



Colac Otway
SHIRE

COUNCIL MEETING

AGENDA

Wednesday 23 March 2022

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac

Next Council Meeting: 27 April 2022



COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 23 March 2022

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COLAC OTWAY SHIRE COUNCIL MEETING

NOTICE is hereby given that the next **COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held at COPACC on Wednesday 23 March 2022 at 4:00 PM.

AGENDA

1 DECLARATION OF OPENING OF MEETING

OPENING PRAYER

Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.

AMEN

2 PRESENT

3 APOLOGIES AND LEAVES OF ABSENCE

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past, present and emerging and welcomes any descendants here today.

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Council and Committee meetings will be live streamed and recorded when when the meeting is held either at COPACC or online. This includes the public participation sections of the meetings. When meetings are held in other locations, Council will endeavour to make an audio recording of the meeting for community access. Matters identified as confidential items in the Agenda will not be live streamed or recorded regardless of venue or mode.

By participating in open Council meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

As soon as practicable following each open Council meeting, the live stream recording will be accessible on Council's website. Recordings are also taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. Live stream and audio recordings will be retained by Council for a period of four years.

As stated in the Governance Rules, other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be permitted without specific approval by resolution of the relevant Council Meeting.

PUBLIC ATTENDANCE

In response to current COVID-19 requirements as directed by the Chief Health Officer, all attendees aged 16 and over must be fully vaccinated and show their vaccination status as a condition of entry to COPACC. Patrons should enter via the main entrance (all abilities access from Gellibrand Street), where they will be required to register and show proof of vaccination. Facemasks are recommended in COPACC.

This meeting will be livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at www.youtube.com).

5 QUESTION TIME

A maximum of 30 minutes is allowed for question time. Any person wishing to participate in public question time by videoconference will need to register their intention to do so by contacting the shire prior to 5pm on Monday 21 March 2022. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. You must ask a question. Question time is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting (subject to attendance and time).
2. Questions via videoconference by prior arrangement.
3. Questions from the floor.

6 TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING

These responses will not be read out but will be included in the minutes of this meeting.

7 PETITIONS / JOINT LETTERS

Nil

8 DECLARATIONS OF INTEREST

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

9 CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on 23 February 2022.**

RECOMMENDATION

That Council confirm the minutes of the Ordinary Council Meeting held on 23 February 2022.

Item: 10.1

Combined Planning Scheme Amendment C111 and Planning Permit PP219/2020-1 – 520 Corangamite Road and 30 Factory Road Cororooke – Consideration of Submissions

OFFICERS	Erin Sonogo and Ravi Ayyagari
GENERAL MANAGER	Ian Seuren
DIVISION	Development and Community Services
ATTACHMENTS	<ol style="list-style-type: none">1. Plan of Subdivision [10.1.1 - 3 pages]2. Proposed Plans [10.1.2 - 7 pages]3. Red Line Plan [10.1.3 - 1 page]4. Proposed Signage [10.1.4 - 1 page]5. Fire Fence Detail [10.1.5 - 1 page]6. Planning Report [10.1.6 - 60 pages]7. Officer Assessment of Submissions [10.1.7 - 4 pages]8. Draft Planning Permit Conditions - Amended following submissions [10.1.8 - 12 pages]

1. PURPOSE

To enable Councillors to consider the relevant information to make a decision about a combined amendment and planning permit application request under Section 96A of the *Planning and Environment Act 1987* (the Act).

2. EXECUTIVE SUMMARY

This report relates to a privately initiated planning scheme amendment that has been requested by the owner of the Red Rock Regional Theatre and Gallery (RRRTAG) premises at 520 Corangamite Lake Road Cororooke, who also owns adjoining vacant land at 30 Factory Road. It is a combined application, comprising a planning scheme amendment (C111cola) and planning permit application (PP219/2020-1). The reason for the amendment is that the proposal sought through the permit application is prohibited under the current zoning. However, it is the proposed buildings/works and subdivision that provides justification for the rezoning. Therefore, the only viable way to progress the proposal is through the process set out under Section 96A of the Act.

The amendment and permit application were exhibited between 2 December 2021 and 21 January 2022 and seven submissions were received; two from agencies (CFA and EPA) and five from individuals. Key issues raised in the community submissions relate to the strategic justification for

rezoning farming land to Township Zone, and potential amenity impacts on adjoining houses and farming operations. The applicant has met the submitters in meetings facilitated by Council and, whilst no submissions have been withdrawn, changes have been suggested to the draft permit conditions that aim to address some of the amenity concerns. It is considered that the matters raised in the agency submissions can be resolved.

As the exhibition process has now concluded and submissions are unresolved, Council must make a decision to either refer submissions about the amendment to an independent Planning Panel, or to abandon the amendment. Officers consider the amendment has strategic merit and that it would result in net community benefit, and therefore recommend that the amendment be progressed by agreeing to changes to the permit conditions and referring submissions to a panel for further consideration.

3. RECOMMENDATION

That Council:

- 1. Pursuant to the Planning and Environment Act 1987, considers the submissions received to the combined planning scheme amendment C111colac and permit application PP219/2020-1.***
- 2. Resolves, in response to submissions, to make the following changes to the exhibited draft permit:***
 - a. Addition of condition 1 (amended plans), to require the applicant to submit a plan showing the proposed solid non-combustible fence running along the southern boundary from the front elevation of the existing former church and gallery/theatre to the rear elevation of the tram lounge building.***
 - b. Addition of condition 12, to restrict the use of the proposed deck to the east of the proposed tram lounge.***
 - c. Addition of condition 26, to require the provision of landscaping to mitigate any amenity and privacy effects on the adjacent property.***
 - d. Deletion of original conditions 31, 32 and 33 (as per CFA advice).***
 - e. Amendment to condition 34a, to remove reference to defensible space of 19m to the south (as per CFA advice).***
 - f. Addition of condition 41, to require the proponent to enter into an agreement under section 173 of the Planning and Environment Act 1987, to ensure that bushfire protection measures are implemented and maintained.***
- 3. Pursuant to the Planning and Environment Act 1987, resolves to refer the unresolved submissions about the combined planning scheme amendment and planning permit application to an independent Planning Panel for consideration.***
- 4. Authorises officers/suitable persons to represent Council at the Planning Panel hearing generally in accordance with the response to the issues outlined in this report.***
- 5. Thanks submitters for the written submissions received and acknowledges and notes the verbal comments made in support of written submissions at the Planning Committee meeting held on 9 March 2022.***

4. KEY INFORMATION

The planning scheme amendment and planning permit request has been submitted by the proponent as a combined request under Section 96A of the *Planning and Environment Act 1987* (the Act).

The **planning scheme amendment** request proposes to rezone an area of land (4275 square metres) from Farming Zone to Township Zone. The land to be rezoned directly adjoins the rear (eastern) boundary of RRRTAG. The additional land is required by the gallery as the current site is too small to accommodate any increase to either the size of the septic system or the car parking area. The current septic is a single tank in the ground, which the Land Capability Assessment (LCA) confirms does not meet current environmental regulations. An upgrade of the system is currently not possible, as the regulations require all wastewater treatment and disposal to be contained within the boundaries of the lot on which development is sited. Although the proponent owns both lots, it is not appropriate to realign the boundary to create a lot in two planning zones. Therefore, the additional land required must first be rezoned to enable the land to be used for the purpose of accommodating RRRTAG's wastewater treatment system.

The **planning permit** application comprises the following:

- Boundary realignment to incorporate the rezoned land into the existing RRRTAG site.
- Subdivision of the balance land at 30 Factory Road into two lots, creating separate titles for the existing Farming Zone (FZ) and Township Zone (TZ) portions.
- Construction of a café and a tram lounge on the RRRTAG site, as well as associated works comprising car parking and upgrades to the onsite wastewater system.
- A number of minor additional works including updating signage and construction of fences and drainage.
- Change of use to allow for the operation of the café, with an on-premises liquor license, and a change to the operating hours.

A draft planning permit was prepared following assessment of the application. This is a requirement for Council prior to lodgement of the amendment for authorisation with the Planning Minister. Following exhibition, a number of changes have been made to the conditions of the permit in order to address some of the submissions. The draft permit is attached to this report.

Exhibition and submissions

The combined amendment and permit application were exhibited for six weeks between 2 December 2021 and 21 January 2022. Notice was published in the Colac Herald, on Council and DELWP websites, and letters were sent to all adjoining property owners and occupiers.

Seven submissions were received. However, one individual's submission raises issues that are unrelated to planning. As it does not request changes to the substance of the amendment, it cannot be formally considered.

The points raised in the submissions, and a response to each, is provided in the attached table. Broadly, submissions raised the following concerns:

- That the rezoning is occurring without a strategic framework in place identifying the land for rezoning.
- Amenity impacts from the proposal such as noise, liquor licensing and consequent patron behaviour.
- That the proposal will lead to increased traffic impacts in the local area.

- That the proposal will impact on livestock on the adjoining rural property.

Two agency submissions were lodged – from the CFA and EPA. The CFA submission has been addressed, as discussed later in this report. The EPA submission was confined to technical concerns about the amendment documentation. To resolve this submission, minor amendments will be made to the amendment documentation as requested. Therefore, both the agency submissions are able to be considered resolved.

The applicant met with submitters at a Consultation Meeting facilitated by Council on 18 February 2022, with three of the individual submitters present. The purpose of the meeting was to provide an avenue for submitters to meet directly with the proponent, with a view to allowing concerns to be discussed, considered and possibly resolved. No submissions were withdrawn following the meeting; however, there was some discussion about drafting additional permit conditions to address some of the concerns raised about the planning permit application. Further discussions also occurred between the parties. Details of the proposed changes to the permit conditions arising from these discussions are provided later in this report.

Submitters were provided an additional opportunity to formally convey their concerns to Council at the Planning Committee meeting held on 9 March 2022. Only one speaker presented at the meeting, representing two of the submitters. The speaker reiterated concerns already communicated in the written submissions.

Assessment of the amendment and planning permit, including response to submissions

Rezoning of land from Farming Zone to Township Zone

One submitter has raised a concern about the rezoning component of the proposal. Specific reasons for opposition to the rezoning include:

- No strategic framework in place recommending or supporting the rezoning.
- The rezoning would amount to further fragmentation of agricultural land, which is contrary to existing planning policy.
- Creation of additional urban zoned land adjacent the existing farm would have the potential to impact on the existing farming activities undertaken on the land.
- Once rezoned, it would be open to the landowner to apply for a more intensive use of the land.
- The rezoning is considered unnecessary, as the landowner owns land to the immediate north already in the Township Zone and this land could be used instead.

Although there is no strategy or plan in place that identifies the subject land for rezoning, arguments in favour of the rezoning are considered to have merit in the circumstances. The rezoning is proposed for a specific purpose and would assist in resolving a number of historic issues associated with the existing use. It is considered that the rezoning would have benefit with regard to the Strategic Directions of the planning scheme as set out in Clause 02.03. This clause seeks to support the economic development of the Shire's small towns. It states that effluent disposal is a major problem in the towns. Although the planning scheme expresses a need to protect high quality agricultural land, in this instance the location of the land which it is proposed to rezone directly adjoins the Cororooke township and the presence of sensitive uses means that its potential for agriculture is limited. The rezoning would enable the proposed upgrade to the wastewater system and car parking, which is unable to be accommodated within the existing site. The Land Capability Assessment submitted with the application confirms that the existing septic is inadequate. The system currently comprises a 1500L-2000L aged, concrete tank, with a short (5-10m) single trench providing for effluent disposal.

This trench is located immediately against the eastern boundary of the lot. The rezoning would allow a compliant system to be constructed, achieving secondary treatment of wastewater and accommodating surge loads during events. Depending on the treatment system chosen by the proponent, this is likely to require the installation of 2 x 5000L tanks, a pump well and a land application area (LAA) of 1700 square metres.

The submitter's suggestion that other adjoining land in the Township Zone, currently occupied by a dwelling, could be used instead of expanding to the east is not considered to be a practical option. For this land to be utilised for car parking and wastewater treatment, the dwelling would need to be demolished or removed. At the time of preparing the amendment and planning permit documentation, the proponent did not own the adjoining dwelling. It was purchased by the proponent after the amendment and permit application was lodged with Council. It is not considered that it would be reasonable to now ask the proponent to modify his proposal, particularly given that it would require the removal or demolition of a dwelling that is presently habitable and in good condition. This option would amount to a significant expense for the proponent, once costs associated with the revision to the proposal and the loss of the value currently held in the dwelling are taken into account.

In relation to the concern that the rezoning the land could allow for a broader range of development to occur, any additional buildings and works would require a planning permit and would be assessed for appropriateness through that process. However, a significant constraint to the land is the absence of reticulated sewerage, which would limit what could be practically constructed. Any alternative proposal would trigger assessment of the on-site wastewater arrangements. The current plans provide a guide to the amount of area that would need to be set aside for wastewater treatment for RRRTAG, on an ongoing basis, which is a considerable area. This same requirement would apply should the land be proposed to be subdivided. A further constraint would be obtaining access to the land at the rear that is proposed to be rezoned, as access is proposed through the existing car park at RRRTAG.

In relation to the impact of the proposed use of the rezoned area of land, this is largely proposed to be used for the land application area (LAA) for the onsite wastewater treatment system and for car parking. Combined with perimeter landscaping, the proposed use is unlikely to have a significant impact on the adjoining farming activities. It is considered that the proposed use of the land would be an acceptable visual interface for the edge of the settlement.

On balance, it is considered that the rezoning would result in net benefit, and is able to be supported in the context of the relevant planning policies.

Due to the rezoning forming an integral part of the proposal as a whole, it is not possible to change the amendment to respond to this point of the submission, therefore this part of the submission remains unresolved.

Amenity impacts of proposed use and development

As noted above, the applicant met with submitters at a Consultation Meeting facilitated by Council officers on 18 February 2022. A subsequent Planning Committee meeting, held on 9 March, gave additional opportunity for submitters to have their concerns formally conveyed to Council. Following the consultation process, officers have recommended changes to the draft planning permit in an effort to resolve some of the submissions. The recommended changes to the draft planning permit include the following:

- Inclusion of an additional landscaping condition.
- Amendment of the CFA condition relating to defensible space between the tram lounge and the southern boundary.

- Deletion of CFA conditions that relate to amended plans.
- Inclusion of an amended plans condition requiring an extension of the fence along southern boundary.
- Inclusion of a condition preventing the use of the eastern deck adjoining the tram lounge for external theatre events.
- Inclusion of a condition requiring the applicant to enter into an agreement under section 173 of the Act relating to the implementation and maintenance of bushfire protection measures.

Following the Consultation Meeting, it was agreed between the applicant and one of the submitters that an acceptable way to mitigate any visual and amenity impacts from the proposed development would be to impose a condition that requires landscaping along part of the southern boundary. Given that the site is in a bushfire prone area, this was discussed with the CFA and it has been agreed that a landscaping condition could be imposed subject to the proposed landscaping complying with Table 6 (Vegetation Management Requirement) of Clause 53.02 (Bushfire Planning). The CFA has also agreed to reduce the tree canopy separation distance from the 5m mentioned in Table 6 to 2m, and this is reflected in the amended permit condition.

The CFA has recommended deleting the condition specifying 19m defendable space from the grassland vegetation to the south of the proposed tram lounge. The CFA has confirmed that, as the site is within a lower risk landscape and with the proposed provision of a non-combustible fence along the southern boundary and defendable space to the southern boundary, it is appropriate in this context to reduce the defendable space to the southern boundary to 8.668m. Notwithstanding this, 19m of defendable space would be required to the east of the proposed tram lounge.

The CFA has also suggested that a condition be imposed to require the steel non-combustible fence proposed along part of the southern boundary to be extended so it would align with the front wall of the existing church building. Council's Heritage Advisor has noted that views would still be obtained of the church from the road, even in the approach from the south side and that this outcome would be acceptable. This proposed fence would also be set back from the side of the church, so there would be plenty of space to obtain views to the south elevation of the church. As such, a condition to extend the non-combustible fence to the front wall of the existing church building is recommended, in order to protect the subject site from bushfire risk.

One of the submitters raised concern about the potential for a proposed outdoor deck on the eastern side of the tram lounge building to be used for theatre events. The submitter suggested that a condition be imposed, if a permit be granted, that would prevent any use of the deck for theatre events. The applicant has indicated in meetings with the submitters, and at Planning Committee, that it is not generally intended to use the deck for theatre events but also mentioned that events have been held externally without complaint a couple of times in recent years. It is considered reasonable to restrict the use of the deck, but to allow a level of flexibility to allow one off events without a formal amendment being required to the permit if it is demonstrated the event in question would not cause material detriment (having regard to matters such as frequency, hours of operation, numbers of patrons etc.). A condition limiting the use of the deck has been recommended, as it would mitigate any potential noise and amenity impacts to the adjacent property.

Having regard to the above, it is considered that the planning scheme amendment request and planning permit application could reasonably be supported in the context of policy. As such, it is not recommended that the amendment be abandoned.

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

Processing of the combined planning scheme amendment and planning permit application has been undertaken in accordance with the requirements of the *Planning and Environment Act 1987* and the relevant Ministerial Directions. All statutory obligations in relation to public exhibition of the planning scheme amendment and planning permit application request have been met.

The relevant statutory agencies have also been engaged with, as required under the Act.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

Prior to seeking authorisation from the Minister, assessment of the planning scheme amendment was undertaken in accordance with Ministerial Direction No. 11 – *Strategic Assessment of Amendments*. The planning permit application was assessed against the relevant provisions of the Colac Otway Planning Scheme, including against the proposed change to the scheme (i.e. the rezoning). This is consistent with Section 96A of the Act, which allows an application for a permit be made even if it could not be granted under the existing planning scheme.

Ministerial Direction No. 11 requires that an amendment be assessed against all relevant policy, including:

- Considerations set out in the *Planning and Environment Act 1987* – including the objectives of Planning in Victoria, and any environmental, social and economic effects.
- How the amendment addresses or supports the Planning Policy Framework and the Municipal Strategic Statement.
- That the amendment makes proper use of the Victoria Planning Provisions.
- That the views of any relevant agency are sought and addressed.

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

It is considered that the proposed amendment would benefit sustainability by allowing the onsite wastewater system to be upgraded. Given the number of patrons currently permitted on site, which would remain the same following the proposed development, this upgrade would be likely to result in improvements to the performance of on-site wastewater treatment and therefore a reduction in potential environmental pollution. It is not anticipated that any adverse environmental impacts would arise from the planning scheme amendment or the permit.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

Community engagement has taken the form required by the *Planning and Environment Act 1987*. The Act sets out the process and requirements for public exhibition of combined planning scheme amendments and planning permit applications. All relevant steps have been undertaken, and notification and consultation have been undertaken with the relevant individuals and agencies. Submitters have been supported through this process, with a number of opportunities provided for them to be heard and to ensure that their concerns are understood by Council and the proponent.

