 2016</b></p> <p align="center">Section 188 of the Planning and Environment Act 1987, for which this regulation is created under, states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to— (a) a committee of the authority; or (b) an officer of the authority; or (c) the Victorian Planning Authority.</p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CSLUP, MIP, GMPME	

7.3 S6 Instrument of Delegation



<p align="center"><b>Planning and Environment (Fees) Regulations 2016</b></p> <p align="center">Section 188 of the Planning and Environment Act 1987, for which this regulation is created under, states - (1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to— (a) a committee of the authority; or (b) an officer of the authority; or (c) the Victorian Planning Authority.</p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 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	

<p align="center"><b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b></p> <p align="center">Section 524(2) of the Residential Tenancies Act states – A Council may, by instrument, delegate to an officer of, or holder of an office in, the Council any of its power or functions, under this Part and the regulations under this Part, except this power of delegation. Note: Part referenced is Part 14 (s.512 - s.527) under which this regulation is made (s.514).</p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations

**7.3 S6 Instrument of Delegation**



<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b> Section 524(2) of the Residential Tenancies Act states – <i>A Council may, by instrument, delegate to an officer of, or holder of an office in, the Council any of its power or functions, under this Part and the regulations under this Part, except this power of delegation.</i> Note: Part referenced is Part 14 (s.512 - s.527) under which this regulation is made (s.514).			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 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	
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	

7.3 S6 Instrument of Delegation



<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b> Section 524(2) of the Residential Tenancies Act states – <i>A Council may, by instrument, delegate to an officer of, or holder of an office in, the Council any of its power or functions, under this Part and the regulations under this Part, except this power of delegation.</i> Note: Part referenced is Part 14 (s.512 - s.527) under which this regulation is made (s.514).			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 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	
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	

**7.3 S6 Instrument of Delegation**



<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b> Section 524(2) of the Residential Tenancies Act states – <i>A Council may, by instrument, delegate to an officer of, or holder of an office in, the Council any of its power or functions, under this Part and the regulations under this Part, except this power of delegation.</i> Note: Part referenced is Part 14 (s.512 - s.527) under which this regulation is made (s.514).			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 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	

**7.3 S6 Instrument of Delegation**



<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b> Section 524(2) of the Residential Tenancies Act states – <i>A Council may, by instrument, delegate to an officer of, or holder of an office in, the Council any of its power or functions, under this Part and the regulations under this Part, except this power of delegation.</i> Note: Part referenced is Part 14 (s.512 - s.527) under which this regulation is made (s.514).			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	CEH, EHO	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	CEH, EHO	
r 25(3)	Duty to consult with relevant floodplain management authority	CEH, EHO	
r 26	Duty to have regard to any report of the relevant fire authority	CEH, EHO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CEH, EHO	

7.3 S6 Instrument of Delegation



<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b> Section 524(2) of the Residential Tenancies Act states – <i>A Council may, by instrument, delegate to an officer of, or holder of an office in, the Council any of its power or functions, under this Part and the regulations under this Part, except this power of delegation.</i> Note: Part referenced is Part 14 (s.512 - s.527) under which this regulation is made (s.514).			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CEH, EHO, MBS, BS	
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	



7.3 S6 Instrument of Delegation



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Section 524(2) of the Residential Tenancies Act states – <i>A Council may, by instrument, delegate to an officer of, or holder of an office in, the Council any of its power or functions, under this Part and the regulations under this Part, except this power of delegation.</i>			
Note: Part referenced is Part 14 (s.512 - s.527) under which this regulation is made (s.514).			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	MBS, BS	

Residential Tenancies Regulations 2021			
Sch 4 cl 3(a)(iii) provides direct reference systems approved by the local council.			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 4 cl 3(a)(iii)	Power to approve any other toilet system	ND	

**7.3 S6 Instrument of Delegation**



<b>Road Management (General) Regulations 2016</b>			
<p>Section 118(1) of the Road Management Act 2004 states – <i>A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i></p> <p>Note: road authority means a person or body specified in or under section 37 – including municipal council.</p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	MAE	
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

**7.3 S6 Instrument of Delegation**



<b>Road Management (General) Regulations 2016</b>			
<p>Section 118(1) of the Road Management Act 2004 states – <i>A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i></p> <p>Note: road authority means a person or body specified in or under section 37 – including municipal council.</p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	MAE	
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

### 7.3 S6 Instrument of Delegation



<b>Road Management (General) Regulations 2016</b>			
<p>Section 118(1) of the Road Management Act 2004 states – <i>A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i></p> <p>Note: road authority means a person or body specified in or under section 37 – including municipal council.</p>			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 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
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	MAE	

<b>Road Management (Works and Infrastructure) Regulations 2015</b>			
<p>Section 118(1) of the Road Management Act 2004 states – <i>A road authority may by instrument delegate to any person any function or power of the road authority under this Act or any other Act or under the regulations other than this power of delegation.</i></p> <p>Note: road authority means a person or body specified in or under section 37 – including municipal council.</p>			

### 7.3 S6 Instrument of Delegation



Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	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

#### 7.4 Project Budget Adjustments and Cash Reserve Transfers - January 2022

**Author's Title:** Coordinator Management Accounting      **General Manager:** John Bertoldi  
**Department:** Finance      **File No:** F18/850-4  
**Division:** Governance & Infrastructure      **Trim No:** IC22/18  
**Appendix:**

**Officer Conflict of Interest:**

In accordance with Local Government Act 2020 –  
Section 130:

Yes

No

**Reason:** Nil

**Status:**

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

Yes

No

**Reason:** Nil

#### Purpose

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

#### Summary

The project budget adjustments presented in this January 2022 report relate to the 2021-22 financial year. All figures in this report are exclusive of GST.

#### Recommendation

That Council:

1. Approves the project budget adjustments and ratifies the project budget adjustments endorsed by the Executive Management Team outlined in Tables 1 to 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>
Developer Contributions Reserve	29,091
<b>Grand Total</b>	<b>29,091</b>

## 7.4 Project Budget Adjustments and Cash Reserve Transfers - January 2022

### Report

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

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

#### **Background**

In providing a balance between smooth project delivery and ensuring Council involvement in decision making on material scope change or new projects to be created, the Executive Management Team are being presented on a fortnightly basis for its endorsement project budget adjustments of a straight forward nature such as allocating grant funding to a project and corrections. Transfers relating to material scope change or new projects not already approved by Council are presented to Council for approval. Transfers endorsed by the Executive Management Team are presented to Council for ratification. This process ensures that Councillors have the decision on major changes and are kept informed of all project budget changes; allowing for smooth project delivery. The report also provides transparency for the community.