Public Transparency (s58 LGA 2020)

Council has met all obligations in relation to the transparency of decision-making in relation to the proposal. One submitter raised a question regarding transparency, specifically that of the redaction of the proponent's name from the exhibited documents. This was done in consultation with the Department of Environment, Land, Water and Planning (DELWP) and was required in order to meet the requirements of Section 197F the Act – *Electronic disclosure of certain personal information in*

permits and other documents. This section of the Act requires that the planning authority not make available electronically any personal information about an individual.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

Objective 2: Attract, retain and grow business in our Shire

Objective 4: Colac Otway Shire is a destination to visit

Theme 3 – Healthy and Inclusive Community

Objective 2: People are active and socially connected through engaging quality spaces and places

It is considered that the proposal would result in benefits to the shire by encouraging visitation and local spending, and providing social/cultural opportunities.

Financial Management (s101 Local Government Act 2020)

All fees and costs associated with the amendment are borne by the proponent, including the cost of the Planning Panel. The proponent must pay a fee to Council for considering submissions, which will cover any minor costs incurred.

Service Performance (s106 Local Government Act 2020)

Not applicable.

Risk Assessment

Any foreseeable risks (e.g., environmental risks such as bushfire) would be able to be managed through planning permit conditions.

Communication/Implementation

All submitters will be advised of Council's decision and, if the resolution is to refer submissions to a Panel, Planning Panels Victoria will directly notify submitters to advise them of the panel process including about their opportunity to participate.

Human Rights Charter

Not applicable. All landowners in the area affected by the amendment have had an opportunity to have their concerns heard by Council. The amendment is being processed in accordance with the legislative process.

Officer General or Material Interest

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

Options

Option 1 – Amend the draft permit conditions as recommended to address amenity issues and refer unresolved submissions to an independent Planning Panel for review

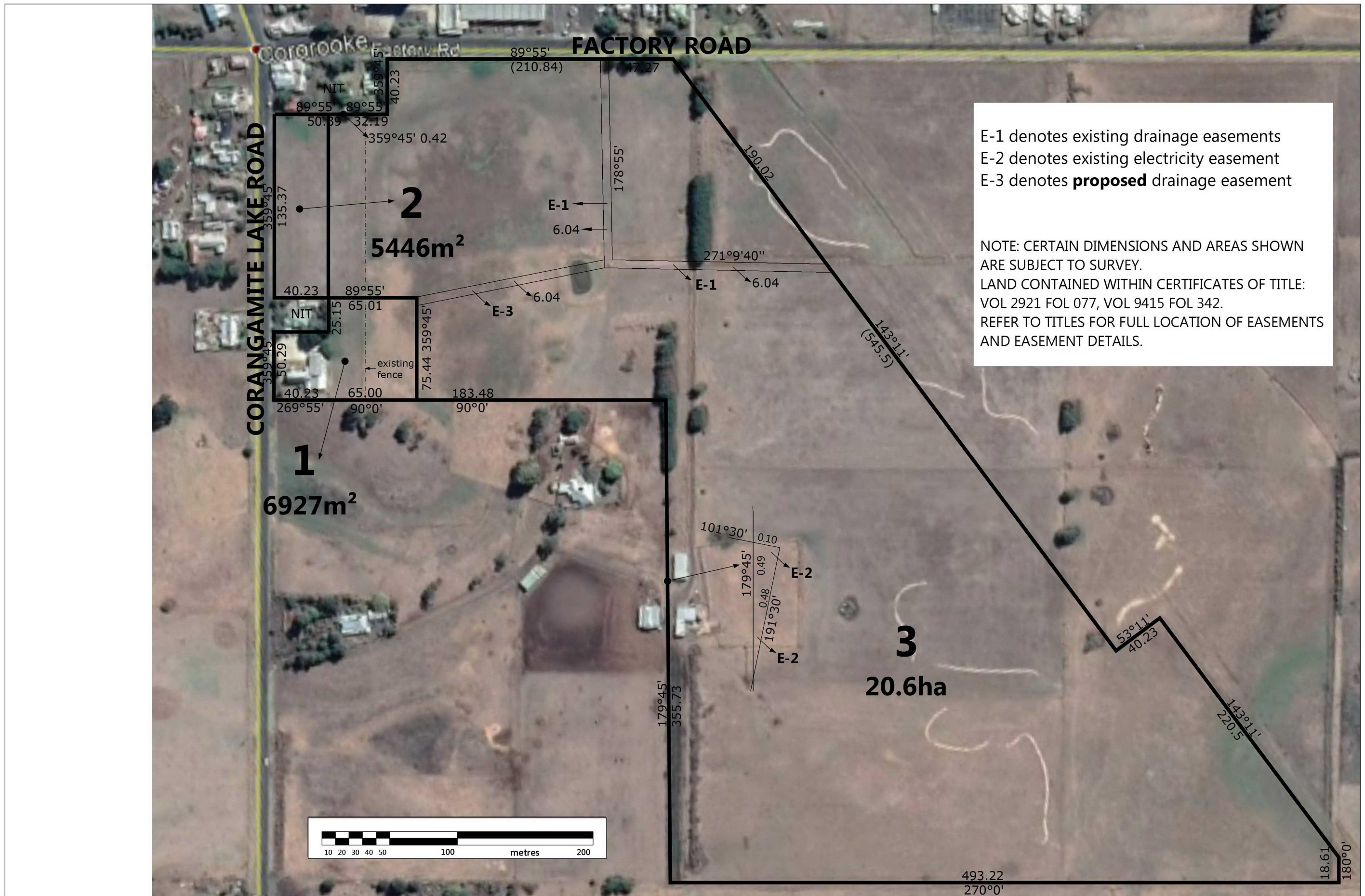
This option is recommended by officers, as the proposal is considered to be weighted in favour of net community benefit, having regard to competing planning policies. It is also considered that any concerns raised in submissions, received through the exhibition process, are able to be addressed through permit conditions. Recommended permit condition changes have arisen through discussions with submitters.

Option 2 – Resolve to make further changes to conditions and/or proposed rezoning and refer unresolved submissions to an Independent Planning Panel for review

This option is not recommended by officers, as the proposal has undergone an extensive assessment and consultation process. Whilst minor changes to conditions could be considered, changes to the draft permit have been recommended by officers in response to negotiations with submitters and are considered to strike an appropriate balance between resolving concerns of submitters and minimising the need for significant alterations to the proposal. It would not be possible to proceed with the permit application without also proceeding with the rezoning proposed.

Option 3 – Abandon the combined amendment and planning permit application

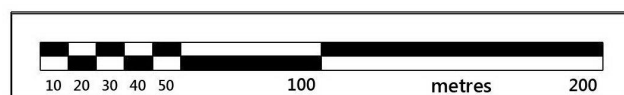
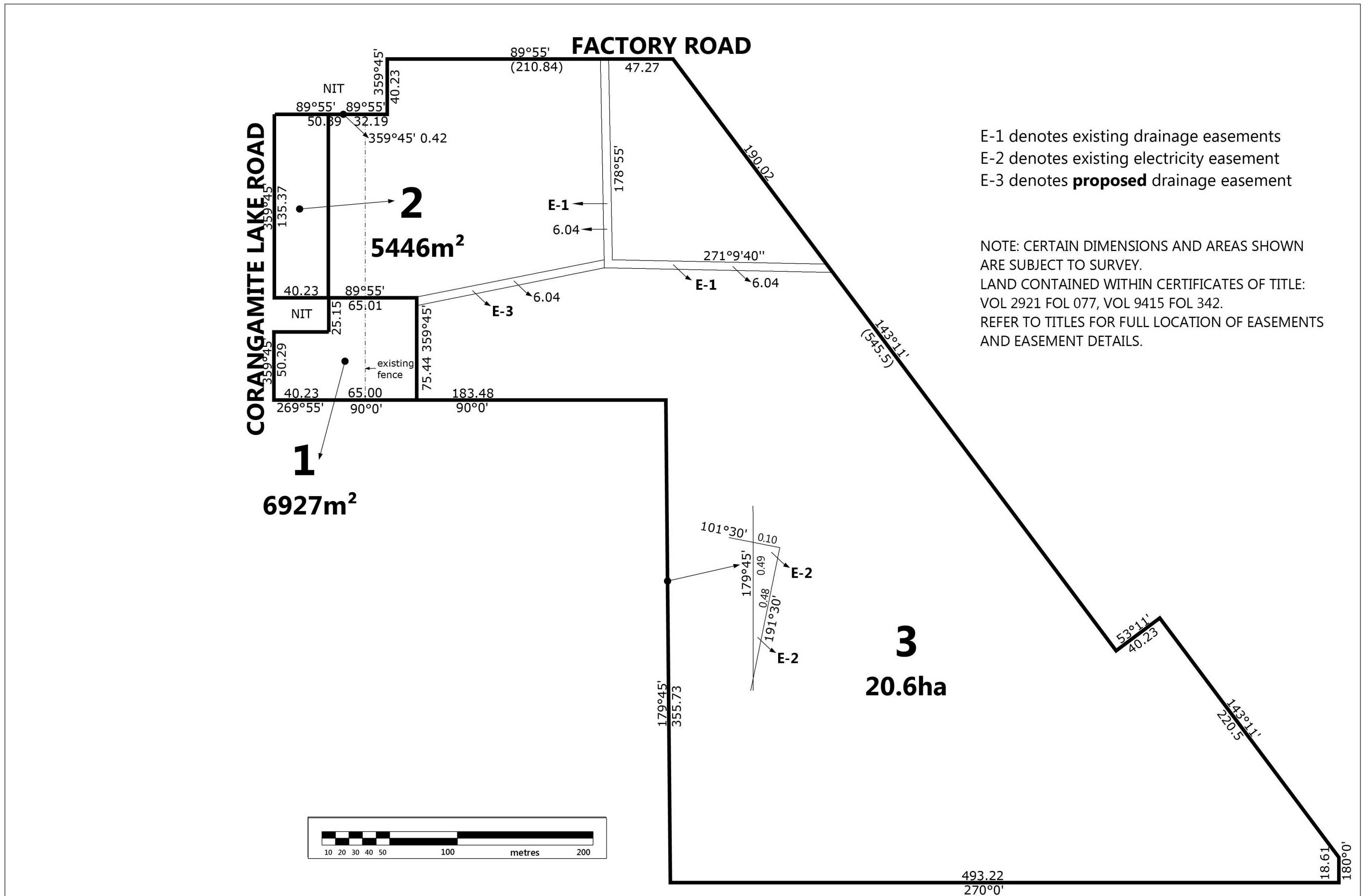
This option is not recommended by officers, as it is considered that the proposal has planning merit having regard to the relevant policies. Referral to a Planning Panel is an opportunity to have the merits independently tested.

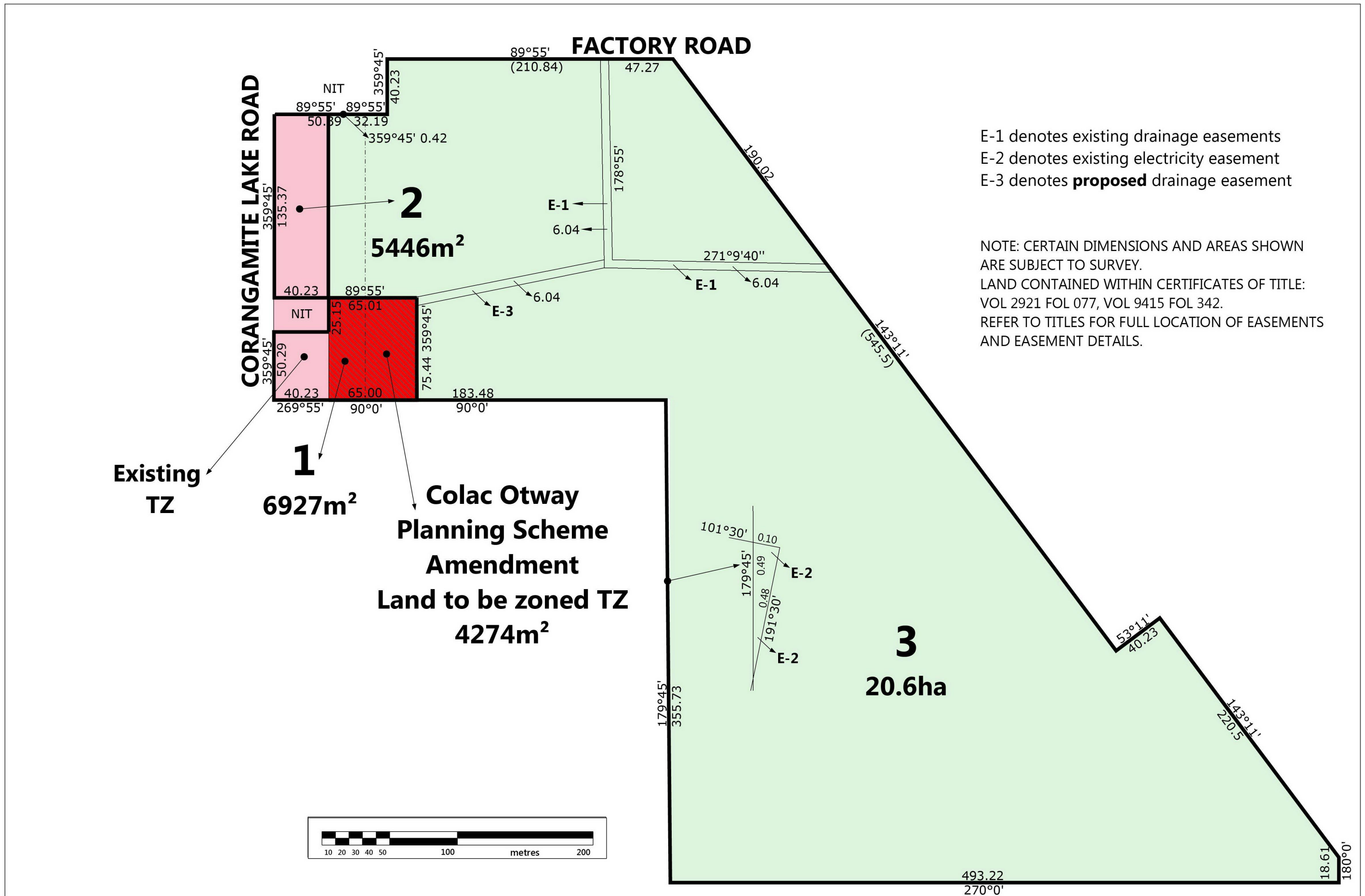


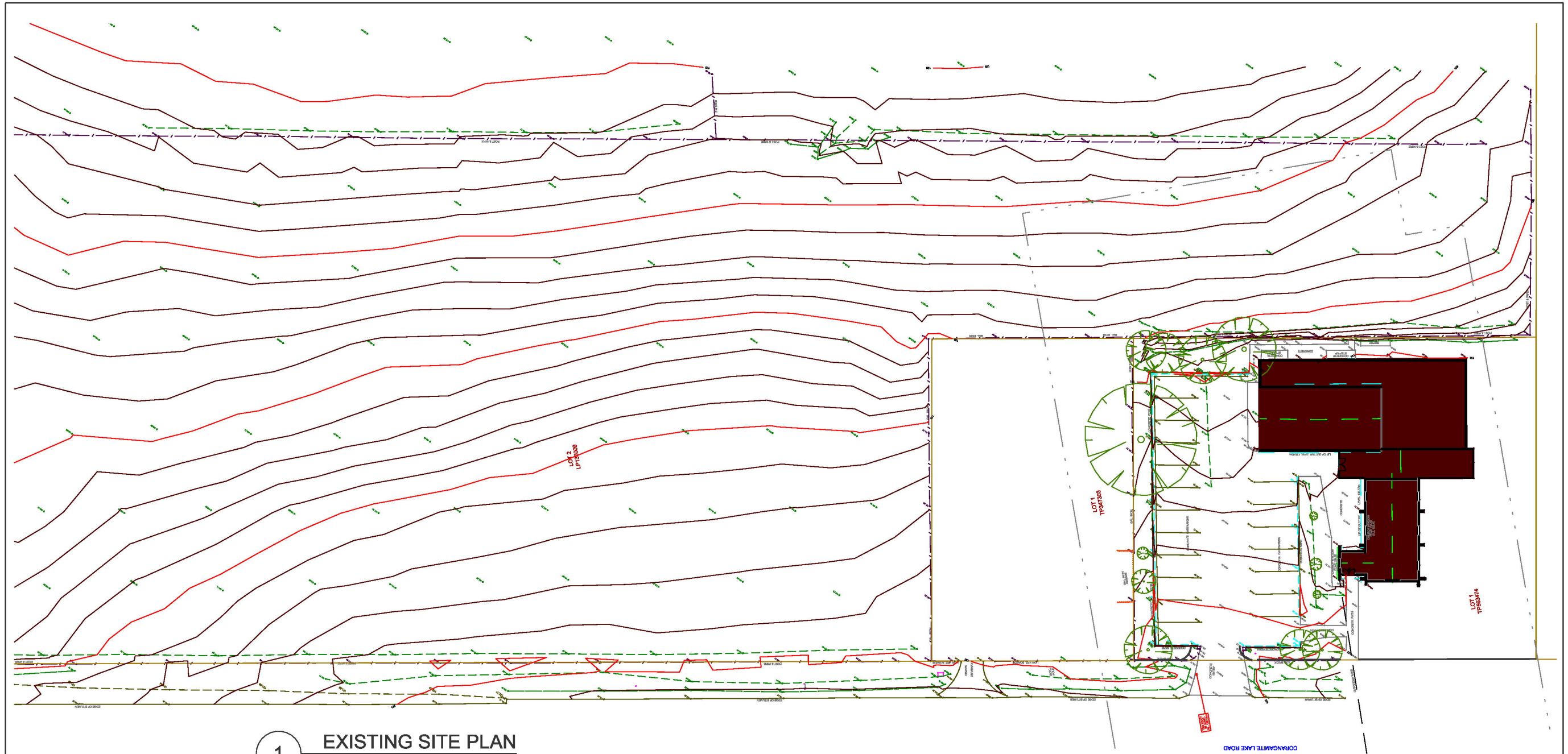
E-1 denotes existing drainage easements
 E-2 denotes existing electricity easement
 E-3 denotes **proposed** drainage easement

NOTE: CERTAIN DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY.
 LAND CONTAINED WITHIN CERTIFICATES OF TITLE:
 VOL 2921 FOL 077, VOL 9415 FOL 342.
 REFER TO TITLES FOR FULL LOCATION OF EASEMENTS AND EASEMENT DETAILS.









1 EXISTING SITE PLAN
1:500

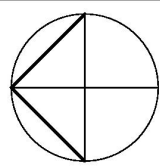


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REVISIONS:		
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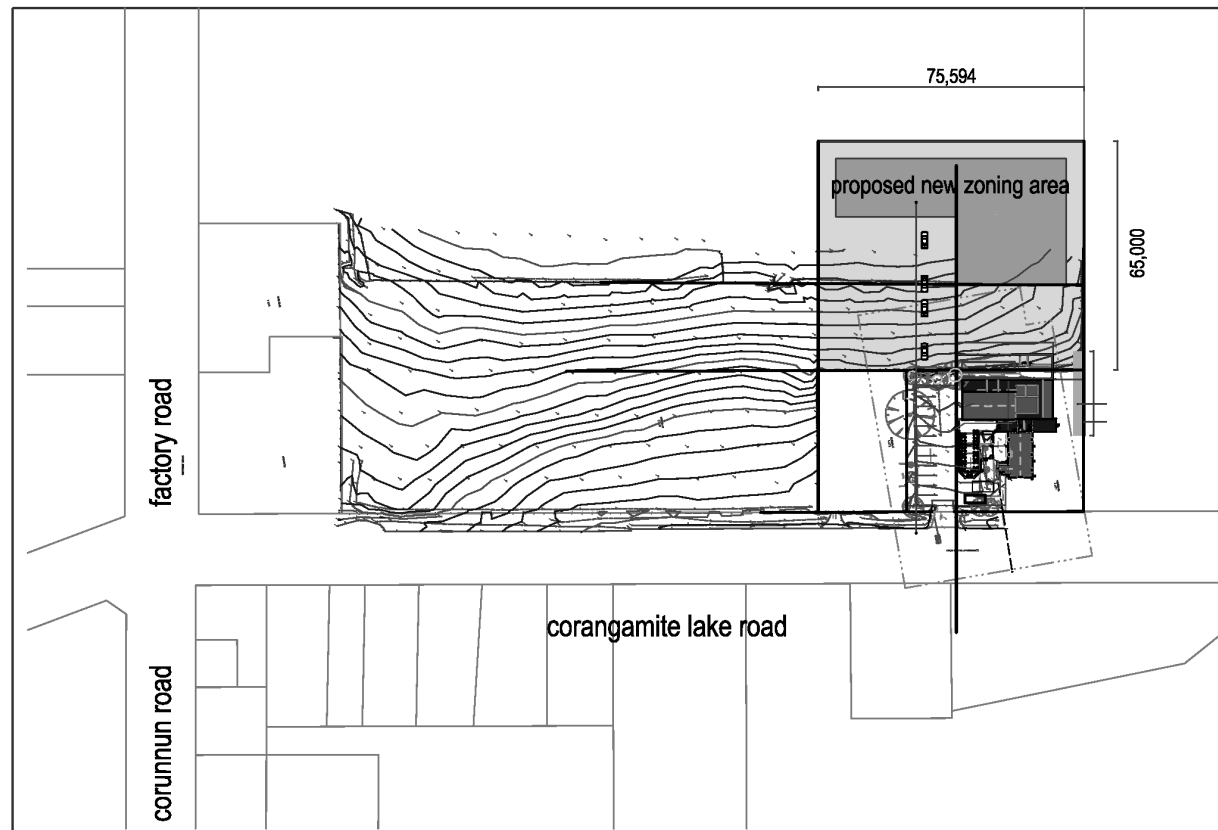
NOTES
DO NOT SCALE OFF THE DRAWINGS REFER TO FIGURED DIMENSIONS ONLY BUILDER TO VERIFY DIMENSIONS ON SITE CONFIRM ALL LEVELS & SITE FEATURES NOTIFY DISCREPANCIES TO THIS OFFICE



PROJECT: **rrrtag extension**
CLIENT: **[REDACTED]**
SITE: **520 corangamite lake road, cororooke**
TITLE: **existing site plan**

DESIGN: GAD	SCALE: as shown
DRAWN: CS	ISSUED:
CHECK: GAD	TO:
DATE: 16-Jun-21	FOR:

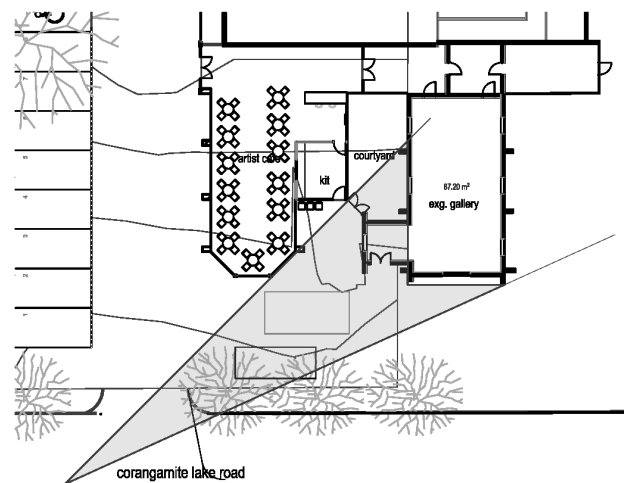
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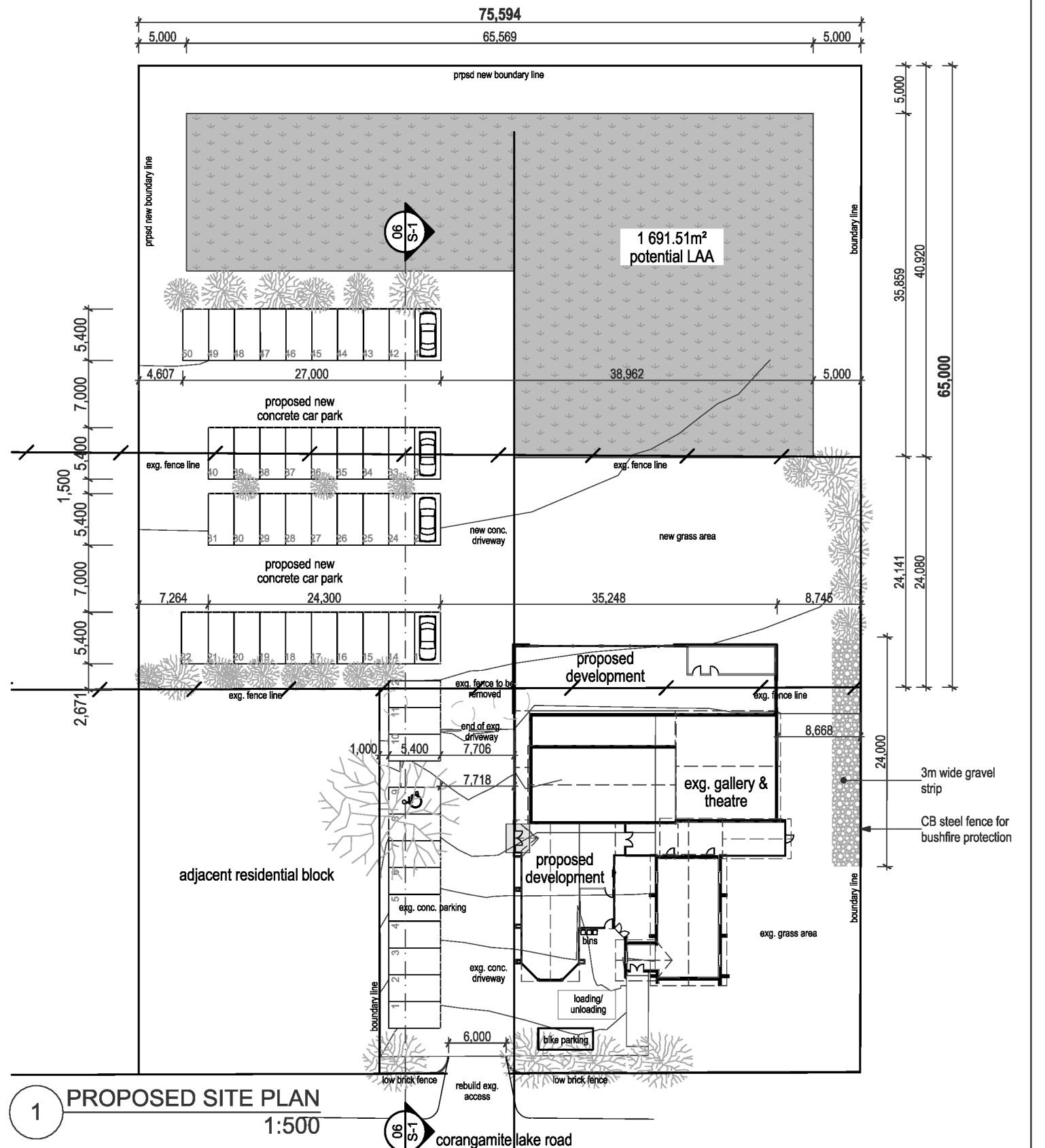
3 PROPOSED NEW ZONING PLAN
1:2000

VEGETATION LEGEND

Area/ Vegetation	Species
 for LAA area	Juncus paladosa (pale rush) juncus procerus (tall rush) Carex appressa (tall sedge) poa lab and the lignin.
 trees and shrubs along fences where shown	Eucalyptus leucoxydon 'Rosea' Tangled Lignum (under-storey)



2 VISIBILITY DIAGRAM



1 PROPOSED SITE PLAN
1:500



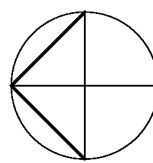
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 info@gdarchitecture.com.au
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REVISIONS:

NOTES

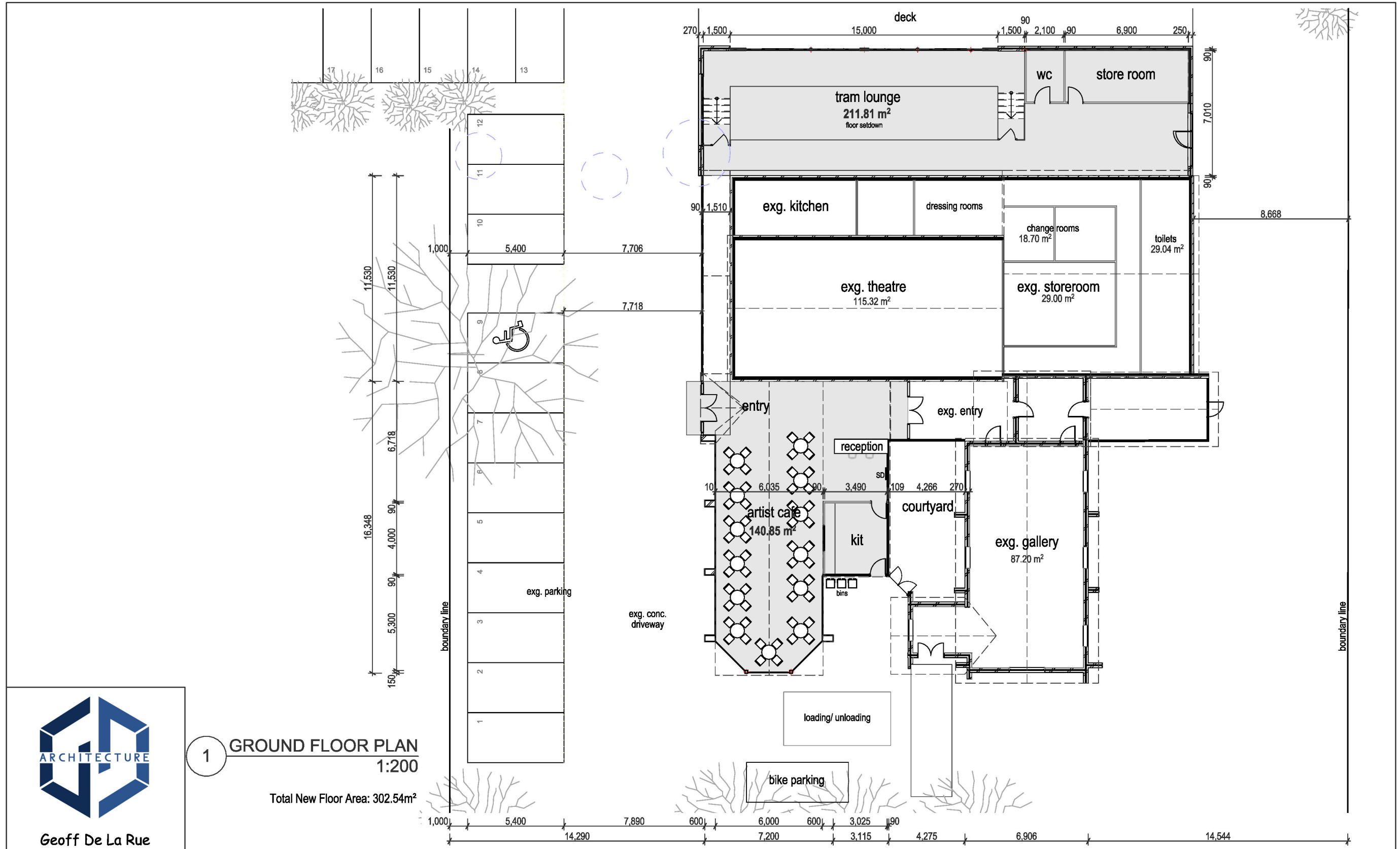
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PROJECT: rrrtag extension
 CLIENT: [REDACTED]
 SITE: 520 corangamite lake road, cororooke
 TITLE: proposed site plan

DESIGN: GAD	SCALE: as shown
DRAWN: CS	ISSUED:
CHECK: GAD	TO:
DATE: 23-Jun-21	FOR:

19-58	
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1 GROUND FLOOR PLAN
1:200

Total New Floor Area: 302.54m²



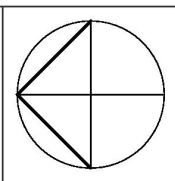
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REVISIONS:

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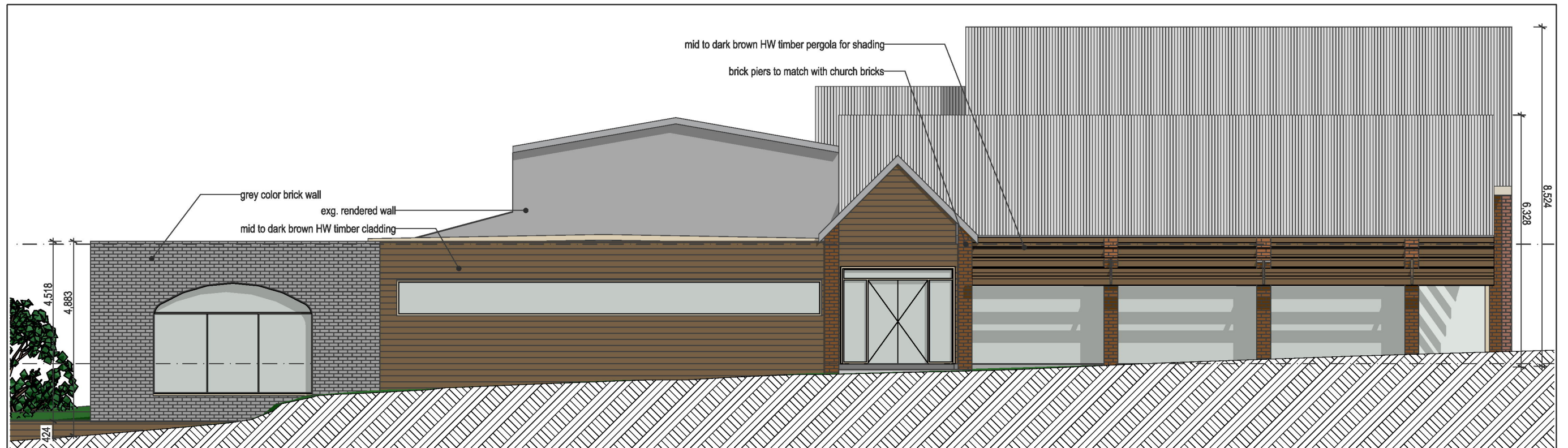
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PROJECT: rrtag extension
CLIENT: [REDACTED]
SITE: 520 corangamite lake road, cororooke
TITLE: floor plan

DESIGN: GAD	SCALE: as shown
DRAWN: CS	ISSUED:
CHECK: GAD	TO:
DATE: 06-Jul-21	FOR:

19-58
PROJECT NUMBER
03 SHEET: OF: REV: A3 FORMAT



E-1 NORTH ELEVATION
1:100



E-2 EAST ELEVATION
1:100



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PROJECT: **rrrtag extension**

CLIENT: [REDACTED]

SITE: **520 corangamite lake road, cororooke**

TITLE: **elevation 1**

DESIGN: **GAD**

DRAWN: **CS**

CHECK: **GAD**

DATE: **06-Jul-21**

SCALE: **as shown**

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PROJECT NUMBER

04

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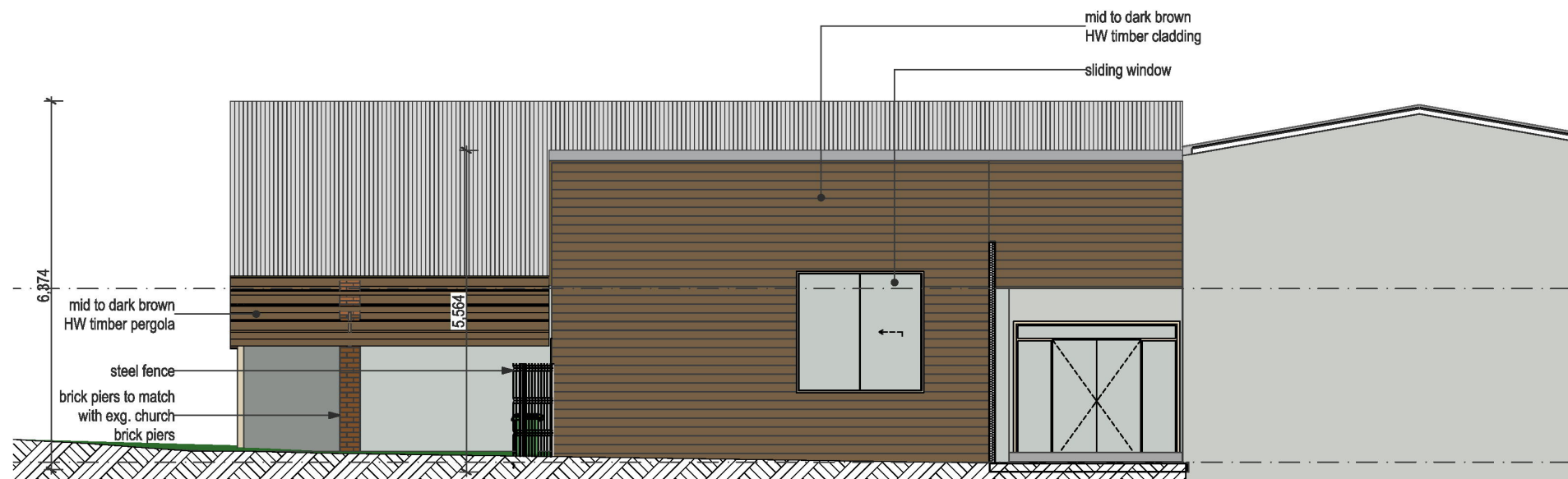
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E-3 WEST ELEVATION
1:100

proposed artist cafe

exg. church



E-4 CAFE SOUTH ELEVATION
1:100

proposed artist cafe

exg. theatre



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PROJECT: rrrtag extension

CLIENT: [REDACTED]