#### **Discussion**

The following project adjustments, detailed in Table 1 and 2, are required where it has been identified that projects require adjustments to their approved budgets to allow achievement of project scope and objectives; or there is a request to adjust 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 \$
Creating a Netball Pathway on the Surf Coast - Reimagining Health Program	Contribution Funded	Netball Victoria contribution to the development of regional netball. This contribution will contribute to <b>delivering</b> 'creating a netball pathway on the Surf Coast' under the 'Reimagining Health Program'.	2,273
Local Council Outdoor Eating and Entertainment Package (LCOEEP)	Contribution Funded	A Torquay retailer (Flippin Fresh) received a \$2,000 grant from the State Government for 'Outdoor Activation' to buy chairs and tables to support their business. They requested a couple of bench seats be installed permanently on Council land near their shop which would also support surrounding businesses; who are also supportive of the initiative. The grant will be paid to Council to contribute towards the cost of these bench seats which will be delivered by Council under the Local Council Outdoor Eating and Entertainment Package program.	2,000
Eastern Reserve Land Purchase	Contribution Funded	Refund of deposit held by Hayden Real Estate for the purchase of 135 Austin Street Winchelsea. Settlement date was 11 December 2018.	25,000
Business Concierge and Hospitality Support Program	Grant Funded	Additional funding towards existing program with State Department of Jobs, Precincts and Regions.	30,000
COVID-19 Vaccination Program - Community Engagement Grants	Grant Funded	Additional funding from Department of Health to continue to raise awareness and engage with the community regarding the COVID-19 vaccination program.	13,280
Kerbside 2021-22 Project Operations	Grant Funded	Funding agreement executed with Department of Environment, Land, Water and Planning to support the introduction of new household glass services and food organics and garden organics (FOGO) services.	67,581

## 7.4 Project Budget Adjustments and Cash Reserve Transfers - January 2022

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

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Lorne Men's Shed Drainage	Project Savings Account	Contract submission is within current budget if the existing contingency is allocated. It is recommended that additional budget be allocated to the project to provide a contingency in managing this project's scope during delivery.	7,000
Shire Wide Food Organics and Green Organics	Grant Funded	Consolidating remaining grant funding outstanding from Sustainability Victoria to support the introduction of new household glass services and food organics and garden organics services to the current waste project 'Kerbside 2021-22 Project Operations'.	(30,000)
Kerbside 2021-22 Project Operations			30,000

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 \$
COVID Safe Outdoor Activation Fund 2021	Grant Funded	Funding agreement executed with Department of Jobs, Precincts and Regions to assist Council in supporting businesses to operate in outdoor settings in a COVIDSafe manner. This will assist business viability and will support ongoing community safety and confidence as part of the roadmap to reopening.	500,000
Small Grant Program - Moriac Community Network Electric Vehicle Station	Contribution Funded	Small grant of \$2,460 was awarded to the Moriac Community Network Electric Vehicle Station by Council. Project will be managed by Council using Community Project Management Support Funds.	2,460
Small Grant Program - Connewarre Landcare Network Gazebo	Contribution Funded	Small grant of \$2,000 was awarded to the Connewarre Landcare Network by Council. Project will be managed by Council using Community Project Management Support Funds. Further contributions towards project confirmed with Surf Coast and Inland Plains Network \$2,000 and Connewarre Landcare Network \$3,500.	7,500



## 7.4 Project Budget Adjustments and Cash Reserve Transfers - January 2022

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

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Grossmans Road - Anglesea Road Intersection Upgrade	Developer Contributions Reserve	As part of the agreement for the development at 460 Grossmans Road, the landowner is to be compensated for any land transfer required to upgrade the intersection at Grossmans Road / Anglesea Road. This compensation for land will be funded from the developer contributions received for this development, currently held in the reserve. A professional valuation was completed as part of this process.	29,091

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 \$
Blackspot Program Gum Flats Road - Forest Road to Proving Ground Anglesea	Grant Funded	Scope complete. Savings of \$61,610 returned to funding provider. Life of Project cost \$293,389.	(61,610)

Projects in Table 6 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			

Projects in Table 7 reflect 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 \$
Mt Moriac Reserve AFL Lighting Upgrade (Oval 1) and Mt Moriac Reserve Sub Surface Drainage (Oval 2)	Project Savings Account	Upon closing the project in September 2021, the remaining budget was returned to Project Savings Account rather than to the deferred landscaping project account until suitable weather enabled completion of landscaping scope. Propose to return funds to enable the final landscaping works to be completed.	2,704

## 7.4 Project Budget Adjustments and Cash Reserve Transfers - January 2022

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

<b>Accumulated Unallocated Cash Reserve</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
Opening Balance	3,493	3,049	2,316	718
Budgeted Annual Surplus/(Deficit)	50	(1,018)	(1,598)	(3,312)
Transfer for Adopted Projects Funded	(465)	285	-	-
Net Allocations During Year	(30)	-	-	-
New Allocations Proposed	-	-	-	-
<b>Closing Balance *</b>	<b>3,049</b>	<b>2,316</b>	<b>718</b>	<b>(2,594)</b>

<b>Accumulated Unallocated Cash Reserve</b>	<b>2021-22</b>
	<b>\$'000</b>
<b>Net Allocations During Year</b>	
Winchelsea Leisure Time Centre Rectification Works	(30)
<b>Net Allocations (From)/To</b>	<b>(30)</b>
<b>New Allocations Proposed</b>	
Nil	-
<b>Total New Net Allocations (From)/To</b>	<b>-</b>

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

### **Council Plan**

Theme 7 Accountable and Viable Council  
Strategy 18 Establish a sustainable financial position

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

*Local Government Act 2020 – LGA 2020*

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

## **7.4 Project Budget Adjustments and Cash Reserve Transfers - January 2022**

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

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

### ***Public Transparency***

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

### ***Financial Management***

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

### ***Service Performance***

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

### ***Risk Assessment***

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

### ***Options***

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

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

#### **Option 2 – Adopt officer recommendation**

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

### ***Conclusion***

It is recommended that Council approve the Project Budget Adjustments and Cash Reserve Transfers for January 2022.

## 7.5 Quarterly Financial Statements - December 2021

**Author's Title:** Coordinator Management Accounting      **General Manager:** John Bertoldi  
**Department:** Finance      **File No:** F18/850-4  
**Division:** Governance & Infrastructure      **Trim No:** IC21/2026

**Appendix:**

1. Quarterly Finance Report December 2021 (D22/1995)

**Officer Conflict of Interest:**

In accordance with Local Government Act 2020 –  
Section 130:

Yes

No

**Reason:** Nil

**Status:**

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

Yes

No

**Reason:** Nil

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**Purpose**

The purpose of this report is to receive and note the December Quarterly Finance Report for the 2021-22 financial year as attached.

**Summary**

This Quarterly Finance Report includes the Comprehensive Income Statement, Balance Sheet, Statement of Cash Flows, Statement of Changes in Equity and Statement of Capital Works.

This report also includes a summary of legal costs for the December 2021 quarter with comparative information.

**Recommendation**

That Council notes the Quarterly Finance Report as attached in Appendix 1 for December 2021.

## 7.5 Quarterly Financial Statements - December 2021

### Report

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

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

#### **Background**

Council reports quarterly on its financial results in accordance with Section 97 of *the Local Government Act 2020*. As soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public. The second quarterly report of a financial year must include a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required. As discussed in this report, Council remains in a sound financial position and no revised budget is required.

#### **Discussion**

Quarterly financial statements included with the attached report include:

- Comprehensive Income Statement:
  - Comparison of Council's actual versus budget income and revenue for the period 1 July 2021 to 31 December 2021.
- Balance Sheet:
  - Comparison of Council's actual assets and liabilities versus budget as at 31 December 2021.
- Statement of Cash Flows:
  - Statement of cash flows related to Council's actual operations and activities, and reconciliation to Council's total cash holdings versus budget for the period 1 July 2021 to 31 December 2021.
- Statement of Changes in Equity:
  - Council's actual equity position versus budget as at 31 December 2021.
- Statement of Capital Works:
  - Statement of Council's capital works expenditure versus budget for period 1 July 2021 to 31 December 2021.

Council's net surplus is \$49.3 million at the end of December 2021, which is \$20 million ahead of the year to date budget. This is mainly due to non-monetary asset contributions, along with the timing of capital program grant income and operating expenditure.

Council remains in a sound financial position and no revised budget is required.