SITE: 520 corangamite lake road, cororooke

TITLE: elevation 2

DESIGN: GAD

DRAWN: CS

CHECK: GAD

DATE: 06-Jul-21

SCALE: as shown

ISSUED:

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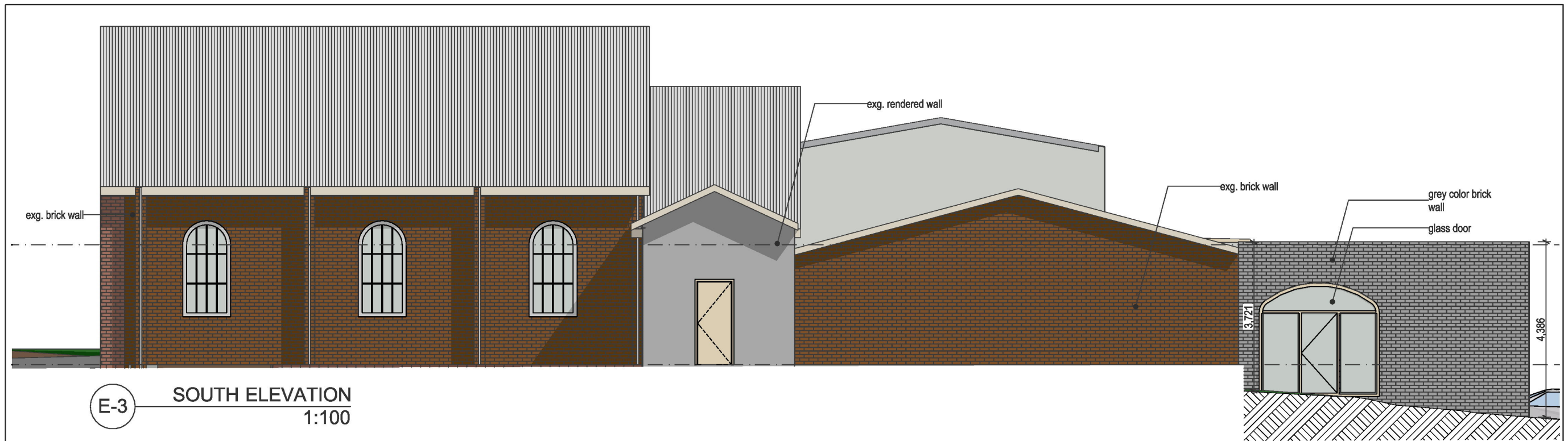
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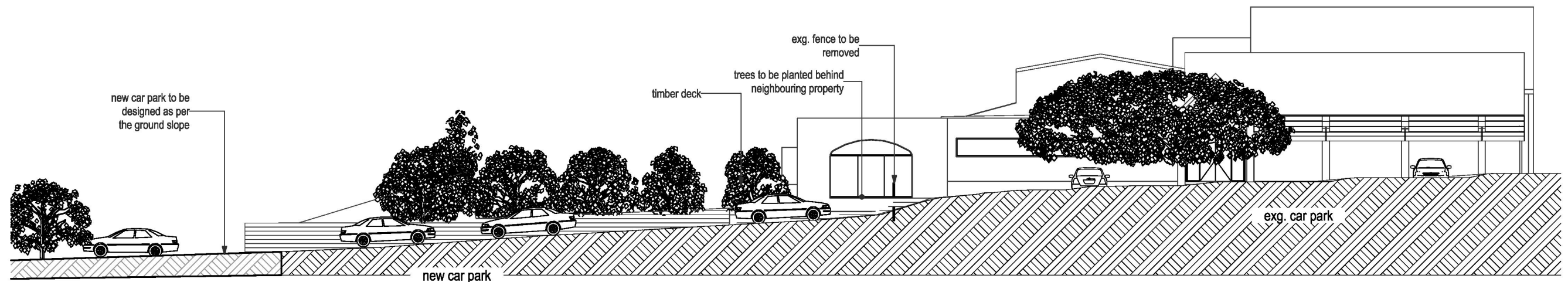
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E-3 SOUTH ELEVATION
1:100



S-1 SITE SECTION
1:200



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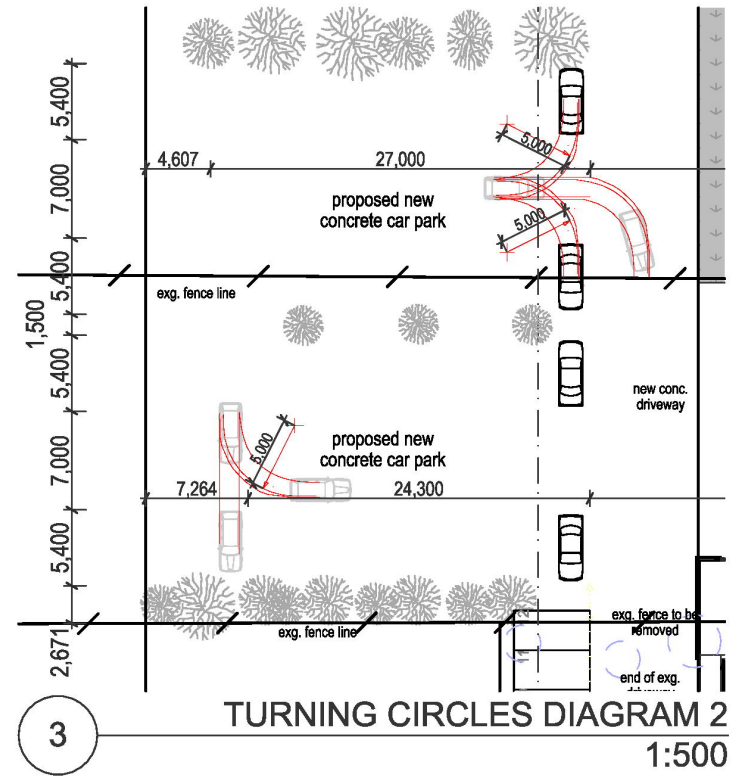
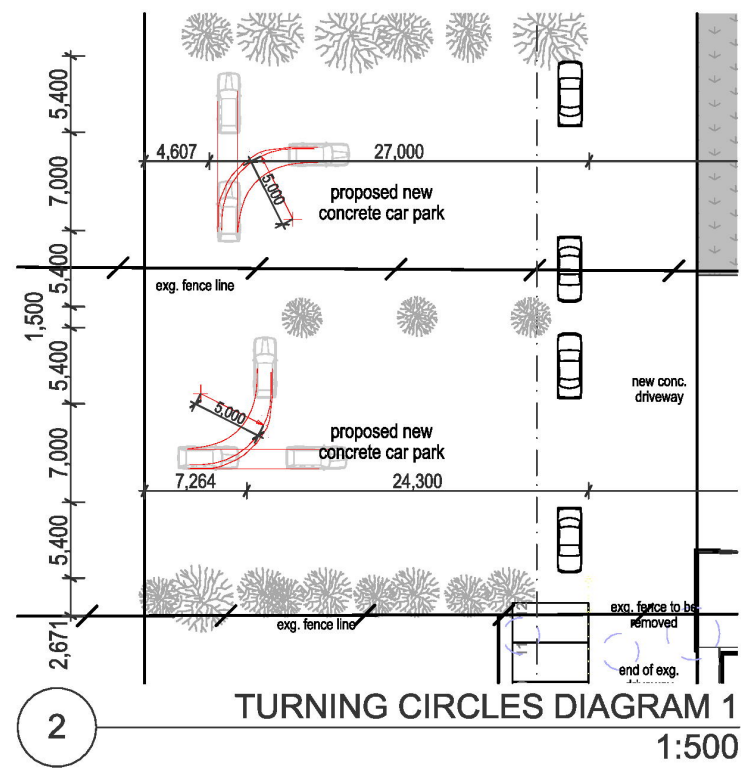
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PROJECT: rrrtag extension
CLIENT: [REDACTED]
SITE: 520 corangamite lake road, cororooke
TITLE: elevation 3

DESIGN: GAD	SCALE: as shown
DRAWN: CS	ISSUED:
CHECK: GAD	TO:
DATE: 06-Jul-21	FOR:

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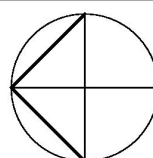


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PROJECT: rrrtag extension
CLIENT: [REDACTED]
SITE: 520 corangamite lake road, cororooke
TITLE: parking layouts

DESIGN: GAD	SCALE: as shown
DRAWN: CS	ISSUED:
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DATE: 16-Jun-21	FOR:

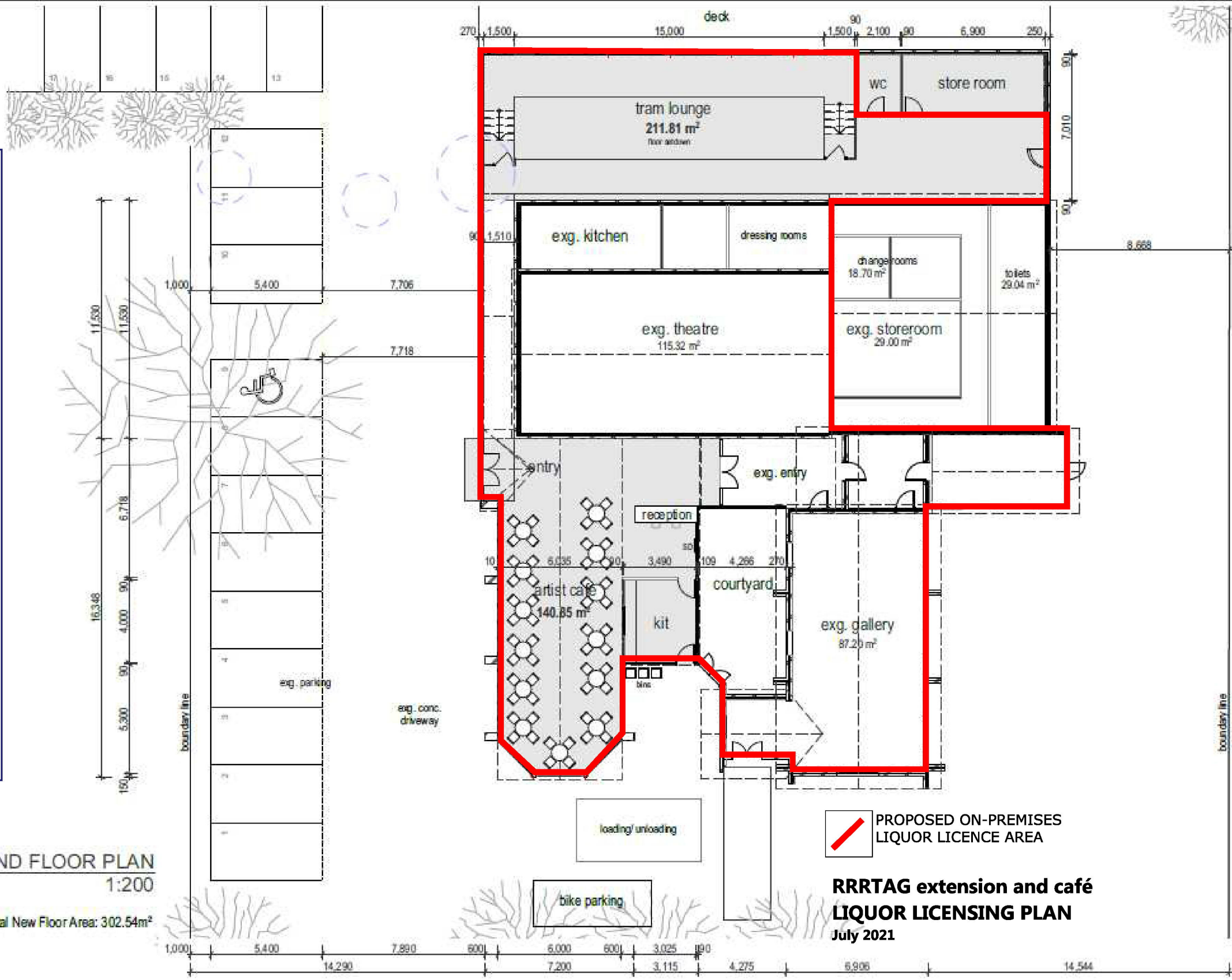
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Liquor Trading Hours:

- Sunday:
Between 10am and 10pm
- Good Friday & Anzac DAY:
Between 12noon and 10pm
- Friday & Saturday:
Between 10am and 11pm
- Any other day:
Between 10am and 10pm

Café/Restaurant Opening Hours:

- Sunday
Between 10am and 10pm
- Good Friday & ANZAC Day:
Between 10am and 10pm
- Friday & Saturday:
Between 10am and midnight
- Any other day:
Between 10am and 10pm



1 GROUND FLOOR PLAN
1:200

Total New Floor Area: 302.54m²

PROPOSED ON-PREMISES LIQUOR LICENCE AREA

**RRRTAG extension and café
LIQUOR LICENSING PLAN
July 2021**

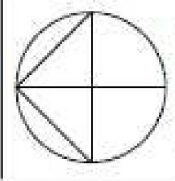


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PROJECT: rrrtag extension
CLIENT:
SITE: 520 corangamite lake road, cororooke
TITLE: floor plan

DESIGN: GAD	SCALE: as shown
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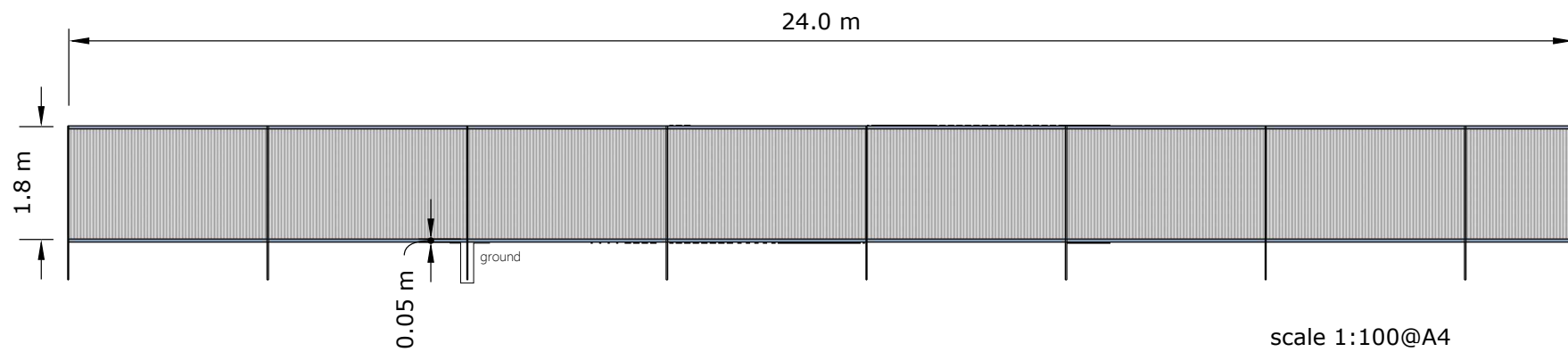
RRRTAG extension - proposed signage



Existing signage (above). 'Now Open' sign (as shown below) is currently utilised and hung from frame with hooks and eyes.



Proposed signage (above). No change to overall sign dimensions.



Proposed steel fence.
Refer to site plan for location.
Colorbond® Woodland Grey or similar.
Detailed specifications and design in accordance with registered building surveyor, manufacturer and installer's instructions.
Minimise separation between ground and fence panel.

RRRTAG proposed fencing detail for fire protection from south.

Version 2: 29.06.21

RED ROCK REGIONAL THEATRE & GALLERY

COLAC OTWAY PLANNING SCHEME COMBINED PERMIT AND AMENDMENT APPLICATION PLANNING REPORT

AUGUST 2020, amended March 2021.



Rod Bright & Associates Pty Ltd
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Report Version Control

V1.1 – 23 July 2020	Draft for client discussion
V1.2 – 10 August 2020	Municipal Planning Strategy, Bushfire Planning
V1.3 – 15 September 2020	Amend site area, bushfire strategy.
V1.4 – 18 March 2021	Response to Council RFI, various updates including: <ul style="list-style-type: none"> • Combine permit and amendment request for all aspects of proposal, remove proposal regarding works across boundary. • Include application to create an easement. • Update references to clauses and provisions (excluding policy) • Update list of documents
V1.5 – 29 June 2021	Plan Revisions with design alterations to the proposed tram lounge including addition of a deck and internal storage room. Associated changes to report shown in red.

1.0 EXECUTIVE SUMMARY

This submission details the intended planning outcomes in relation to a proposed café addition to the existing Red Rock Regional Theatre and Gallery (RRRTAG) Cororooke.

A key part of the proposal is resolving broader site issues such as extending the land area available for the community use to facilitate off-street car parking, stormwater retention and filtration, and an updated waste management system.

Currently the Colac Otway Planning Scheme (The Scheme) zones the existing site "Township" (TZ) with surrounding land zoned "Farming" (FZ). Due to current limitation of provisions relating to subdividing across zone boundaries, the realignment of boundaries requires a planning scheme amendment to ensure the extended area of the RRRTAG is continued to be zoned for township purposes, reflecting its future use.

Colac Otway Shire have provided provisional support to prepare the permit and amendment application to enable the proposal to be formally assessed in accordance with statutory processes as set out in the *Planning and Environment Act 1987*.

This submission:

- Introduces and explains the proposal;
- Requests Colac Otway Shire Council to seek authorisation from the Minister for Planning to prepare a planning scheme amendment; and
- Seeks concurrent planning approval for aspects of the use and development,
- Details the proposal from a planning perspective providing strategic justification for the amendment.

2.0 BACKGROUND

2.1 ABOUT RED ROCK REGIONAL THEATRE & GALLERY

Red Rock Regional Theatre and Gallery (RRRTAG) has evolved from its former life as St David's Church and hall into a vibrant community art gallery, display and performing arts and theatre space through the efforts of the RRRTAG Committee of Management, community volunteering and support of the Cororooke and wider community.

RRRTAG is run by a Committee of Management and is an Incorporated Association.

RRRTAG hosts a variety of cultural and performing arts events including life theatre at the Carolyn Theatre, is the home of the Red Rock Film Society with regular member screenings, and the art gallery hosts various exhibitions from local and regional artists.

Notwithstanding RRRTAG's renewal, community and private events held within the space have been constrained by the absence of on-site catering and limited parking. The RRRTAG Committee of Management plans to further develop the site's potential by the construction of a new café space with road visibility to encourage tourism visitation and concomitant income. The café will be supplemented by a new tram lounge/green room space, additional car-parking to the rear, a new effluent secondary treatment plant to meet current EPA standards. The physical land required to facilitate the project exceeds the current title boundary limits, instigating a boundary re-alignment and planning scheme zoning amendment for completion and compliance with the relevant provisions of the Colac Otway Planning Scheme.

This report details the proposed planning outcomes at the site. It should be read in conjunction with the accompanying documents and plans as listed in Section 2.2 of this report.

2.2 LIST OF DOCUMENTS

Set 1 Planning Scheme Permit Application and Scheme Amendment Documents.

ID	Document	Date/Version	Date submitted	Author
1.0	Covering letter		21.09.2020	Rod Bright & Assoc
2.0	Application form		21.09.2020	
3.0	Copy of title		21.09.2020	
4.0	Explanatory Report Draft	15.09.20	21.09.2020	Rod Bright & Assoc.

Set 2 Reports/Advice.

ID	Document	Date/Version	Date Submitted	Author
5.0	Stormwater Management Plan	June 2020 P1 Revised 22.2.21	21.09.2020 01.04.2021	AMKAD Group
5.1	Melbourne Water Storm Rating Report	18.03.21	01.04.2021	
6.0	Land Capability Assessment	22.06.20 V2 27.03.2021	21.09.2020 01.04.2021	LandTech Consulting
7.0	Bushfire & BAL Assessment	08.08.20	21.09.2020	Rod Bright & Assoc.

Set 3 Plans.

ID	Document	Date/Version	Date Submitted	Author
8.0	Feature survey/title plan	1407	21.09.2020	SW Surveys
9.0	Plans – site	16.07.20 22.03.21 June 21	21.09.2020 09.07.21	GD Architecture
10.0	Plans - elevations	07.04.20 22.03.21 July 21	21.09.2020 09.07.21	GD Architecture
11.0	Proposed plan of subdivision	15.09.20 08.01.21 v1.3	21.09.2020 01.04.2021	Rod Bright & Assoc.
12.0	Planning scheme zone amendment plan	15.09.200 08.01.21 V1.3	21.09.2020 01.04.2021	Rod Bright & Assoc
13.0	Existing/proposed signage	19.03.21	01.04.2021	RRRTAG/Rod Bright & Assoc.
14.0	Existing floor plans 1 & 2	July 2011	01.04.2021	Toronga Drafting & Design
15.0	Liquor Licensing Red Line Plan	22.03.2021 09.07.21	01.04.2021 09.07.21	GD Architecture/Rod Bright & Assoc.
16.0	Fence detail	22.03.2021 29.06.2021 v2	01.04.2021 09.07.21	Rod Bright & Assoc.

2.3 SITE AND CONTEXT

2.3.1 SUBJECT LAND

- Existing theatre & gallery: 520 Corangamite Lake Road, Cororooke
Lot 1 TP563474W V/F 2921/077 containing approximately 2023m²
- Adjacent farming land to east: 30 Factory Road Cororooke
Lot 2 LP135009 V/F 09415/342 containing approximately 21.56ha



Figure 1: Existing land and development and neighbouring dwellings. Image date 14.03.2019.
Google Earth image © 2020 CNES/Airbus

Buildings on the site comprise the former St David's Church which is now used as an art gallery, and the theatre and gathering space, formerly the 1970's constructed church hall.

Car-parking areas on the northern side of the buildings have been recently concreted. The south side comprises open grassed areas.

The site forms part of a raised undulation in landform resulting from former volcanic activity in the district. The land drops away towards the east behind the existing buildings. Fall is also towards the east and stormwater is dispersed into the adjacent paddock on the eastern side. There is no swale or formal drainage within this section of Corangamite Lake Road.

The buildings are connected to reticulated power and water. Effluent is treated in a septic tank with effluent lines located to the south of the existing hall.

Vegetation within the site appears to have been planted for landscaping purposes.

Photos within this report provide more detail regarding existing site conditions.

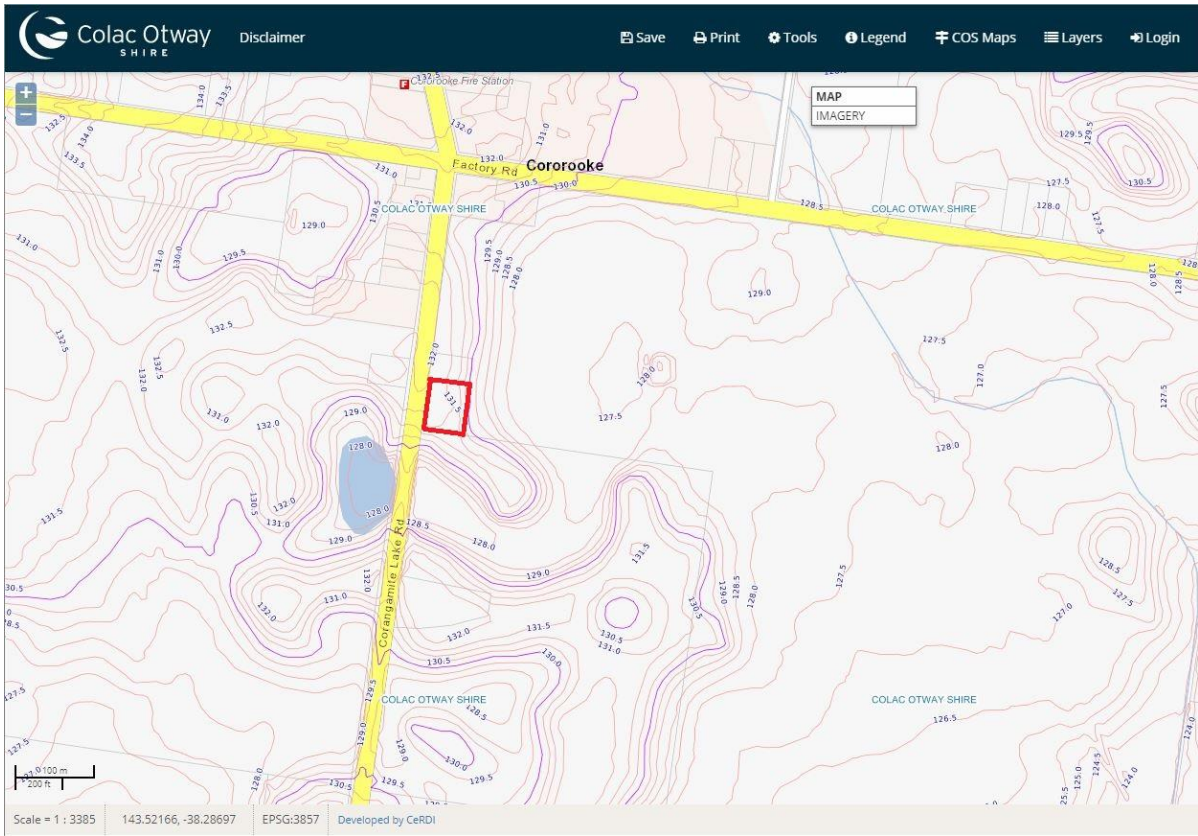


Figure 2: Contours depicting land-form. Source Colac Otway Shire http://cos.cerdi.com.au/cos_map.php#



Figure 3: Site context. Existing land (red). Land proposed to be included as part of current projects (yellow).
 Google Earth image © 2020 CNES/Airbus

2.3.2 SURROUNDING LAND

Land to the east and south is grazed for farming purposes.

Houses are located adjacent to the north and opposite on the west side of Corangamite Lake Road and generally continue into the township on the west side of Corangamite Road extending to the Factory Rd intersection.

South of Factory Road, the area comprises a mix of farming, rural living and residential land uses, with exceptions of RRRTAG, the Cororooke General Store/Post office and the Maternal Child & Health Centre.

2.3.3 LIQUOR LICENSING CONTEXT

The cumulative impact of licensed premises is an assessment requirement under clause 52.27 of the Colac Otway Planning Scheme and requires the applicant to provide information to determine whether there is a cluster of licensed premises within a radius of 100 or 500 metres of the subject land. (Planning Practice note 61: Licensed Premises, DELWP).

Currently we understand the only licensed premises in the area is the Cororooke General Store (consumption off-premises only). A cluster is not deemed to exist and a cumulative impact assessment is not required.

2.3.4 EXISTING APPROVALS

- The church hall was constructed in the 1970s and has been used continuously since this time for a wide range of activities associated with the former church and community gatherings. It is reasonable to associate existing use rights under clause 63.01, accepting continuous use for more than 15 years, in relation to the use of the hall as a place of assembly. The use was probably lawfully carried out immediately before the approval date of the scheme, although this has not been verified as part of the current project.
- Planning permit PP184/2011-1 allows the use of the former church as an art gallery, buildings and works and allowed a reduction in on-site parking. It included upgraded toilet facilities and a storeroom. Plans endorsed as part of the permit show provision of 18 car spaces, of which 1 is accessible.
- Occupancy permit BSU23052/20110359 allows 179 people to be accommodated in relation to works as part of the building permit issued.

2.3.5 SITE AND SURROUNDING LAND PHOTOS



Photo 1: Former St David's Church: south side.



Photo 2: View east to Corangamite Lake Road from existing car park.



Photo 3: Existing carpark.



Photo 4: Existing carpark with adjacent dwelling to north – 522 Corangamite Lake Road



Photo 5: As above



Photo 6: Existing car park view to east.



Photo 7: Existing signs



Photo 8: As above. Corangamite Lake Road view to south.



Photo 9: Corangamite Lake Rd view to north.



Photo 10: Existing entry and fencing.



Photo 11: Existing sign.



Photo 12: Existing car park & entry.



Photo 13: South side of former church



Photo 14: Western boundary with existing vegetation and rear of advisory sign.



Photo 15: Southern side of premises with southern boundary fenceline visible.



Photo 16: As above



Photo 17: Western facade



Photo 18: Trees and to be removed.



Photo 19: Existing north-east corner of land.



Photo 20



Photo 21: Eastern façade.



Photo 22: Adjacent farmland to East.



Photo 23: As above, view to north-east



Photo 24: As above view to East.



Photo 25: As above view to south-east.



Photo 26: Land to south of existing hall.

3.0 PROPOSED USE & DEVELOPMENT

The proposal comprises the use and development of the land for:

- A licensed café and courtyard (seating up to 80 people) (Existing building permit restriction allowing maximum 179 people to be on the premises at any time to continue).
- A tram lounge to be used as a place of assembly. **29.06.21 Additional store-room and exit to south side.**
- Additional car parking and bike facilities.
- Works include a new effluent disposal system, a new stormwater retention system, additional landscaping.
- A "store" - temporary storage of the tram on-site until works are commenced and completed.
- The use and development will extend over both Lot 1 TP563474W and Lot 2 LP135009.
- Measures (Steel fence on part of boundary) to reduce the potential impact of grassfire to the south façade of the existing building.
- Consolidation and subdivision (boundary realignment) of Lot 1 TP563474W and Lot 2 LP135009 to extend the area available for the tram lounge, parking and effluent disposal. An additional lot separates the Township Zoned land parallel to Corangamite Lake Rd. The subdivision includes creation of new drainage easements to link to existing easements further east.
- Combined with an application to amend the scheme to change the area of existing Farming zoned land to be included in the development to Township Zone.

3.1 PROPOSED USE

3.1.1 TRAM- GREEN ROOM (PLACE OF ASSEMBLY)

- To house a retired W class tram.
- Floor area approx 161.6m². **29.06.21 Increased to 211.81m² to include a storage room (+50.17m² from previous plan version)**
- The shelter will connect with the café through an enclosed walkway along the north side of the hall. **29.06.21 An additional exit is proposed to the south.**
- To be used as an artist space, a green room for theatre events.
- The deck will be used as an interface between the tram building and outdoor space. Looking to the future there is potential for the deck space to be used for outdoor theatre events *however this does not form part of the current permit application.*

3.1.2 CAFÉ (RESTAURANT), STAFF & OPERATION, HOURS

- Seating of up to 80 people
- Maximum of 179 people on premises at any one time inclusive of 80 in café.
- Floor area of café and kitchen including customer areas and staff areas approximately 140 m². The courtyard is excluded. The courtyard will be used for outside seating in suitable weather but will not increase the seating capacity of 80 people.
- Produce deliveries to loading dock as designated in front (west) of existing buildings.
- Deliveries dependant on food service schedules, usually during general business hours, except for fresh daily produce which is delivered earlier.
- The café will be leased to independent operators, but conditions of the lease will be controlled by the Committee of Management. It is expected that the café will be used at the time of theatre/gallery events.

- Floor area 140.9 m² including kitchen.

Staff/Volunteers

- Number of staff on-site will vary based on demand.
- Staff will also open and supervise the existing gallery.

Opening Hours

- Café – approval sought to operate within the range of hours 10.00am to 10.00pm, every day of the week, including public holidays.
- Friday and Saturday evenings until 12.00 midnight.
- Note the opening hours differ from the On-Premises ordinary liquor licence hours.

3.1.3 LIQUOR LICENSING

- Currently temporary limited licensed are applied for for specific events and have enabled consumption of liquor across the whole of the premises, both indoors and outdoors.
- It is proposed to discontinue with the current licensing arrangements and this application seeks approval for an on-premises Liquor Licence.
- The red-line proposed licensed area is shown within the attached plan set. The licensing area covers the entire building to enable a patron to carry a drink into the exhibition space or theatre area and for special events within this area.

3.2 PROPOSED DEVELOPMENT**3.2.1 BUILDING/WORKS**

- Extension to building as shown in the plans. Weatherboard cladding, zincalume roofing to match existing.
- External Lighting: up-lit bollards in new car-park.

3.2.2 CAR PARKING, CIRCULATION & BIKE FACILITIES

- Extension of parking area to the rear (east) of the premises.
- All weather surface for additional 32 car spaces. Increase in on-site parking from 18 spaces to 50 (1 accessible).
- Retain and utilise existing cross-over, ensure it is widened if required to meet 6.0m entrance width.
- Designated loading area.
- Additional 4 bicycle spaces minimum (bike rack - not covered, required exemption)

Thirty-two (32) car spaces satisfies the current parking rate under the scheme for an 80 seat café. The overall number of people on the site is not being increased above the current 179. Accordingly, the tram lounge place of assembly will not trigger an increase in parking for this aspect of the proposal, and a waiver or reduction of spaces is not required. (Refer to section 5.5).

3.2.3 STORMWATER

- Creation of stormwater easement to connect to existing drainage easement system.
- Refer to Preliminary Stormwater Drainage Plan revised 22.02.21 AMKAD Group 20072 June 2020. Detailed design will follow planning approval.
- Refer to Melbourne Storm Assessment 18.03.21.

3.2.4 EFFLUENT DISPOSAL

- Proposed 10:10:10 AWTs system to treat waste with effluent disposal to the east of the car park, with overflow tank storage for extreme capacity.

Refer to LandTech Land Capability Assessment March 27, 2021.

3.2.5 GRASSFIRE PROTECTION

- Steel 'residential' fence along part of the south boundary 29.06.21 with 3m wide gravel strip ground cover to reduce the assessed BAL to the existing building and south façade of proposed tram lounge. Refer to Fire Management Plan (Rod Bright & Assoc September 2020).

3.2.6 WASTE.

It is expected standard domestic sized waste bins will be appropriate for the business: 2 general waste, 2 recycling, and 1 for green waste. Bins will be wheeled out to the kerb for normal kerbside collection once a week.

If these are not sufficient for purpose, larger wheeled 110 litre bins will be contracted.

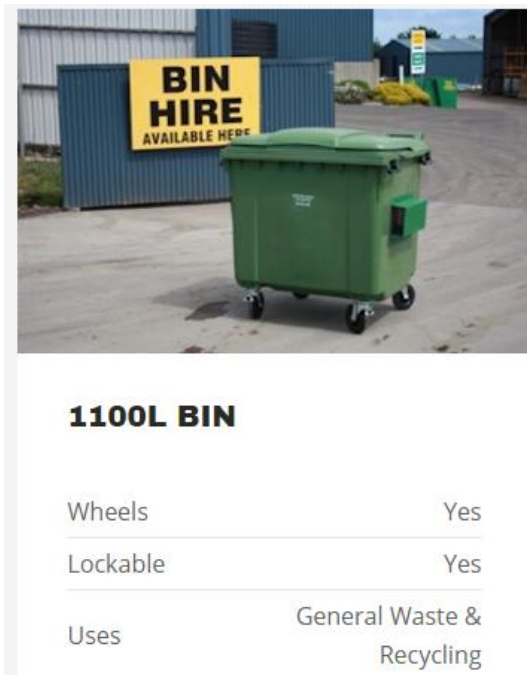


Figure 4: Bin as currently available for hire in the area. Image from Barton's Waste Warrnambool website <https://bartonswaste.com>

3.2.7 SIGNS

- Wording and display of existing sign to be amended within the existing sign frame. Refer to attached plan "Existing and Proposed Signage"

3.2.8 LIGHTING

- Rear carpark to be illuminated by a mix of:
 - LED sensor directional light from the corner of the building with baffles.
 - Timer to turn on at 6pm-11pm.
 - Uplit bollards

3.2.9 LANDSCAPING

- Existing plants to be retained except for those required to be removed to extend the access to the new carpark.
- Additional plantings for privacy along the rear (east) boundary of 522 Corangamite Lake Road
- The effluent disposal field to be planted with indigenous sedges, rushes and lilies appropriate to the wetter conditions.

3.3 BOUNDARY RE-ALIGNMENT, SUBDIVISION AND COMBINED SCHEME AMENDMENT.

Currently RRRTAG is contained within Lot 1 TP563474W containing approximately 2023m², zoned Township.

The project seeks to extend the buildings and works into land located within Lot 2 LP135009, zoned Farming.

The application approval to re-subdivide LP135009 and consolidate the required land with the RRRTAG title (proposed Lot 1) and extend the Township Zone to apply to the whole of the newly created lot, to appropriately reflect the ongoing use of the land.

An additional lot (proposed Lot 2) is proposed to be created to separate the Township zoned land from the Farming Zoned land of the parent title to comply with the relevant planning scheme provisions.