#### **Council Plan**

Theme 7 Accountable and Viable Council  
Strategy 18 Establish a sustainable financial position

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

*Local Government Act 2020 – LGA 2020*

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020 and Council's Community Engagement Policy SCS-017 )	No
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes

## 7.5 Quarterly Financial Statements - December 2021

<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	No
Communication	No
Human Rights Charter	No

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

Monitoring of Council's financial performance and position to ensure ongoing viability of Council.

### **Policy/Relevant Law**

Not applicable.

### **Environmental/Sustainability Implications**

Not applicable.

### **Community Engagement**

Not applicable.

### **Public Transparency**

This report contributes to public transparency by ensuring that the quarterly financial statements are made available to the community.

### **Strategies/Plans**

This report compares our year to date performance and position to our 2021-22 Budget Report.

### **Financial Management**

Council reports quarterly on its financial results in accordance with Section 97 of *the Local Government Act 2020*. As soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public. The second quarterly report of a financial year must include a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required. As discussed in this report, Council remains in a sound financial position and no revised budget is required.

### **Service Performance**

Not applicable.

### **Risk Assessment**

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

### **Communication**

Not applicable.

### **Human Rights Charter**

Not applicable.

## 7.5 Quarterly Financial Statements - December 2021

### **Options**

#### Option 1 – Notes the Quarterly Finance Report for December 2021.

This option is recommended by officers as Council remains in a sound financial position and the report is presented in accordance with the Local Government Act 2020.

#### Option 2 – Does not note the Quarterly Finance Report for December 2021.

This option is not recommended by officers as the report is presented in accordance with the Local Government Act 2020.

### **Conclusion**

Council remains in a sound financial position.

## **7.5 Quarterly Financial Statements - December 2021**

### **APPENDIX 1 QUARTERLY FINANCE REPORT DECEMBER 2021**



Surf Coast Shire Council

# Quarterly Finance Report December 2021



## 7.5 Quarterly Financial Statements - December 2021

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## 7.5 Quarterly Financial Statements - December 2021

## 1 Financial Statements

## 1.1 Comprehensive Income Statement

For the quarter ended 31 December 2021

	Notes	YTD Actuals \$'000	YTD Budget \$'000	Annual Budget \$'000	Variations Actual v YTD Budget \$'000	%
<b>Income</b>						
Rates and charges	1	58,989	58,820	58,950	169	0%
Statutory fees and fines	2	1,158	1,019	2,041	139	14%
User charges	3	3,115	3,354	7,207	(239)	7%
Grants - operating	4	4,362	2,881	7,999	1,480	51%
Grants - capital	5	6,787	3,450	4,501	3,337	97%
Contributions - monetary	6	2,359	1,359	2,697	1,000	74%
Contributions - non-monetary assets	7	173	240	11,401	(68)	28%
Net gain/(loss) on disposal of property infrastructure, plant and equipment		160	118	236	43	36%
Other income		10,716	230	460	10,486	4559%
<b>Total Income</b>		<b>87,819</b>	<b>71,472</b>	<b>95,491</b>	<b>16,347</b>	<b>23%</b>
<b>Expenses</b>						
Employee costs	8	16,725	16,985	35,540	260	2%
Materials and services	9	12,837	14,738	28,433	1,900	13%
Depreciation	10	7,663	9,164	18,328	1,501	16%
Amortisation - intangible asset		-	-	5,639	-	0%
Amortisation - right of use asset		244	239	379	(5)	2%
Bad and doubtful debts		17	65	111	48	75%
Borrowing costs		183	186	371	2	1%
Finance costs leases		7	13	24	6	48%
Other expenses		810	798	4,426	(12)	2%
<b>Total expenses</b>		<b>38,486</b>	<b>42,187</b>	<b>93,250</b>	<b>3,701</b>	<b>9%</b>
<b>Surplus/(deficit) for the year</b>		<b>49,333</b>	<b>29,285</b>	<b>2,241</b>	<b>20,048</b>	<b>68%</b>
<b>Other Comprehensive Income</b>						
<b>Items that will not be reclassified to surplus or deficit in future periods</b>						
Net asset revaluation increment / (decrement)		-	-	7,259	-	0%
<b>Total Comprehensive Result</b>		<b>49,333</b>	<b>29,285</b>	<b>9,500</b>	<b>20,048</b>	<b>68%</b>

## Variance Notes:

- Rates and Charges:** Favourable supplementary rates and garbage charge income due to higher number of tenements.
- Statutory Fees and Fines:** Favourable planning assessment fees, subdivision fees and Council election voting infringements, which are partially offset by unfavourable local law parking infringements as a result of pandemic travel/lockdown restrictions.
- User Charges:** The pandemic restrictions have reduced Council's ability to operate and collect income from retail sales and admission fees (Visitor Information Centres and the Australian National Surfing Museum), facility hire and sports programs user charges.
- Grants – Operating:** Favourable operational project grants and Local Government Grants Commission allocation.
- Grants - Capital:** Timing of State and Commonwealth Government capital program grants.
- Contributions Monetary:** Timing of development and open space contributions.
- Contribution Non-Monetary:** Found assets recognised during reporting period (wetlands recognition as an asset and found drainage during developer works).
- Employees:** Variance due to WorkCover premium savings, employee training spend timing, reduced volunteers during the pandemic restrictions, once off employee cost and vacancies.
- Materials and Services:** Variance due to timing of projects and expensed capital works, along with recurrent operations contributing to variance as a result of COVID-19 forcing cancellation of community events, closures of community facilities, Visitor Information Centres and the Australian National Surfing Museum during the reporting period.
- Depreciation:** Variance due to timing of capital program capitalisations/handovers, revaluations, and delays in plant renewal programs due to COVID supply chain constraints, effectively extending the lives of equipment still in service.

## 7.5 Quarterly Financial Statements - December 2021

## 1.2 Balance Sheet

As at 31 December 2021

	Notes	YTD Actuals \$'000	YTD Budget \$'000	Annual Budget \$'000	Variances Actual v YTD Budget	
					\$'000	%
<b>Assets</b>						
<b>Current assets</b>						
Cash and cash equivalents	1	13,881	7,594	5,109	6,286	83%
Trade and other receivables		30,737	31,769	6,156	(1,032)	3%
Other financial assets	1	75,100	50,000	45,000	25,100	50%
Inventories		313	300	306	13	4%
Other assets		293	293	816	-	0%
<b>Total current assets</b>		<b>120,324</b>	<b>89,956</b>	<b>57,387</b>	<b>30,368</b>	<b>34%</b>
<b>Non-current assets</b>						
Trade and other receivables		7	38	13	(31)	82%
Property, infrastructure plant & equipment	2	841,894	817,572	838,109	24,322	3%
Investments in associates and joint ventures		291	538	538	(247)	46%
Right of use assets		613	495	506	118	24%
Intangible assets	3	29,525	28,193	22,554	1,332	5%
<b>Total non-current assets</b>		<b>872,329</b>	<b>846,835</b>	<b>861,720</b>	<b>25,494</b>	<b>3%</b>
<b>Total assets</b>		<b>992,653</b>	<b>936,791</b>	<b>919,107</b>	<b>55,862</b>	<b>6%</b>
<b>Liabilities</b>						
<b>Current liabilities</b>						
Trade and other payables	4	1,164	3,500	6,504	2,336	67%
Unearned Income	5	9,500	-	-	(9,500)	0%
Trust funds and deposits	6	10,111	8,020	8,336	(2,091)	26%
Provisions	7	10,559	7,216	10,238	(3,343)	46%
Interest bearing liabilities		1,076	1,076	2,160	-	0%
Lease liabilities		127	127	297	-	0%
<b>Total current liabilities</b>		<b>32,538</b>	<b>19,940</b>	<b>27,536</b>	<b>(12,598)</b>	<b>63%</b>
<b>Non-current liabilities</b>						
Provisions		11,209	11,525	8,529	315	3%
Lease liabilities		484	484	146	-	0%
Interest bearing liabilities		16,871	16,871	14,711	-	0%
<b>Total non-current liabilities</b>		<b>28,565</b>	<b>28,880</b>	<b>23,385</b>	<b>315</b>	<b>1%</b>
<b>Total liabilities</b>		<b>61,103</b>	<b>48,820</b>	<b>50,921</b>	<b>(12,283)</b>	<b>25%</b>
<b>Net assets</b>		<b>931,550</b>	<b>887,971</b>	<b>868,186</b>	<b>43,579</b>	<b>5%</b>
<b>Equity</b>						
Accumulated surplus		557,645	522,841	487,007	34,804	7%
Asset revaluation reserve		342,946	325,243	332,502	17,703	5%
Other reserves		30,959	39,887	48,677	(8,928)	22%
<b>Total equity</b>		<b>931,550</b>	<b>887,971</b>	<b>868,186</b>	<b>43,579</b>	<b>5%</b>