The new RRRTAG allotment will comprise 6927m², subject to survey. The TZ land comprises 5446m², with the balance farming lot (proposed Lot 3) of 20.6 hectares.

Refer to the attached plans: proposed Plan of Subdivision, plan showing zoning change.

4.0 CURRENT PLANNING SCHEME

4.1 RELEVANT PLANNING POLICY

Policy up-to-date at time of original submission. September 2020.

SETTLEMENT

State Policy Clause 11:	11: 11.01-1S Settlement 11.03-6S Regional and local places
Regional policy	11.01-1R Settlement – Geelong G21 11.03-5R The Great Ocean Road Region
Local objectives/strategies	21.02-2 Vision - Land Use Vision 21.03-2 Settlement - Colac.

ENVIRONMENTAL RISKS AND AMENITY

State policy clause 13:	13.05-1S Noise abatement 13.06-1S Air quality management 13.07-1S Land use compatibility
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BUILT ENVIRONMENT & HERITAGE

State Policy Clause 15:	15.01-6S Design for rural areas 15.02-1S Building Design 15.02-1S Energy and Resource Efficiency 15.03-1S Heritage Conservation
Local Policy	21.03-2 Settlement- Colac 22.01-1 Heritage Places and Areas

ECONOMIC DEVELOPMENT

State Policy Clause 17:	17-01-1S Diversified economy 17.04-1S Facilitating Tourism
Regional policy:	17.01-1R Diversified Economy Geelong G21
Local objectives/strategies:	21.02-2 Vision - Land Use Vision 21.03-2 Settlement - Colac policy. 21.05-4 Economic Development – Tourism

INFRASTRUCTURE

State Policy Clause 19:	19.03-3S Integrated water management
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4.2 ZONES AND OVERLAYS

4.2.1 ZONES

The land is zoned part Township (TZ) and part Farming (FZ)

Corangamite Lake Road is in a Road Zone – Category 1 (RDRZ1).

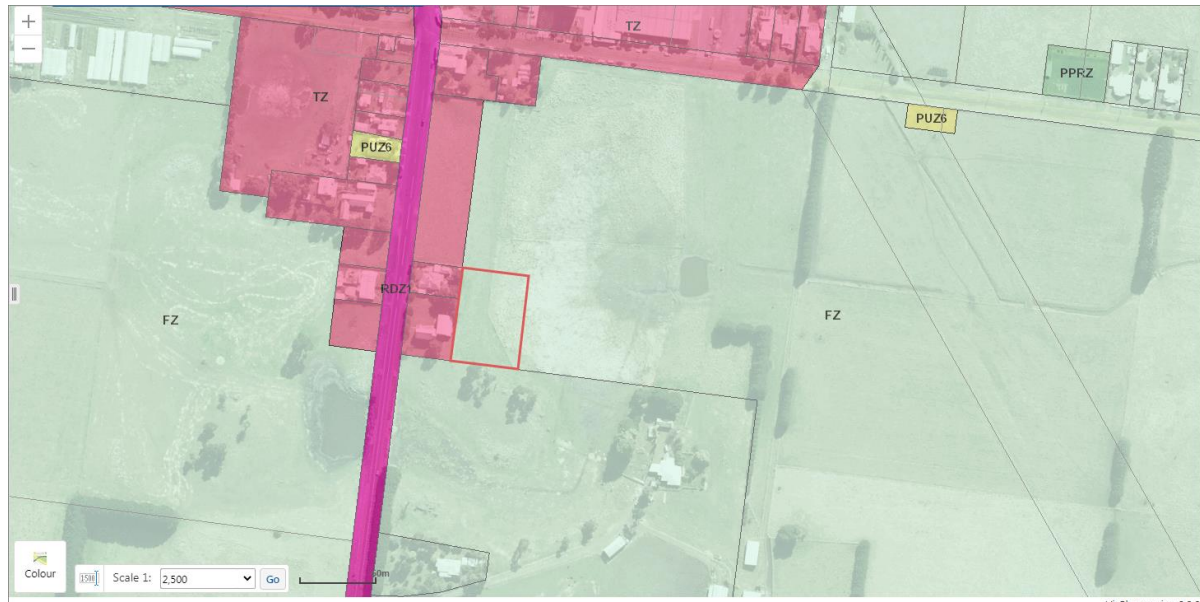


Figure 5: Land currently zoned Township and Farming. (VicPlan, DELWP, 2020).

4.2.2 OVERLAYS

Two overlays affect the land:

1. Environment Significance Overlay Schedule 1 – Warrion Groundwater Area (C101cola proposes to delete the schedule from the scheme as groundwater quality is controlled through other mechanisms)
 - The overlay seeks to protect and retain quality and quantity of groundwater recharge in the Warrion aquifer area and requires consideration of in ground waste disposal systems & ground water usage.
2. Heritage Overlay Schedule 166 – St David’s Church. Refer to attachments for Statement of Significance.
 - The overlay broadly seeks to conserve and enhance heritage places of natural or cultural significance.

The land is in a designated Bushfire Prone Area.

4.3 RELEVANT PARTICULAR PROVISIONS

Easements, restrictions & reserves 52.02

Signs 52.08

Car Parking 52.06

Licensed Premises 52.27

Land Adjacent to Road Zone, Category 1

Bicycle Facilities 52.34

Stormwater Management in Urban Development 52.18

Live Music Entertainment Venues 53.06.

Clause 53.06 applies to an application to construct a building or construct or carry out works associated with a live music entertainment venue. A live music entertainment venue means: *a food and drink premises, nightclub, function centre, or residential hotel that includes live music entertainment*. The existing theatre does not meet this live music venue definition. It is not proposed to play live music in the café.

Subdivision of land in more than one zone 64.03

Approval of an application or plan, or an application to subdivide land 65.01, 65.02

4.3 PERMIT TRIGGERS

Township Zone:

- 32.05-2 Section 2: Permit required for café/restaurant.
- 32.05-2 Section 2: Permit required for a store, nested in warehouse.
- 32.05-10 Buildings & works associated with a Section 2 Use.

Farming Zone:

- 35.07-1 Section 2: Permit required for place of assembly (tram lounge).
- 35.07-1 Section 2: Permit required for a store, nested in warehouse.
- 35.07-1 Section 2: Permit required for car park (associated with another use in Section 1 or 2 restaurant/place of assembly)
- 35.07-4 Buildings & works associated with a Section 2 Use.

Heritage Overlay:

- 43.01-1 Permit required to subdivide land, construct a building or construct or carry out works, including a fence and a rainwater tank if the rainwater tank is visible from a street or public park.

Signs:

- 32.05-14 TZ signs Category 3 – High amenity areas
- 52.05-13 Business ID signs Section 2 permit required.

Easements, restrictions and reserves 52.02

- 52.02 A permit is required before a person proceeds under Section 23 of the *Subdivision Act 1988* to create an easement.....

Stormwater Management in Urban Development 53.18:

- 53.18-3 An application to construct a building or construct or carry out works must meet all of the objectives of 53.18-5 and 53.18-6.

Car-parking 52.06:

- 52.06-2 Before a new use commences or a floor area of an existing use is increased, the number of parking spaces required under clause 52.06-5 must be provided, on the land or in accordance with a permit issued under 52.06-3.
- 52.06-3 Permit require to reduce the number of spaces required under 52.06-5, and to provide some or all of the car parking spaced required under clause 52.06-5 on another site

Bicycle parking 52.34

- 52.34-1 A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided o the land.
- 52.34-2 A permit may be granted to vary, reduce or waive any requirement of 52.34-5/52.34-6.

Licensed Premises 52.27.

- 52.27 Permit required to use land to sell or consume liquor if a licence is required under the *Liquor Control Reform Act 1988*.

Land adjacent to a Road Zone Category 1.

- 52.29-2 Permit required to create or alter access to a road in a RDZ1.

5.0 PLANNING JUSTIFICATION

5.1 PROPOSED CAFÉ & TRAM LOUNGE

The proposed café is intended to encourage tourism visitation, to encourage increased visitors to the site, and to build on the experience of those visiting the site for existing theatre and gallery events, and to support the ongoing cultural activities held at the premises for both the local community and wider district.

Economic Development and Tourism based planning policy encourages the economic development and tourism aspects of the proposal. (17, 17.04-1S) (17.01-1R) (11.03-5R). (21.02-2) (21.05-4).

Settlement policy (21.03-8) at a local level encourages small scale economic activity which complements the resources and activities of the smaller towns in the municipality. Policy guidance is provided for development. In response to this guidance.

21.03-5 Smaller Townships proposal policy guidance:	Planning Response	
Development should not exceed 8 metres in height unless special characteristics of the site justify a higher structure and no-off site detriment is caused.	<i>Development height less than existing buildings to be subservient. Proposed new building height ~6.2m at highest point above natural ground.</i>	
Building site coverage should not exceed 50% except on business zoned land. Site coverage “the proportion of a site covered by buildings.”	Proposed buildings floor area m ² .	302.5
	29.06.21	352.7
	Existing buildings net floor m ² (estimated)	460.0
	Total floor area	762.5
	29.06.21	812.7
	Site area m ² (proposed)	6927.0
	Total building site coverage	11.0%
	29.06.21	11.7%
The slope of the roof should relate to the topography of the surrounding landform. Dominant or multiple angular roof slopes and designs should be avoided.	<i>Development to respond to existing buildings and echo existing building form.</i>	
External building material colours should be of muted toning and roofing material should be non-reflective.	<i>Zincalume roofing to tie in with existing development</i>	
External colours should be in harmony with the surrounding landscape of the settlement	<i>Refer to plans</i>	
Landscaping should enable development to blend into the surrounding area	<i>Landscaping along road frontage and north of existing car park already established. Refer to plans.</i>	
When deciding on the design, siting, mass and scale of new development in townships need to consider, as appropriate: <ul style="list-style-type: none"> ▪ Whether it is a major development node or a settlement with limited development potential and only serving immediate community, ▪ The visual character of the particular settlement and the likely impact of the development on that visual character. 	<i>The café is to be located to the side of the existing buildings to:</i> <ul style="list-style-type: none"> ▪ ensure visibility from the road and encourage visitation. ▪ Enable the location of car parking and other utilities to the rear of the premises 	

The café and tram lounge aspects of the proposal are consistent with the purpose of the Township Zone, which intends to: *Implement the Planning Policy Framework; provide for residential development and range of commercial, industrial and other uses in small towns; encourage development that respects the neighbourhood character of the area; and: allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The Farming Zone is less appropriate for the land use and development, however a permit can be issued under its provisions. The physical land area required to meet current standards for on-site waste treatment and car parking is much larger than in previous eras and the depth of Township Zoned allotments even for a single dwelling has resulted in constrained development potential. The application proposes to amend the scheme to extend the Township Zone to reflect the required physical area for the development.

5.2 HERITAGE (POST CONTACT)

Recognition and protection of heritage places is supported by state planning policy and a specific local heritage policy (22.01). The policy basis is that protecting heritage assets is important in maintain the Shire's character, and sense of place as a valued asset and resource for the district.

St David's Church and Hall is individually identified within the *Colac Otway Heritage Study vol 2, 2003, Mary Sheehan & Assoc.* It is considered of historic importance in *demonstrating ethnographic settlement and distribution in the district....and is...aesthetically important as a good representative example of a typical early Gothic Revival church built at the beginning of the twentieth century in a remote rural area of Victoria.*

The proposed siting and design of the café includes a visual setback from the frontage to ensure the view-lines of the former St David's Church from the road in both directions is the dominant visual focus.

The proposed courtyard with visually permeable use of materials will provide further separation of the proposed new café building from the church in order to visually separate and define the new buildings from the original.

Continuing occupation and active use of the buildings will assist in their maintenance and ensure they continue to be enmeshed in the community, continuing their valued social and cultural associations.

The proposed fire protection fence will extend partially along the southern boundary. It will not obscure the view or appearance of the Church from the south, but will obscure the view of the exit and south façade of change rooms/toilets.

5.3 HERITAGE – ABORIGINAL CULTURAL

The site is not in an area of Aboriginal Cultural Heritage Sensitivity. A Cultural Heritage Management Plan is not required by the *Aboriginal Heritage Act 2006* and associated 2018 regulations.

5.4 LIQUOR LICENSE

Currently, the RRRTAG Committee of Management applies for Temporary Limited Licenses from the Victorian Commission for Gambling and Liquor Regulation (VCGLR) for specified events. The current 'red-line' area in which liquor can be consumed covers the whole of the site, internally and externally.

In order to be able to offer consumption of liquor with meals at the café, eg. locally produced wine, an On-Premises Liquor License will be sought which will replace the current arrangements.

The On-Premises License will also enable visitors to consume liquor in the gallery as part of an exhibition, or in the theatre as part of viewing a show/movie, which is a current intermittent arrangement.

However, the area to be licensed will be reduced to apply to only the internal buildings. This is to ensure there is minimal impact on the adjacent and nearby dwelling in terms of amenity impacts from those leaving the premises.

As the site is likely to be visited by car, it is expected that levels of alcohol consumption will be fairly low and amenity impacts, beyond those generally occurring at the premises, will be minimal.

Hours of licensing vary from the opening hours of the café (for example, the café will have longer opening hours than the hours of liquor trading). Refer to the redline plan for specific hours and comparison.

A Liquor Licensing Amenity Management Plan can be undertaken by the Committee of Management to further refine actions and control in relation to liquor consumption on the premises.

Taxis will use the loading bay at the front of the site for pick-up/drop-offs.

5.5 CARPARKING & BICYCLE PARKING

Victorian Planning Provisions require provision of on-site parking (52.06) and bicycle facilities (52.34) prior to commencing a new use and/or in accordance with an increase in site area of floor area of an existing use.

This application proposes to provide 50 car spaces on site which meets the parking rate requirements of the scheme. Approval of a reduction in spaces is not required.

This application seeks approval under 52.06-3 to provide some of the car spaces on another site. Refer to section 5.5.

Existing Car Parking Provision

- Car parking was assessed as part of Planning Permit PP184/2011-1 which was issued in October 2011 and allowed the *“use of the site as an art gallery, buildings and works comprising alteration and additional to existing buildings and a reduction in the car parking requirement in accordance with the endorsed plans.”*
- The endorsed plans show 18 car spaces, including 1 accessible.
- We derive from this assessment that the historic shortfall in parking was deemed an existing use right at that time.
- The associated building permit allowed a Class9B extension (2012) and allows 179 people to be accommodated in the building.

Proposed Car Parking Provision

- The existing overall building limit of 179 people will continue to apply.
- The tram lounge is defined as a “place of assembly” with a parking provision rate of 0.3 spaces to each person permitted. As the tram lounge will not facilitate an increase in permitted persons, 0 car spaces are required.
- As a benchmark, the parking provision rate calculation based on a place of assembly providing for 179 people, (setting aside existing use right provisions and planning history) is 53.7 spaces.
- Within the 179 limit, the proposed café will provide for 80 people.
- Restaurant (café) has a parking rate 0.4 to each patron permitted = 24 car spaces.
- It is proposed to provide a total of 50 spaces on-site (of which 1 is accessible).
- **Based on the former requirement for 18 spaces, plus the current requirement for 24 spaces for the café, a total of 42 spaces is deemed to be required.**
- **The proposal for 50 spaces exceeds this requirement.**

Proposed Bicycle Facilities Provision

This application proposes to provide at least one bicycle rail on site which meets the parking rate requirements of the scheme. Approval of a reduction in spaces is not required.

An uncovered bike rail will be provided at the front of the site as shown on the plans.

One bicycle space is required as shown by the table below.

Use	Employee/Resident	Visitor Shopper Student	Total Required
Restaurant (café)	1 to each 100 sq m floor area available to the public	2 plus 1 to each 200 sq m of floor area available to the public if the floor area available to the public exceeds 400 sq m.	1
Place of assembly (tram/green room)	1 to each 1500 sq m of net floor area	2 plus 1 to each 1500 sq m of net floor area of the net floor area exceeds 1000 sq m.	0

5.7 STORMWATER

State policy in relation to integrated water management (16.03-3S) requires consideration of integrated water management, bringing together stormwater, wastewater, drainage, water supply and water treatment and reuse. It has the intention of ensuring water body health by minimising impacts from quality and quantity of stormwater, filtering sediment and waste from stormwater prior to discharge off-site, managing industrial and commercial toxicants in an appropriate way, and by requiring appropriate measures to be implemented during construction.

Stormwater Management in Urban Development (53.18) applies to the new areas of development – eg. new roofed areas and the new concrete car park area to the rear of the site.

The purpose of this clause is to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

The attached Stormwater Management Plan (AMKAD Group) responds to the stormwater requirement. The use of a bioretention swale (raingarden) for new car-park and rainwater diversion tanks for toilets for the additional roofed area is consistent with outcomes for Standards W2 and W3. The Melbourne Water Storm Calculator assessment (attached) shows compliance with the standards.

The plan of subdivision shows the proposed creation of a new easement to connect with existing easements further east allowing for connection

5.8 BUSHFIRE

5.8.1 BUSHFIRE ASSESSMENT & RESPONSE

State bushfire planning policy (13.02-15) applies to all planning and decision making under the *Planning and Environment Act 1987* relating to land that is:

- Within a designated bushfire prone area;
- Subject to a Bushfire Management Overlay; or
- Proposed to be used or development in a way that may create a bushfire hazard.

RRRTAG is located within a designated prone area however is not subject to the Bushfire Management Overlay. Bushfire planning policy is required to be considered in relation to the RRRTAG site. Bushfire risk is a required consideration when assessing planning applications for places of assembly including any application for development that will result in people congregating in large numbers.

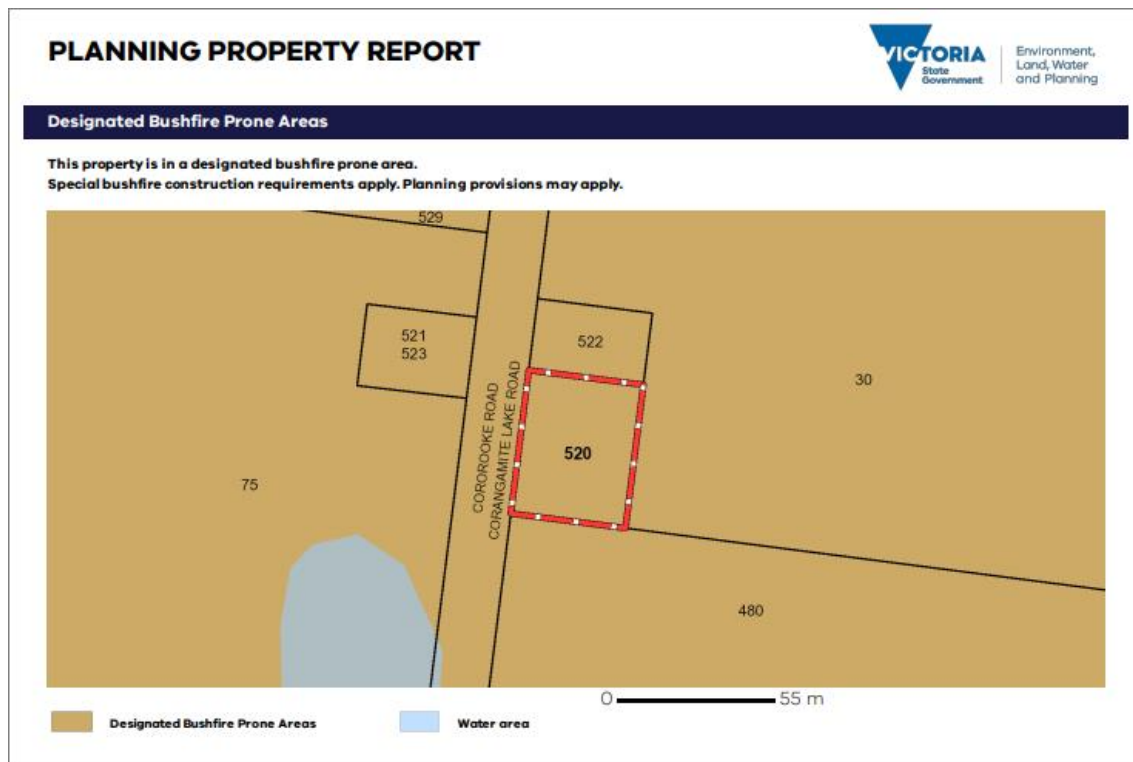


Figure 6: Subject land is located in a Bushfire Prone Area (State Govt of Victoria, VicPlan).

RRRTAG's use, development and this application to amend the Township Zone reflect strategies within State Bushfire policy which support the objective of strengthening the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

In considering the relevant bushfire risk reduction strategies, which include: protection of human life, identifying bushfire hazard and undertaking risk assessments, settlement planning, and biodiversity protection, the following comments are made regarding fire risk in the context of the proposed development.

The site and area is not a high risk location for bushfire, and accordingly this is reflected by the area's exclusion from Bushfire Management Overlays. However, grassfire is a significant potential risk at the site. Being located within the township area, resilience is increased for fire safety by the presence of buildings and roads and other barriers which will limit spread. The existing concreted carpark area is considered a safer place within the site, being surrounded by physical barriers which can reduce exposure to radiant heat: the former St David's church, the RRRRTAG theatre, the adjacent dwelling to the north, and the Corangamite Lake Road frontage on the western side.



Photo 27: Low fire risk area within the site.

The proposed development will be located within this protected area, and overall, fire safety to the site will increase, as described below:

The building, including the original St David's Church, the 60s church hall, and more recent modifications including the additional toilets and entrance on the south side, were constructed prior to current bushfire legislative controls. A BAL Assessment report has been undertaken and is attached (refer attachment 8.2). The report uses the simplified method 1 in AS3959 to establish a BAL.

Typical fire direction is generally pushed by winds from the north, north-west and south-west. From these directions, the site is naturally well protected by the road, adjoining buildings, and close proximity to the centre of the township. Figure 8 – Bushfire history (p60 of this report) from 1970 does not depict a history of large fires in the district but grassfires commonly occur across the district, eg 22 Jan 2018 and 2019-20 season.

The BAL assessment identifies current separation between grassland vegetation abutting the southern boundary and the existing building as the highest risk direction of fire impact to the site. A BAL 40 is allocated to the existing buildings (and 19 to the proposed tram lounge extension), due to available separation within the site from the fire hazard – grassland, to the south. It is therefore proposed to apply additional fire protection and safety measures as part of the planning and building approval processes.

There is currently limited separation between the former St David's church and the property boundary on the southern side which contains pasture and has potential to be unmanaged. The former St David's Church may have an inherently high fire resistance due to the construction materials of stone and brick, and metal roof, with the wire window screens. However, weaknesses in fire resistance are identified: the air conditioning motors and flues; the landscaping under the windows of the entryway and the continuation of grass from the boundary to the building.



Photo 28: Southern façade existing gallery and hall buildings.

5.8.2 BUSHFIRE PROTECTION MEASURES

Aside from building construction fire safety number of additional measures can reduce grassfire radiant heat risk to the south of the site.

Proposed Bushfire Protection Measures:

1. Continuing to use the grassed area for on-site effluent disposal or introducing mandated maintenance such as grass watering and defendable space vegetation management conditions during the fire season.
2. Changing the landscaping such as by installing a strip of gravel eg, 3m wide as a fire break along the boundary.
3. Using pebbles as mulch for the garden bed.
4. Installing shielding fencing along the southern boundary in fire resistant materials such as brick or steel.
5. Installing a separate static water supply exclusively for fire-fighting with CFA accessibility.
6. Defendable space vegetation management conditions could be applied to outer areas of the site.
7. RRRTAG can develop a fire Emergency Plan which can address maintenance of defendable space and any appropriate action plans for the operators of the facility particularly in relation to higher risk fire days.

RRRRTAG will incorporate a combination of these measures following consultation with the CFA and appointed registered building surveyor. The fencing and gravel strip are shown on the site plan.

The proposed development will increase overall site safety by increasing separation and permanent buffers by the additional proposed car park, stormwater treatment strip and effluent field to the east of the buildings.

The property has access to reticulated water and good access around the buildings for emergency fire fighting vehicles. The car parking areas are likely to become some of the lowest risk areas in the town, once constructed.

5.8.3 BUSHFIRE PLANNING POLICY - STRATEGY RESPONSE

STRATEGY	RESPONSE
<p>Protection of human life Give priority to the protection of human life by:</p> <ul style="list-style-type: none"> ▪ Prioritising the protection of life over all other policy considerations. ▪ Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire. ▪ Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages in the planning process. 	<ul style="list-style-type: none"> • The project at the site will improve fire safety at the site compared to the current arrangements. • The site is located close to the centre of the Cororooke township within 250m of the intersection of Corangamite Lake and Factory Road.
<p>Bushfire hazard identification and assessment: Identify bushfire hazard and undertake appropriate risk assessment by:</p> <ul style="list-style-type: none"> ▪ Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard. ▪ Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the <i>Building Act 1993</i> or regulations made under that Act. ▪ Applying the Bushfire Management Overlay to areas where the extent of vegetation can create an extreme bushfire hazard. ▪ Considering and assessing the bushfire hazard on the basis of: <ul style="list-style-type: none"> ○ Landscape conditions – meaning conditions in the landscape within 20km (and potentially up to 75km) of a site; ○ Local conditions – meaning conditions in the area within approx. 1km of a site; ○ Neighbourhood conditions – meaning conditions in the area within 400m of a site; and ○ The site for the development. ▪ Consulting with emergency management agencies and the relevant authority early in the process to receive their recommendations and implement appropriate bushfire protection measures. ▪ Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures. 	<ul style="list-style-type: none"> • The site is located in a Bushfire Prone Area and grass fire with radiant heat is a risk but not bushfire and ember attack at a landscape level. • This is reflected in the area being within a designated Bushfire Prone Area but not within the Bushfire Management Overlay. The area comprises volcanic soils generally classified as grassland with pasture for grazing and an absence of forests or woodlands with understoreys. • Grass fire with extended quick fire runs is the most likely landscape fire scenario. These could impact on the area or potentially the site. • The site is mitigated for the reasons stated in section 5.8.1 of this report. • The proposal includes proposed bushfire protection measures which can be further refined in consultation with the CFA, as required.

<ul style="list-style-type: none"> ▪ Not approving development where a landholder or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented. 	
<p>Settlement Planning.</p> <ul style="list-style-type: none"> ▪ Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by: <ul style="list-style-type: none"> ○ Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS3959-2018 <i>Construction of Buildings in Bushfire Prone Areas</i> (Standards Australia). ○ Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS3959-2018 <i>Construction of Buildings in Bushfire Prone Areas</i> (Standards Australia). ○ Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development. ○ Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall. ○ Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behavior it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction. ○ Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis. ○ Not approving any strategic planning document, local planning policy or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS3959-2009 <i>Construction of Buildings In Bushfire Prone Areas</i>. 	<ul style="list-style-type: none"> • Cororooke is an existing settlement. The site is within the settlement boundary although at the interface of the grassfire risk landscape. • The town is at lower risk to life from fire hazard in the landscape compared to many other settlements in the municipality. However, all settlements in Colac Otway Shire, except for the urban centre of Colac, are at risk. • The existing car park within the site is assessed as BAL Low. However, the exterior of existing south facing buildings are assessed as BAL40. • The project at the site will improve fire safety at the site compared to the current arrangements. • Proposed fire protection measures in conjunction with proposed land use and development will reduce the fire risk to the site overall • The proposal includes a scheme amendment and intensification for development through frequency of use, not overall number of patrons on the premises at any point in time. Measures are required to be adopted to reduce the current and proposed BAL rating as outlined in this assessment.

<p>Areas of biodiversity conservation value.</p> <ul style="list-style-type: none"> ▪ Ensure settlement growth and development approvals can implement bushfire protection measures within unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity. 	<ul style="list-style-type: none"> • The area (site) does not include important areas of biodiversity as grazing, with introduced pastures, has removed remnant species.
<p>Use and Development control in a Bushfire Prone Area.</p> <p>In a bushfire prone area designated in accordance with regulations made un the <i>Building Act 1993</i>, bushfire risk should be considered when assessing planning applications for the following uses and development.....includes 'place of assembly'.</p> <p>When assessing a planning permit application for the above uses and development:</p> <ul style="list-style-type: none"> ▪ Consider the risk of bushfire to people, property and community infrastructure. ▪ Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk. ▪ Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts. 	<ul style="list-style-type: none"> • Bushfire Protection Measures are proposed in Section 5.8.2.

6.0 PLANNING SCHEME AMENDMENT

This submission:

- Requests Colac Otway Shire Council to seek authorisation from the Minister for Planning to prepare a planning scheme amendment; and
- Provides a preliminary assessment of the proposal against the planning scheme including providing strategic justification for the amendment.
- Seeks combined planning approval for the subdivision of land for new title boundaries to be consistent with the amended zone boundary.

The combined request is made in accordance with Section 96A of the *Planning and Environment Act 1987*.

6.1 WHY IS THE AMENDMENT REQUIRED?

The amendment proposes to extend the Township Zone to enable the Township Zone to apply to all areas of proposed buildings and works associated with RRRTAG. Currently, part of the land is zoned Farming.

Clause 64.03, in relation to subdivision of land in more than one zone, has specific conditions in which a permit may be granted to create one lot smaller than specified in the scheme. All the conditions must be met. These are:

- The lot to be subdivided is in more than one zone and cannot comply with the minimum lot area specified in the scheme.
- The proposed subdivision does not create lots where any lots extends into more than one zone.
- The remainder of the proposed lots must comply with the minimum lot area specified in the scheme.

The proposed subdivision cannot comply with the first or second dot points and accordingly a permit currently cannot be granted.

The planning scheme amendment is required to:

- Ensure all buildings and works are located within one allotment.
- Ensure all buildings and works do not cross title boundaries.
- To ensure that the appropriate zone is applied to reflect the use of the land.

A concurrent application for subdivision (and use and development) forms part of the combined amendment and permit request.

The amendment is likely to result in net community benefit arising from:

- the tourism and economic aspects of the proposal;
- local improvements to traffic, site and visitor safety by increasing availability of off-site parking;
- improvements to environmental water quality through facilitating a new in-ground waste system and stormwater treatment.

6.2 WHAT THE AMENDMENT DOES?

The amendment proposes to:

- Rezone approximately 3195 square metres of land currently described as part of Lot 2 LP135009, from Farming Zone to Township Zone, as shown in the image below.

A combined permit application is sought for the subdivision of the land to reflect the new zone boundary, and as shown in the accompanying proposed plan of subdivision (Rod Bright & Assoc.)

The bearing and extent of the Township Zone boundary is proposed to align with the bearing and extent of the zone boundary at the Farming Zone interface along Factory Road.

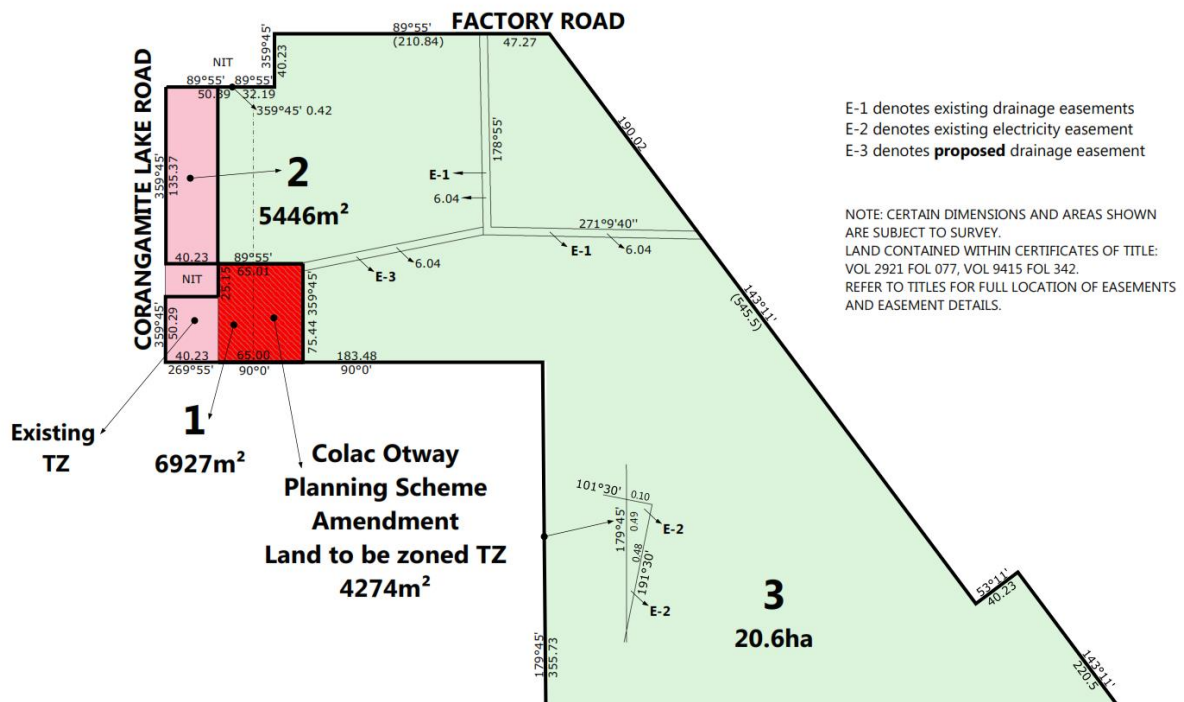


Figure 7: Land to be rezoned from Farming to Township. Diagram shows proposed new subdivision boundary and size of allotments after subdivision.

6.3 STRATEGIC ASSESSMENT OF THE AMENDMENT.

6.3.1 HOW DOES THE AMENDMENT IMPLEMENT THE OBJECTIVES OF PLANNING IN VICTORIA?

The relevant objectives of planning in Victoria as set out in Section 4 of the *Planning and Environment Act 1987* seek to provide for:

- (a) the fair, orderly, economic and sustainable use and development of the land,
- (b) the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for Victorians and visitors to Victoria;
- (d) to conserve and enhance those buildings areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- (e) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;
- (f) to facilitate development in accordance with the above objectives.

The proposed amendment will formalise outcomes sought as part of two separate planning permit applications for use, development and subdivision. Together these outcomes implement the above objectives for planning by:

- facilitating improvements to a tourism and recreation-based land use which will stimulate economic benefits to Cororoake and the district;
- facilitating development which will substantially improve the safety of users by ensuring that adequate on-site car-parking is provided and reducing pressure to park on the narrow Corangamite Lake Road.
- Improves the local environmental effects at the site by installing a new on-site waste disposal system which is consistent with current SEPP, and installing a new stormwater system which will improve the quality of stormwater runoff, contributing to the sustainable use and development of the land;
- Encourages the continued use and preservation of the locally heritage listed St David's Church building.

6.3.2 HOW DOES THE AMENDMENT ADDRESS ANY ENVIRONMENTAL, SOCIAL AND ECONOMIC EFFECTS?

The amendment will create positive social and economic effects for the RRRTAG Committee of Management, RRRTAG visitors and members, and the general community through ensuring the appropriate zone application to the whole of the development, which will remove unnecessary planning restrictions which would result if the FZ continued to be applied. The expectations of use and development at the site reflect the purpose and intended outcomes of the Township Zone.

6.3.3 DOES THE AMENDMENT ADDRESS RELEVANT BUSHFIRE RISK:

The site is located in in a designated bushfire prone area.

The site is not subject to the Bushfire Management Overlay.

A separate bushfire hazard identification and assessment forms part of the scheme amendment application.

Bushfire risk has been considered as part of the amendment. The objective of Clause 13.02-1S *Bushfire Planning* seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. Planning must give priority to the protection of human life over all other policy considerations, directing population growth and development to low risk locations and reduce the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

The amendment proposes to rezone land to reflect the extent of proposed site works required for a new café and tram lounge associated with the existing RRRTAG premises. The permits and amendment together is likely to result in more intensive frequency of use of the site, however, will not result in an increase in overall number of people on the premises at a point in time.

The site is at risk of grassfire impacts, despite being located towards the centre of the Cororooke township. Pasture for grazing adjoins the site on the east and southern boundaries.

The construction of a new car-park at the east of the existing premises, along with on-site stormwater retention and filtration, and a large new on-site secondary water treatment system, is considered to reduce the proximity of hazardous grassland fuel to the east and north-east of the buildings. This, combined with the existing dwelling abutting the site to the north and the location of Corangamite Lake Road as a fire-break to the east, will assist in providing separation and low fuel conditions requiring minimal maintenance and reducing grassfire risk overall.

The development will include actions to obligate the land managers to undertake actions to reduce grassfire potential impact from the south.

6.3.4 DOES THE AMENDMENT COMPLY WITH THE REQUIREMENTS OF ANY MINISTER'S DIRECTION APPLICABLE TO THE AMENDMENT?

The Amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under Section 7(5) of the Act.

This explanatory report and associated documents submitted with the Amendment, provides a brief strategic evaluation of the Amendment as required by *Direction No. 11: Strategic Assessment of Amendments*.

The rezoning of land will reflect planning approval granted for use and development through the statutory permit assessment process, and detailed strategic assessment is not required.

6.3.5 HOW DOES THE AMENDMENT SUPPORT OR IMPLEMENT THE PLANNING POLICY FRAMEWORK AND ANY ADOPTED STATE POLICY?

Refer to Sections 4 & 5 of this report.