## Variance Notes:

- Cash and Cash Equivalents and Other Financial Assets combined:** Total favourable cash balance driven by higher opening balance, driven materially by upfront project grants for the Surf Coast Aquatic and Health Centre Project.
- Property, Infrastructure, Plant and Equipment:** Opening balance higher than budget forecast due to 2020-21 Asset Revaluations.
- Intangible Assets:** Variance is due to a higher opening balance compared to budget forecast in relation to the landfill air space assets revaluation at 30 June 2021.
- Trades & Other Payables:** Variance is due to lower general creditor payments owing at report date (i.e. project and operational supplier payments).
- Unearned Income:** Variance is due to unbudgeted income received in advance for capital projects.
- Trust Funds and Deposits:** Variance is due to timing of fire service levy instalment payment and a higher opening balance compared to budget forecast in relation to subdividers deposits.
- Provisions:** Variance due to higher actual opening balance compared to budget forecast for the landfill rehabilitation provision and employee leave balances.

## 7.5 Quarterly Financial Statements - December 2021

### 1.3 Statement of Changes in Equity

As at 31 December 2021

	YTD Actuals \$'000	YTD Budget \$'000	Annual Budget \$'000	Variances Actual v YTD Budget \$'000 %	
Equity Opening Balance	882,217	858,686	858,686	23,531	3%
Surplus for the Year	49,333	29,285	2,241	20,048	68%
Net Asset Revaluation	-	-	7,259	-	0%
<b>Total Equity</b>	<b>931,550</b>	<b>887,971</b>	<b>868,186</b>	<b>43,579</b>	<b>5%</b>

### 1.4 Cash Flow Statement

For the quarter ended 31 December 2021

	Notes	YTD Actuals \$'000	YTD Budget \$'000	Annual Budget \$'000	Variances Actual v YTD Budget \$'000 %	
<b>Cash flow from operating activities</b>						
Rates and charges	1	33,622	33,476	58,938	146	0%
Statutory fees and fines		1,158	1,019	1,991	139	14%
User charges	2	3,299	3,981	7,456	(682)	17%
Grants - operating	3	4,559	2,983	8,281	1,576	53%
Grants - capital	3	4,715	2,680	4,521	2,035	76%
Contributions	4	2,359	1,359	2,697	1,000	74%
Interest received		259	230	450	29	13%
Trust funds received/(refunded)	5	1,650	-	316	1,650	0%
Net GST refund/payment		2,500	2,658	4,990	(158)	6%
Employee costs		(16,319)	(16,695)	(34,800)	375	2%
Materials and services	6	(20,014)	(20,452)	(35,224)	439	2%
<b>Net cash provided from operating activities</b>		<b>17,789</b>	<b>11,240</b>	<b>19,616</b>	<b>6,549</b>	<b>58%</b>
<b>Cash Flows from investing activities</b>						
Proceeds from sale of property, plant & equipment		171	226	664	(54)	24%
Payments for property, plant, equipment & infrastructure assets	7	(10,074)	(12,127)	(26,950)	2,054	17%
Cash flows from investing activities	8	6,908	-	5,000	6,908	0%
<b>Net cash used in investing activities</b>		<b>(2,994)</b>	<b>(11,902)</b>	<b>(21,285)</b>	<b>8,908</b>	<b>75%</b>
<b>Cash flows from financing activities</b>						
Finance costs		(183)	(186)	(372)	2	1%
Repayment of lease liabilities		(244)	(204)	(408)	(40)	20%
Interest paid - lease liabilities		(7)	(13)	(24)	6	48%
Repayment of borrowings		(1,073)	(1,073)	(2,150)	()	0%
<b>Net cash provided from financing activities</b>		<b>(1,508)</b>	<b>(1,476)</b>	<b>(2,954)</b>	<b>(31)</b>	<b>2%</b>
<b>Net increase/(decrease) in cash &amp; cash equivalents held</b>		<b>13,286</b>	<b>(2,138)</b>	<b>(4,624)</b>	<b>15,425</b>	<b>721%</b>
Cash & cash equivalents at the beginning of the period		594	9,733	9,733	(9,139)	94%
<b>Cash &amp; cash equivalents at the end of the period</b>		<b>13,881</b>	<b>7,594</b>	<b>5,109</b>	<b>6,286</b>	<b>83%</b>
<b>Investments (current and non-current financial assets)</b>		<b>75,100</b>	<b>50,000</b>	<b>45,000</b>	<b>25,100</b>	<b>50%</b>
<b>Total cash &amp; investments at the end of the period</b>		<b>88,981</b>	<b>57,594</b>	<b>50,109</b>	<b>31,366</b>	<b>54%</b>

#### Variance Notes:

- Rates and Charges:** Favourable collection of rates and charges year to date.
- User Charges:** Unfavourable due to the pandemic impacting facility hire, Visitor Information Centre retail sales, sports program and waste disposal fees.
- Grants - Operating & Capital:** Timing of programs.
- Contributions:** Favourable timing of developer contributions and contributions to projects.
- Trust Funds Received/(Refunded):** Timing of Fire Services Levy payment to State Revenue Office.
- Materials and Services:** Variance mainly attributable to timing of delivery of operational projects.
- Property, Plant, Equipment & Infrastructure Assets:** Timing of capital program purchases.
- Cash Flow from Investing Activities:** Reflects an increase in term deposits for the period.

## 7.5 Quarterly Financial Statements - December 2021

### 1.5 Statement of Capital Works

As at 31 December 2021

	YTD Actuals \$'000	YTD Budget \$'000	Adopted Budget Spend \$'000	Variances Actual v YTD Budget \$'000 %	
<b>Property</b>					
Land	-	-	-	-	0%
<b>Total Land</b>	-	-	-	-	0%
Buildings	743	2,246	4,991	1,503	67%
<b>Total Buildings</b>	<b>743</b>	<b>2,246</b>	<b>4,991</b>	<b>1,503</b>	<b>67%</b>
<b>Total Property</b>	<b>743</b>	<b>2,246</b>	<b>4,991</b>	<b>1,503</b>	<b>67%</b>
<b>Plant and Equipment</b>					
Plant, Machinery & Equipment	1,098	1,030	2,289	(68)	7%
Fixtures, Fitting & Furniture	11	171	380	160	93%
Computers & Telecommunications	428	836	1,859	409	49%
<b>Total Plant and Equipment</b>	<b>1,537</b>	<b>2,037</b>	<b>4,528</b>	<b>501</b>	<b>25%</b>
<b>Infrastructure</b>					
Bridges	11	-	-	(11)	0%
Drainage & Sewerage	219	167	371	(52)	31%
Footpaths & Cycleways	1,150	255	568	(895)	350%
Parks, Open Space & Streetscapes	251	649	1,443	398	61%
Recreation, Leisure & Communities	4,812	1,685	3,744	(3,127)	186%
Roads	1,308	3,742	8,315	2,434	65%
Offstreet Car Parks	3	91	203	88	97%
Waste	39	1,243	2,762	1,204	97%
Expensed Capital Works	243	629	1,399	387	61%
Landfill Provision	1	11	25	10	92%
<b>Total Infrastructure</b>	<b>8,037</b>	<b>8,474</b>	<b>18,831</b>	<b>437</b>	<b>5%</b>
<b>Total Capital Works Expenditure</b>	<b>10,317</b>	<b>12,757</b>	<b>28,349</b>	<b>2,440</b>	<b>19%</b>
<b>Represented by:</b>					
New Asset Expenditure	3,253	3,259	5,263	6	0%
Asset Renewal Expenditure	3,052	5,052	11,236	2,000	40%
Asset Expansion Expenditure	220	791	1,757	570	72%
Asset Upgrade Expenditure	3,548	3,015	8,669	(533)	18%
Expensed Capital Works	243	629	1,399	387	61%
Landfill Provision Works	1	11	25	10	92%
<b>Total Capital Works</b>	<b>10,317</b>	<b>12,757</b>	<b>28,349</b>	<b>2,440</b>	<b>19%</b>

#### Variance Notes:

Generally project spend variations are timing related (i.e. not a result of exceeding allocated project budgets). The variances in Adopted Budget Spend also can occur due to estimated budgeted carry forwards varying to end of financial year actual carry forwards. For example progress on the Stribling Reserve Pavilions Redevelopment project is creating a timing variance in Recreation, Leisure & Communities, and the Grant Pavilion Extension project within Buildings. Asset Renewal Expenditure, in particular for Roads, reflects timing of works with the asphalt contract awarded at the December 2021 Council meeting, and the re-sheet program and re-seal works recently commencing.

## 2 Legal Expenditure

The previous statements represent standard financial statements for the whole of the organisation. Council understands that some specific types of expenditure also warrant closer monitoring and the following table summarising legal expenses has been included to provide improved transparency.

Legal Costs Summary	Full Year 2016-17	Full Year 2017-18	Full Year 2018-19	Full Year 2019-20	Full Year 2020-21	Q2 2021-22	YTD 2021-22
HR matters (incl. training)	11,487	18,095	2,197	10,307	9,226	910	2,560
Governance advice (across organisation)	83,989	104,815	160,642	120,332	90,599	24,602	51,269
Governance advice (Councillor-related)	10,463	109,029	147,406	76,877	35,637	35,760	57,768
Planning & Building Services	174,338	235,511	293,301	193,149	355,389	78,424	179,568
<b>Total</b>	<b>280,277</b>	<b>467,450</b>	<b>603,546</b>	<b>400,665</b>	<b>490,851</b>	<b>139,696</b>	<b>291,165</b>

## 7.6 Councillor Expenses and Attendance at Meetings - December Quarter

**Author's Title:** Governance Officer

**General Manager:** John Bertoldi

**Department:** Governance and Risk

**File No:** F18/221-4

**Division:** Governance & Infrastructure

**Trim No:** IC22/24

### Appendix:

1. Quarterly Summary of Councillor Allowances and Expenses (D22/2328)
2. Quarterly Summary of Councillor Attendance (D22/2435)

### Officer Conflict of Interest:

In accordance with Local Government Act 2020 –  
Section 130:

Yes

No

### Status:

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

Yes

No

**Reason:** Nil

**Reason:** Nil

### Purpose

The purpose of this report is to present a quarterly report on councillor allowances and expenses paid and councillor attendance at meetings.

### Summary

With an aim to promote transparency and accountability, Council resolved in April 2017 to make councillor allowances and expenses available to the public through quarterly reporting to Council and by publishing these reports on Council's website. The councillor allowances and expenses report for each financial year is also published in the Surf Coast Shire Council Annual Report.

The councillor meeting attendance report includes councillor attendance at council meetings, councillor briefings and meetings held under the auspices of council. The quarterly report is made available to the public through Council meeting documents and the financial year report is also published in the Surf Coast Shire Council Annual Report.

### Recommendation

That Council:

1. Notes the attached Quarterly Summary of Councillor Allowances and Expenses for the period 1 October to 31 December 2021 (Appendix 1).
2. Publishes the Quarterly Summary of Councillor Allowances and Expenses on Council's website.
3. Notes the attached Quarterly Summary of Councillor Attendance for the period 1 October to 31 December 2021 (Appendix 2).

## 7.6 Councillor Expenses and Attendance at Meetings - December Quarter

### Report

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

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

#### ***Background***

The *Local Government Act 2020* (the Act) outlines that the mayor and councillors are paid an allowance and are provided with the appropriate tools and support to enable them to properly undertake their statutory obligations.

The Act also requires Councils to adopt and maintain a policy in relation to the reimbursement of expenses to councillors. The Councillor Entitlements, Expenses and Facilities Policy, adopted by Council in September 2021, outlines the level of resources and support that is provided to councillors to enable them to effectively discharge their official duties. This policy is available on [council's website](#).

#### ***Discussion***

##### Councillor allowances and expenses paid

The format of the allowance and expenses quarterly report has been updated in line with the Local Government Better Practice Guide Report of Operations 2018-19, with parking, travel, car mileage and conferences/accommodation now defined separately.

Councillor allowances and expenses are defined by the following categories:

- Councillor Allowance - statutory payment made to the mayor and councillors
- Parking Costs - includes reimbursement of parking fees whilst performing official business
- Travel Expenses - includes public transport costs and reimbursement to councillors for associated council related travel
- Car Mileage - kilometres travelled in private vehicles associated with council related travel
- Motor Vehicle - includes costs associated with use of the mayoral vehicle
- Mobile Phone - includes the costs associated with official councillor mobile phone usage
- Internet - includes cost of official internet provision and usage.

Any contributions paid by councillors towards phone and internet usage are also included in the summary. It should be noted that some payments (e.g. travel costs) are included at the time they are paid out rather than when incurred, therefore, figures quoted may include expenses from outside this reporting period.

##### Councillor attendance at meetings

In line with best practice and to promote transparency, council reports on councillor attendance at meetings in their annual report and quarterly to Council. Councillor attendance at meetings is recorded at:

- Council meetings
- Special Council Meetings for Hearing Submissions (previously undertaken by the Hearing of Submissions Committee)
- Meetings held under the auspices of council (including councillor briefings).



## 7.6 Councillor Expenses and Attendance at Meetings - December Quarter

### Council Plan

Theme 7 Accountable and Viable Council

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

### Reporting and Compliance Statements:

Local Government Act 2020 – LGA 2020

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

### Policy/Relevant Law

The Local Government (Planning and Reporting) Regulations 2014 requires council to disclose the details of allowances and expenses for each councillor, divided into certain defined categories, in its annual report. Council is exceeding this requirement by making quarterly disclosures at council meetings and by posting these details on their website. Reporting of councillor attendance at meetings is commonly included in annual reports as better practice.

### Public Transparency

In line with public transparency principles outlined in the Act, quarterly and annual reporting on councillor allowances and expenses paid and councillor attendance is made publically available through council meetings, council's website and annual reporting.

### Financial Management

Councillor allowances and reimbursement of expenses are managed in accordance with the Act and Council's Councillor Entitlements, Expenses and Facilities Policy, adopted in September 2021.

### Risk Assessment

There are no identified workplace health and safety implications associated with this report.

### Communication

These reports will be communicated through the agenda and minutes of this meeting and will be included in the 2021-22 annual report. The public can access these documents on council's website or via request.

## **7.6 Councillor Expenses and Attendance at Meetings - December Quarter**

### ***Options***

#### Option 1 – Adopt proposed recommendations

This option is recommended by officers as it enables public transparency around councillor reporting and allows for the quarterly data to be published on the Council website in accordance with local government regulations and best practice reporting.

#### Option 2 – Do not adopt proposed recommendations

This option is not recommended by officers as obstructs public access to councillor reporting and does not align with government regulations and best practice reporting.

### ***Conclusion***

Quarterly reporting of councillor allowances and expenses and councillor attendance at meetings provides for transparent, accountable and open communication of council information.

**7.6 Councillor Expenses and Attendance at Meetings - December Quarter**

**APPENDIX 1 QUARTERLY SUMMARY OF COUNCILLOR ALLOWANCES AND EXPENSES**



Surf Coast Shire Council Councillor Payment Summary Between 1 Oct to 31 Dec 2021											
Councillor	Allowance ^ (\$)	Expenses Reimbursed					Items Provided			Contributions	Total (\$)
		Travel & Parking (\$)	Child Care (\$)	Car Mileage (\$)	Conferences, Events & Training (\$)	Other Expenses (\$)	Motor Vehicle (\$)	Mobile Phone (\$)	Internet (\$)	By Councillors (\$)	
Cr Adrian Schonfelder	6,659	-	-	-	-	-	-	98	95	-	6,853
Cr Gary Allen*	4,800	-	-	431	-	-	-	98	95	-	5,424
Cr Heather Wellington**	17,315	-	-	-	-	-	-	98	95	-	17,508
Cr Kate Gazzard	6,659	-	-	-	-	-	-	98	95	-	6,853
Cr Liz Pattison	6,659	-	99	-	-	-	-	98	95	-	6,754
Cr Libby Stapleton*	20,614	-	-	-	-	-	2,311	98	95	-	23,119
Cr Mike Bodsworth	6,659	-	-	-	88	-	-	98	95	-	6,941
Cr Paul Barker*	6,000	-	-	-	-	-	-	98	95	-	6,194
Cr Rose Hodge	6,659	-	-	-	-	-	-	98	95	(35)	6,818
<b>Total</b>	<b>82,025</b>	-	99	431	88	-	2,311	883	859	(35)	86,463

**Notes:**

\* Cr Libby Stapleton (Mayor period: 18/11/2020 - present).

^ Under the Local Government Act 2020, a Mayor, Deputy Mayor or Councillor may elect to receive a specified part of their allowance to which they are entitled.

\*\*Amount paid includes backpay for period where allowance was withheld awaiting completion of Councillor induction requirements.

Car mileage reimbursement includes remote area travel allowance.

Allowance figures include superannuation.

Figures exclude GST.

**7.6 Councillor Expenses and Attendance at Meetings - December Quarter**

**APPENDIX 2 QUARTERLY SUMMARY OF COUNCILLOR ATTENDANCE**

**2021-22 Councillor Attendance - Council Meetings, Special Council Meetings for Hearing Submissions  
and meetings held under the auspices of Council - Quarterly**

<b>December Quarter 2021</b>			
	<b>Council Meetings Scheduled by Resolution</b>	<b>Other Council Meetings*</b>	<b>Meetings Held Under the Auspices of Council**</b>
<b>Total meetings held (in quarter)</b>	<b>6</b>	<b>2</b>	<b>11</b>
<b>Cr Rose Hodge</b>	4	1	8
<b>Cr Heather Wellington</b>	6	2	0
<b>Cr Gary Allen</b>	6	2	11
<b>Cr Paul Barker</b>	6	1	10
<b>Cr Mike Bodsworth</b>	6	2	11
<b>Cr Kate Gazzard</b>	6	1	6
<b>Cr Liz Pattison</b>	6	2	11
<b>Cr Libby Stapleton</b>	6	2	11
<b>Cr Adrian Schonfelder</b>	6	2	11

\* Note - Includes Special Council Meetings for Hearing Submissions and Council meetings not scheduled by Council resolution.

\*\* Meetings held under the auspices of Council generally refer to Councillor briefings.

**8. REPORTS FOR NOTING**

Nil

**9. URGENT BUSINESS**

Nil



## 10. PROCEDURAL BUSINESS

### 10.1 Conflict of Interest Records

**Author's Title:** Governance Officer

**General Manager:** John Bertoldi

**Department:** Governance and Risk

**File No:** F18/225-3

**Division:** Governance & Infrastructure

**Trim No:** IC21/2017

**Appendix:**

1. Conflict of Interest Record - Meetings conducted under the auspices of Council - Councillor Briefings - 7 December 2021 (D21/237277)
2. Conflict of Interest Record - Meetings conducted under the auspices of Council - Councillor Briefings - 14 December 2021 (D21/241569)
3. Conflict of Interest Record - Meetings conducted under the auspices of Council - 3231 Community Action Network - 15 December 2021 (D21/241575)
4. Conflict of Interest Record - Meetings conducted under the auspices of Council - Councillor Briefings - 21 December 2021 (D21/243292)
5. Conflict of Interest Record - Meetings conducted under the auspices of Council - Meeting with community members to discuss the options of setting up a Community Asset Committee for Anglesea Hall - 21 December 2021 (D22/3100)
6. Conflict of Interest Record - Meetings conducted under the auspices of Council - Councillor Briefings - 11 January 2022 (D22/5132)

**Officer Conflict of Interest:**

In accordance with Local Government Act 2020 – Section 130:

Yes

No

Reason: Nil

**Status:**

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

Yes

No

Reason: Nil

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### Purpose

The purpose of this report is to receive and note any conflict of interest records received since the previous Council meeting.

### Summary

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

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

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

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

## **10.1 Conflict of Interest Records**

### **Recommendation**

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

- Councillor Briefings - 7 December 2021
- Councillor Briefings - 14 December 2021
- 3231 Community Action Network - 15 December 2021
- Councillor Briefings - 21 December 2021
- Community members meeting to discuss the options of setting up a Community Asset Committee for Anglesea Hall - 21 December 2021
- Councillor Briefings - 11 January 2022

**10.1 Conflict of Interest Records**

**APPENDIX 1 CONFLICT OF INTEREST RECORD - MEETINGS CONDUCTED UNDER THE AUSPICES  
OF COUNCIL - COUNCILLOR BRIEFINGS - 7 DECEMBER 2021**



## Conflict of Interest Record Meetings conducted under the auspices of Council

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

**Description of Meeting:** Conflict of Interest Record - Meetings Conducted Under the Auspices of Council - Councillor Briefings – 7 December 2021

**Responsible Officer:** Chief Executive Officer

**Date:** 7 December 2021

**In Attendance:** Yes (✓) No (X)

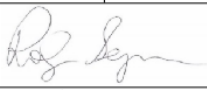
Councillors		Officers	
Cr. Libby Stapleton, Mayor	✓	Chief Executive Officer - Robyn Seymour	✓
Cr. Gary Allen	✓	General Manager Environment & Development - Ransce Salan	✓
Cr. Paul Barker	✓	General Manager Culture & Community - Chris Pike	✓
Cr. Mike Bodsworth	✓	Acting General Manager Governance & Infrastructure - John Bertoldi	✓
Cr. Kate Gazzard	✓	Acting Manager Planning & Development - Karen Hose	✓
Cr. Rose Hodge	X	Coordinator Community Emergency Management - Sharna Whitehand	✓
Cr. Liz Pattison	✓	Coordinator Design and Traffic - Mark Gibbons	✓
Cr. Adrian Schonfelder	✓	Coordinator Development Engineer - David Stacey	✓
Cr. Heather Wellington	X	Coordinator Events - Sarah Korakis	✓
		Coordinator Governance - Liberty Nash	✓
		Coordinator Open Space Operations – Jason Eales	✓
		Coordinator Recreation Planning - Jarrod Westwood	✓
		Coordinator Statutory Planning - Ben Schmied	✓
		Coordinator Statutory Planning - Leah Protyniak	✓
		Governance Officer - Julie Morales	✓
		Manager Economic Development - Matt Taylor	✓
		Manager Environment and Community Safety - Rowan Mackenzie	✓
		Manager Facilities and Open Space Operations - Travis Nelson	✓
		Manager Governance and Risk - Sasha Tarasin	✓
		Manager Social Infrastructure Planning - Shaan Briggs	✓
		Principal Strategic Planner - Barb Noelker	✓
		Principal Strategic Planner - Michelle Warren	✓
		Principal Strategic Planner - Tim Waller	✓
		Project Manager - Capital and Operational Projects - Kane Rogozik	✓
		Recreation Development Officer - Paul Elshaug	✓
		Senior Planning and Development Investigations Officer - Karen Campbell	✓
		Senior Project Design Engineer - Aoife Corcoran	✓

<b>MEETING COMMENCED</b>	10:09am	<b>MEETING CONCLUDED</b>	3:00pm
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<b>Matters considered at the meeting</b>
1. Major Events

## 10.1 Conflict of Interest Records



2. Community Amenity Local Law		
3. Planning & Development Quarterly Update - July-September 2021		
4. Torquay North Traffic Study and Infrastructure Review		
5. Pre-Fire Season Emergency Management Update		
6. Open Space Operations Maintenance Trial Update		
7. Grant Programs: Local Roads and Community Infrastructure Program Phase 3 and 2021-22 Local Sports Infrastructure Fund		
8. SCS-038 Councillor Workplace Health and Safety Policy		
9. Petition relating to Planning Permit 20/0207 – 65 Main Street, Winchelsea		
10. Reports Coming to the December Council Meeting		
11. Road Safety Strategy 2022-2027		
12. Review of First Party Native Vegetation Offsets Policy		
13. SCS-015 Control of Noise from Council Facilities Policy		
14. Cultural and Library Facility Funding Applications – Regional Tourism Investment Fund and Building Better Regions Fund		
15. Aquatic & Health Centre Operational Models		
16. Councillor Topics		
<b>Councillor Conflict of Interest Disclosures</b>		
Councillor	Left Meeting (Y/N)	Classification and nature of interest(s) disclosed
Nil		
<b>Responsible Officer Signature:</b> 		<b>Print Name:</b> Robyn Seymour
To be completed on conclusion of session and provided to Governance Officer.		

### Governance Rules, Chapter 3, Clause 3

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—

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

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

- reported at a meeting of the Council; and
- 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).

**10.1 Conflict of Interest Records**

**APPENDIX 2 CONFLICT OF INTEREST RECORD - MEETINGS CONDUCTED UNDER THE  
AUSPICES OF COUNCIL - COUNCILLOR BRIEFINGS - 14 DECEMBER 2021**



## Conflict of Interest Record Meetings conducted under the auspices of Council

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

**Description of Meeting:** Conflict of Interest Record - Meetings Conducted Under the Auspices of Council - Councillor Briefings – 14 December 2021

**Responsible Officer:** Chief Executive Officer

**Date:** 14 December 2021

**In Attendance:** Yes (✓) No (X)

Councillors		Officers	
Cr. Libby Stapleton, Mayor	✓	Chief Executive Officer - Robyn Seymour	✓
Cr. Gary Allen	✓	General Manager Culture & Community - Chris Pike	✓
Cr. Paul Barker	✓	Acting General Manager Governance & Infrastructure - John Bertoldi	✓
Cr. Mike Bodsworth	✓	Acting General Manager Environment & Development - Rowan Mackenzie	✓
Cr. Kate Gazzard	✓	Coordinator Governance - Liberty Nash	✓
Cr. Rose Hodge	X	Coordinator Social Infrastructure & Open Space Planning - Kristin Davies	✓
Cr. Liz Pattison	✓	Coordinator Statutory Planning - Ben Schmied	✓
Cr. Adrian Schonfelder	✓	Governance Officer - Julie Morales	✓
Cr. Heather Wellington	X	Manager Governance and Risk - Sasha Tarasin	✓
		Manager Social Infrastructure Planning - Shaan Briggs	✓
		Property Officer - Sheree Seiffert	✓
		Strategic Initiatives Coordinator - Alicia Hooper	✓

<b>MEETING COMMENCED</b>	9:37am	<b>MEETING CONCLUDED</b>	3:11pm
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Matters considered at the meeting
1. Council Meeting Agenda Review
2. Integrated Social Infrastructure and Open Space Plan - Policy Framework Workshop and Next Steps
3. Affordable Accommodation Action Plan
4. Potential Sale of Cypress Lane Torquay
5. Council Meeting Settings
6. Workplace Health & Safety Report - Q1 2021-22
7. Council's 2021 Youth For Climate Program
8. Monthly Program Status Report Update – November 2021
9. Monthly Finance Report – November 2021
10. Quarterly Update - Road Management
11. Water Quality Analysis of North Torquay Drainage Network
12. Governance Quarterly Report
13. Councillor Topics

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

**Responsible Officer Signature:**  **Print Name:** Robyn Seymour

## 10.1 Conflict of Interest Records



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

### Governance Rules, Chapter 3, Clause 3

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

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

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

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

### Auspices of the Council

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

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



**10.1 Conflict of Interest Records**

**APPENDIX 3 CONFLICT OF INTEREST RECORD - MEETINGS CONDUCTED UNDER THE  
AUSPICES OF COUNCIL - 3231 COMMUNITY ACTION NETWORK - 15  
DECEMBER 2021**



## Conflict of Interest Record Meetings conducted under the auspices of Council

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

<b>Description of Meeting:</b> 3231 Community Action Network (monthly)
<b>Responsible Officer:</b> Rob McVernon/Sally Sneddon
<b>Date:</b> 15 December 2021
<b>In Attendance:</b> Yes (✓) No (X)

Councillors		Officers	
Cr. Gary Allen	x	Volunteer Advisor - Rob McVernon	✓
Cr. Paul Barker	x	Community Development Advisor - Sally Sneddon	✓
Cr. Mike Bodsworth	✓		
Cr. Kate Gazzard	x		
Cr. Rose Hodge	x		
Cr. Liz Pattison	x		
Cr. Adrian Schonfelder	x		
Cr. Libby Stapleton (apology)	x		
Cr. Heather Wellington	x		

<b>MEETING COMMENCED</b>	11:00am	<b>MEETING CONCLUDED</b>	11:55am
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Matters considered at the meeting
<ol style="list-style-type: none"> <li>1. Cr Bodsworth gave updates on Municipal Early Years Plan now available online; Community Amenity Local Law has been adopted (burning off, tiny houses and parking on nature strips still under review); Road Safety Strategy open for comment currently; Safer Cycling Strategy open for comment currently; walking the Painkalac with community stakeholders today; new Council officer position focussing on affordable and available housing; thanks to those who attended People Place Future launch on weekend.</li> <li>2. All community members gave updates on behalf of their community groups/interests as per meeting notes</li> <li>3. Rob reported on actions from last meeting and noted new actions</li> </ol>

Councillor Conflict of Interest Disclosures		
Councillor	Left Meeting (Y/N)	Classification and nature of interest(s) disclosed
Nil		
<b>Responsible Officer Signature:</b> <span style="float: right;"><b>Print Name: Sally Sneddon</b></span>		
To be completed on conclusion of session and provided to Governance Officer.		

**Governance Rules, Chapter 3, Clause 3**

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

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

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

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

**Auspices of the Council**

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

**10.1 Conflict of Interest Records**

**APPENDIX 4 CONFLICT OF INTEREST RECORD - MEETINGS CONDUCTED UNDER THE  
AUSPICES OF COUNCIL - COUNCILLOR BRIEFINGS - 21 DECEMBER 2021**



## Conflict of Interest Record Meetings conducted under the auspices of Council

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

<b>Description of Meeting:</b> Conflict of Interest Record - Meetings Conducted Under the Auspices of Council - Councillor Briefings – 21 December 2021
<b>Responsible Officer:</b> Chief Executive Officer
<b>Date:</b> 21 December 2021
<b>In Attendance:</b> Yes (✓) No (X)

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

<b>MEETING COMMENCED</b>	3:37pm	<b>MEETING CONCLUDED</b>	4:35pm
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<b>Matters considered at the meeting</b>
1. The Year in Review and Looking Forward

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

<b>Responsible Officer Signature:</b>	<b>Print Name:</b> Robyn Seymour
To be completed on conclusion of session and provided to Governance Officer.	

**Governance Rules, Chapter 3, Clause 3**

- 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).

**10.1 Conflict of Interest Records**

**APPENDIX 5 CONFLICT OF INTEREST RECORD - MEETINGS CONDUCTED UNDER THE AUSPICES OF COUNCIL - MEETING WITH COMMUNITY MEMBERS TO DISCUSS THE OPTIONS OF SETTING UP A COMMUNITY ASSET COMMITTEE FOR ANGLESEA HALL - 21 DECEMBER 2021**



## Conflict of Interest Record Meetings conducted under the auspices of Council

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

<b>Description of Meeting:</b> Meeting with community members to discuss the options of setting up a Community Asset Committee for Anglesea Hall
<b>Responsible Officer:</b> Travis Nelson
<b>Date:</b> 21/12/2021
<b>In Attendance:</b> Yes (✓) No (X)

Councillors		Officers	
Cr. Gary Allen	X	Coordinator Recreation Planning - Jarrod Westwood	✓
Cr. Paul Barker	X	Coordinator Sport Facilities and Programs - Helen Berry	✓
Cr. Mike Bodsworth	✓	Manager Facilities and Open Space Operations - Travis Nelson	✓
Cr. Kate Gazzard	X		
Cr. Rose Hodge	X		
Cr. Liz Pattison	X		
Cr. Adrian Schonfelder	X		
Cr. Libby Stapleton	✓		
Cr. Heather Wellington	X		

<b>MEETING COMMENCED</b>	1:00pm	<b>MEETING CONCLUDED</b>	2:00pm
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<b>Matters considered at the meeting</b>
<ol style="list-style-type: none"> <li>1. What a community asset committee consists of and how they operate</li> <li>2. What would be the next steps in the community would like to explore this further.</li> </ol>

Councillor Conflict of Interest Disclosures		
Councillor	Left Meeting (Y/N)	Classification and nature of interest(s) disclosed
Nil		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><b>Responsible Officer Signature:</b> </p> </div> <div style="width: 45%;"> <p><b>Print Name: Travis Nelson</b></p> </div> </div>		
To be completed on conclusion of session and provided to Governance Officer.		

**Governance Rules, Chapter 3, Clause 3**

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

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

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

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

**Auspices of the Council**

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

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

**10.1 Conflict of Interest Records**

**APPENDIX 6 CONFLICT OF INTEREST RECORD - MEETINGS CONDUCTED UNDER THE  
AUSPICES OF COUNCIL - COUNCILLOR BRIEFINGS - 11 JANUARY 2022**



## Conflict of Interest Record Meetings conducted under the auspices of Council

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

**Description of Meeting:** Conflict of Interest Record - Meetings Conducted Under the Auspices of Council - Councillor Briefings – 11 January 2022

**Responsible Officer:** Chief Executive Officer

**Date:** 11 January 2022


**In Attendance:** Yes (✓) No (X)

Councillors		Officers	
Cr. Libby Stapleton, Mayor	✓	Chief Executive Officer - Robyn Seymour	✓
Cr. Gary Allen	✓	General Manager Environment & Development - Ransce Salan	✓
Cr. Paul Barker	✓	General Manager Culture & Community - Chris Pike	✓
Cr. Mike Bodsworth	✓	Acting General Manager Governance & Infrastructure - John Bertoldi	✓
Cr. Kate Gazzard	X	Arts Development Officer - Harriet Gaffney	✓
Cr. Rose Hodge	✓	Coordinator Environment - Kate Smallwood	✓
Cr. Liz Pattison	✓	Coordinator Governance - Liberty Nash	✓
Cr. Adrian Schonfelder	✓	Coordinator Ranger Services - Shaun Barling	✓
Cr. Heather Wellington	X	Coordinator Visitor Centres & Australian National Surfing Museum - Kim Biggs	✓
		Governance Officer - Julie Morales	✓
		Manager Business Improvement - Brendan Walsh	✓
		Manager Community Relations - Damian Waight	✓
		Manager Economic Development - Matt Taylor	✓
		Manager Environment and Community Safety - Rowan Mackenzie	✓
		Property Officer - Sheree Seiffert	✓

<b>MEETING COMMENCED</b>	10:11am	<b>MEETING CONCLUDED</b>	2:05pm
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Matters considered at the meeting
1. Winchelsea Common
2. 42 Harding Street, Winchelsea - Land for Winanglo Inc. Independent Living Units
3. Domestic Animal Management Plan 2022-26 - Final for Adoption
4. Cultural Facility and Library Update
5. Collection Significance Assessment - Australian National Surf Museum
6. Governance Quarterly Update - December 2021
7. Councillor Topics

Councillor Conflict of Interest Disclosures		
Councillor	Left Meeting (Y/N)	Classification and nature of interest(s) disclosed
Cr. Paul Barker	Y	Cr. Barker was removed from item 4 - Cultural Facility and Library Update to avoid any conflict of interest due to his candidacy in the upcoming federal election.

**Responsible Officer Signature:**  **Print Name:** Robyn Seymour

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



## 10.1 Conflict of Interest Records



### 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—
- the names of all Councillors and members of Council staff attending;
  - the matters considered;
  - any conflict of interest disclosures made by a Councillor attending under subclause 3.3;
  - whether a Councillor who has disclosed a conflict of interest as required by subclause 3.3 leaves the meeting.
- 3.2. The Chief Executive Officer must ensure that the written record of a meeting held under this clause is, as soon as practicable—
- reported at a meeting of the Council; and
  - 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).

**11. NOTICE OF MOTIONS**

Nil

## 12. CLOSED SECTION

### Recommendation

That Council, pursuant to section 66(1) and 66(2)(a) of the *Local Government Act 2020*, closes the meeting to members of the public to resolve on matters pertaining to items that deal with information that is confidential in accordance with section 3(1) of the Act, as follows:

- 12.1 **Aquatic & Health Centre Operational Models - Analysis and Recommendation** - confidential in accordance with section 3(1)(a), pertaining to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.
- 12.2 **Award of Contract T22-023 Anglesea Netball Pavilion** - confidential in accordance with section 3(1)(g(ii)), pertaining to private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;.