There are not any substantially competing PPF objectives. The proposal is consistent with state policy in relation to economic development, tourism, environmental hazards – bushfire, environment protection, heritage conservation and protection.

There may be amenity impacts to residents of adjoining and opposite dwellings.

The amendment does not seek to introduce or amend a local planning policy in the PPF.

The amendment does not affect any other existing planning policy or tool.

6.3.6 HOW DOES THE AMENDMENT SUPPORT OR IMPLEMENT THE LOCAL PLANNING POLICY FRAMEWORK, AND SPECIFICALLY THE MUNICIPAL STRATEGIC STATEMENT?

Refer to Sections 4& 5 of this report.

The amendment does not seek to change the objectives or strategies of the MSS.

The amendment does not seek to introduce or amend a local planning policy.

The amendment seeks to implement existing objectives and strategies of the MSS, particularly in relation to objectives stated in Settlement Policy for smaller towns - 21.03-8, and Heritage Protection 22.01.

6.3.7 HOW DOES THE AMENDMENT SUPPORT OR IMPLEMENT THE MUNICIPAL PLANNING STRATEGY (MPS)?

The proposal at RRRRTAG supports the business growth, tourism direction, environmental and heritage considerations of Colac Otway Shire's Municipal Planning Strategy.

It is consistent with the Vision (02.02) which seeks to:

- Plan for growth in business and employment in towns and settlements.
- Promote healthy, safe environments which enhance community life and well-being.
- Manage infrastructure assets so that they are sustainable in the long term.
- Support long-term sustainability.

The amendment is consistent with Council's strategic intentions (Settlement 02.03-1) to manage growth in towns by providing zoned and serviced land for housing, employment, recreation and open space, community facilities and related infrastructure

The policy notes that the smaller towns have development opportunities that can assist to improve the presentation of these towns, however effluent disposal is a major problem. Council seeks to facilitate the development of small towns by:

- Supporting tourism and rural lifestyle opportunities.
- Protection the local character
- Encouraging development to proceed in a manner that contributes to the economic development of these towns, responds, to environmental constraints and protects the broader landscapes.

The RRRTAG proposal furthers the intent of this policy by upgrading the effluent disposal system facilitated by the increased area of Township Zone which responds to existing environmental constraints.

The MPS recognises the asset and resource value of heritage assets and importance of protection, and policy seeks to improve the built environment by (02.03-5):

- Conserving significant pre and post contact heritage resources.
- Encouraging development of heritage places in a manner sympathetic to their significance.

The proposed RRRTAG extension has been designed to be sympathetic to the heritage design of the former St David's church by recessing the new development and preserving an angle of view from the road which focusses on the original buildings.

Tourism (020.03-6) and Economic Development (02.03-6) strategies include promotion of economic development by: encouraging economic employment focused use and development, and tourism is facilitated which responds to economic growth particularly all-year round activities and in this case, those which can contribute towards visitation to the volcanic crater and lake landscape, as a significant tourism attraction in Victoria.

6.3.8 DOES THE AMENDMENT MAKE PROPER USE OF THE VICTORIA PLANNING PROVISIONS?

The extension of the Township Zone area is the most appropriate planning tool to achieve the required outcome, which is to enable adequate area for appropriate site utilities associated with an existing community use.

6.3.9 HOW DOES THE AMENDMENT ADDRESS THE VIEWS OF ANY RELEVANT AGENCY?

Formal preliminary advice has not been sought from any external agencies by the proponents. The proposal was informally discussed with the CFA. It is expected that this will occur as part of Colac Otway Shire's assessment processes.

6.3.10 DOES THE AMENDMENT ADDRESS RELEVANT REQUIREMENTS OF THE TRANSPORT INTEGRATION ACT 2010?

The proposal is unlikely to have a significant impact on the transport system as defined by Section 3 of the TIA. There are no Statements of Policy Principles issued in relation to the area in accordance with Section 22 of the TIA.

6.3.11 WHAT IMPACT WILL THE NEW PLANNING PROVISIONS HAVE ON THE ADMINISTRATIVE COSTS OF THE RESPONSIBLE AUTHORITY?

The new planning provisions will not result in any notable increase in planning permit applications to require additional planning staff resources. There are no other miscellaneous costs to administering the changes to the scheme following approval.

7.0 CONCLUSION

The proposal is highly consistent with relevant planning policy, zones, overlays and the relevant particular provisions which apply. In particular, the planning policy framework which seeks to encourage economic development to support local communities and land use and development which respects and continues ongoing use of a valued heritage place.

Support of the proposals will provide net community benefit to residents of Cororooke and district through improving site safety and environmental conditions, in addition to facilitating a new business to establish which will contribute positively to the local community, wider district visitors, and tourists.

8.0 ATTACHMENTS

8.1 COLAC OTWAY HERITAGE STUDY STATEMENT OF SIGNIFICANCE

Colac Otway Heritage Study

Volume II

Name of Place : ST DAVID'S CHURCH & HALL

Ref. No. : 166

Location : 520 Corangamite Lake Road
Cororooke



STATEMENT OF SIGNIFICANCE :

The small local red brick St David's Church, located on Corangamite Lake Road, Cororooke, was dedicated in 1903. St David's flat roof cream brick Hall was built in the decades following the Second World War. St David's Church and Hall are historically, aesthetically and socially important to the Shire of Colac Otway. St. David's Church is of historic importance through association with the Presbyterian Scots who predominated as a denominational and national group. St David's Church and Hall are historically important in demonstrating ethnographic settlement and distribution in the district. St David's Church is aesthetically important as a good representative example of a typical early Gothic Revival church built at the beginning of the twentieth century in a remote rural area of Victoria. St David's Hall is historically and socially important in demonstrating the continued social and cultural associations of the district's parishioners in the second half of the twentieth century.

RECOMMENDATIONS :

RECOMMENDED LISTING : Local

The site to be retained in the Colac Otway Shire Planning Scheme (Individual Listing)

THEMES : Religious Institutions (9.1)

Mary Sheehan & Assoc.

HISTORY :

Because the Colac area was initially settled predominantly by Scottish immigrants, the first churches in the Shire were Presbyterian.

In 1877 the foundation stone was laid for St Andrew's Presbyterian Church at Colac. Presbyterian congregations had been established at Alvie, Ondit (Beeac) and Cororooke by 1898. These parishes developed in response to the districts increased numbers, brought about by the division of the large pastoral estates in the area and the closer settlement policies enacted by colonial and State governments. The district also received a fillip when the railway was put through to Beeac in 1889. This railway was later extended to Ballarat via Cressy in 1912.

The foundation stone of St David's Presbyterian Church at Cororooke was laid in 1903. The church was built of local red brick in a simple Gothic Revival style for a small, predominantly rural, community.

The church provides information about the importance of religion in rural communities, as well as the settlement patterns of the colony's migrants, a significant portion of whom, in this district, were Scots. Churches like St David's helped new settlers to feel at home and played an important role in serving as settler societies.

An attached cream brick hall was built at the rear of the church in about the 1970s.

PHYSICAL DESCRIPTION :

An attractive, typical Presbyterian, small local red brick early Gothic Revival church with contrasting cement window, door and gable dressing. The building comprises an enclosed brick porch to the west, a two bay nave and small chancel in the liturgical east. It was built in 1903, with a circa 1970s attached cream brick hall at the rear. The church is built on blue stone foundations and stout wall buttresses mark the structural bays. A large trefoil lancet window with hood mould is set above the base course on the west white washed wall, which seems to have been painted in order to reflect the intense heat of the west afternoon sun. The corrugated metal sheeting to the roof has been replaced in the recent past. The attached flat roof cream brick hall to the rear is unsympathetic to the original design of the church, although it reflects design concepts of the time and is similar in style to the adjacent rectory and front brick fence. The modern utilitarian design of the hall is typical of its type with decorative concrete block breezeway entrance, high clerestory windows and patterned brick end wall.

Condition :	Excellent	<u>Good</u>	Fair	Poor	Ruins
Integrity :	<u>Substantially intact</u>		Altered sympathetically Altered unsympathetically		
	Damaged/disturbed				

8.2 BUSHFIRE ATTACK LEVEL ASSESSMENT REPORT

Property Details: 520 Corangamite Lake Road, Cororooke
 Lot 1 TP563474
 30 Factory Road, Cororooke
 Lot 2 LP135009

Applicant's Name: Red Rock Regional Theatre & Gallery

Municipality: COLAC OTWAY

Description of building work: Alterations/Additions to an existing building. Public/Place of Assembly/Commercial/Cafe.

Bush Fire Attack Level (BAL) for PROPOSED BUILDINGS (existing excluded)

Step 1: Relevant fire danger index: (see clause 2.2.2) FDI 50 FDI 100

Step 2: Assess the vegetation within 100m in all directions (tick relevant group)

Note 1: Refer to Table 2.3 and Figures 2.3 & 2.4 for description and classification of vegetation.

Note 2: If there is no classified vegetation within 100 m of the site then the BAL is LOW for that part of the site.

Vegetation classification (see Table 2.3)	<input checked="" type="checkbox"/> North	<input checked="" type="checkbox"/> South	<input checked="" type="checkbox"/> East	<input checked="" type="checkbox"/> West
	<input type="checkbox"/> North-East	<input type="checkbox"/> South-West	<input type="checkbox"/> South-East	<input type="checkbox"/> North-West
Group A Forest				
Group B Woodland				
Group C Shrub-land				
Group D Scrub				
Group E Mallee/Mulga				
Group F Rainforest				
Group G (FDI 50) Grassland	Grassland	Grassland	Grassland	Grassland

Exclusions (where applicable)	Circle relevant paragraph descriptor from clause 2.2.3.2.			
	(b) (c) (d) (e) (f) Dwelling	(b) (c) (d) (e) (f) Existing RRRRTAG gallery	(b) (c) (d) (e) (f)	(b) (c) (d) (e) (f) Road

Step 3: Distance of the site from classified vegetation (see clause 2.2.4)

Distance to classified vegetation	Show distances in metres			
	~40m	8.7m - Existing gallery to boundary 15.8m - new tram-lounge to boundary	~58m Proposed boundary	~28m Front setback + road

Step 4: Determine the effective slope of land under the classified vegetation

Effective slope	Upslope			
Slope under the classified vegetation	Upslope/0° <input checked="" type="checkbox"/>	Upslope/0° <input type="checkbox"/>	Upslope/0° <input type="checkbox"/>	Upslope/0° <input type="checkbox"/>
	Downslope			
	>0 to 5 <input type="checkbox"/>	>0 to 5 <input checked="" type="checkbox"/>	>0 to 5 <input checked="" type="checkbox"/>	>0 to 5 <input checked="" type="checkbox"/>
	>5 to 10 <input type="checkbox"/>	>5 to 10 <input type="checkbox"/>	>5 to 10 <input type="checkbox"/>	>5 to 10 <input type="checkbox"/>
	>10 to 15 <input type="checkbox"/>	>10 to 15 <input type="checkbox"/>	>10 to 15 <input type="checkbox"/>	>10 to 15 <input type="checkbox"/>
	>15 to 20 <input type="checkbox"/>	>15 to 20 <input type="checkbox"/>	>15 to 20 <input type="checkbox"/>	>15 to 20 <input type="checkbox"/>

BAL value for each side of the site	12.5	40 Existing (gallery/former church) 19 Proposed (tram lounge)	12.5	12.5
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Step 5—Determination of Bushfire Attack Level (BAL)

Refer to Table 2.4.2 for FDI 100 or Table 2.4.4 for FDI 50 (applicable to Alpine areas)

Using the relevant table determine the Bushfire Attack Level (BAL) for each of the vegetation classifications determined at Step 2, the distance from the site determined at Step 3 and the effective slope determined at Step 4.

Select the highest Bushfire Attack Level (BAL) obtained above.

The BAL for this site is:

BAL40 Existing gallery/former church (HIGHEST BAL AT SITE)

BAL 19 Proposed south façade tram lounge.

BAL 12.5 All other areas within the site.

Date of assessment: 27 July

2020. Assessors name:

Assessors contact number:

Work: 5231 4883

Mob:

Statement:

I have taken all reasonable steps to ensure that the information provided in this assessment is accurate and reflects the conditions on and around the site and allotment on the date of this assessment.

Signed:

Date: 08/08/2020.

ATTACHMENT 1- SITE PLAN



Notes:

- Vegetation to the east is excluded within the development site - expected to be low threat vegetation due to presence of secondary water treatment plant.

ATTACHMENT 2 – BAL ASSESSMENT PHOTOS (27 July 2020).



Photo 29: View to south. Grassland vegetation.



Photo 30: View to South-East. Excluded cypress trees.



Photo 31: Southern boundary fenceline.



Photo 32: View to west. Road as exclusion. Landscape strip along RRRRTAG fenceline as exclusion.



Photo 33: View to north – Grassland to north of excluded dwelling.



Photo 34: View to north. Dwelling as exclusion.



Photo 35: View to East. Grassland. No exclusions but proposed stormwater and effluent treatment will ensure low risk.

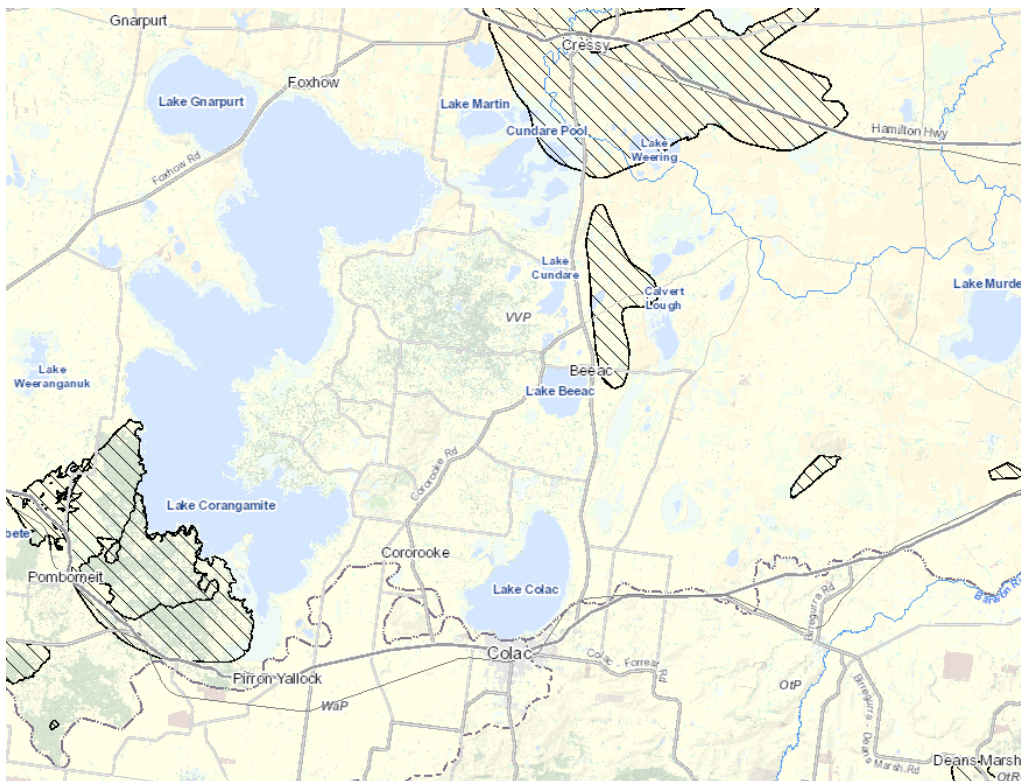


Figure 8: Bushfires 1970 to present day. Source: NatureKit, State Government of Victoria.

C111cola - PP219/2020	
Summary of Submissions & Officer Response	
Submission Theme	Response
Environment Protection Authority (Submission 1)	
It is recommended that the Explanatory report be updated to refer to Ministerial Direction 1 which was introduced on 27 August 2021, and address its requirements.	Due to the timing of the introduction of the Ministerial Direction and the preparation of the amendment documents, inclusion of the reference was overlooked. The Explanatory Report will be updated accordingly. However it should be noted that the amendment was referred to the EPA prior to authorisation and no concerns about the amendment were raised.
Submission 2 & 7	
Additional rezoned land will interfere with the adjoining farm.	The portion of land rezoned would be used mainly as the Land Application Area (LAA) for the site (ie dispersal of on-site treated wastewater), and for some additional car parking. The effluent disposal area would remain open, managed grassland given it cannot be occupied by buildings or used for any other purpose. It is unlikely that use of the car park would have adverse impacts on adjoining farming operations to the south.
Operation of a café on prime farmland.	The café would be located on the existing gallery site within the Township Zone. It is considered that the use of a small section of the lot to the east for ancillary purposes (effluent disposal and car parking), would be acceptable having regard to the social and economic benefits to the wider community that would result from the proposal. In reaching this conclusion, regard was had to Section 60 of the <i>Planning and Environment Act 1987</i> , which requires the responsible authority to have regard to any significant social effects and economic effects which the responsible authority considers a use or development may have. In this case, the potential negative and positive effects of the proposal were weighed, and it was concluded that the wider community benefit would outweigh the loss of a relatively small area of land from agriculture.
The Rural Land Strategy seeks to discourage residential development in the FZ and also discourage further fragmentation of productive agricultural land	The proposal does not include any residential development. It is acknowledged that the proposal would result in a small reduction in size of the lot in the Farming Zone, however this is considered acceptable as the proposed re-subdivision would have social and economic effects that would benefit the wider community, in addition to improvements to onsite waste water treatment and operation of car parking. This is a matter of consideration under Section 60 of the <i>Planning and Environment Act 1987</i> .
Rezoning of land around the township not supported by Ministerial Direction No. 6 – Rural Residential Development	Ministerial Direction No. 6 has been revoked. Whilst it is acknowledged that local planning policy discourages loss of farmland in this area for non farming uses, the loss of farming land would be minor and is supported given the overall net community benefit of the positive social and economic effects of the proposal (see above discussion).

The applicant owns significant areas of TZ land and this land should be used instead.	The existing areas of Township zoned land cannot practically be used in this way. Whilst the proponent also owns an adjoining house to the north of the site, use of that land for additional parking and effluent disposal would require demolition of the house. This dwelling currently supports a resident of the Cororooke community and it is not considered the best planning outcome for that house to be removed to accommodate the proposal.
No community consultation prior to exhibition.	The purpose of exhibition is to inform the community and provide opportunity for consultation. Concerns from the community are being appropriately considered through this process. The submitter is comparing processes undertaken for the preparation of the Colac 2050 Growth Plan with the proposed minor adjustment to the zone boundary in this instance, which are not comparable strategic planning processes.
Ad hoc approach to rezoning.	The rezoning is supported by demonstrable social, economic and environmental benefits. Much of the use is existing. Rezoning would allow an existing community facility to expand, to the benefit of the wider community, and enable a number of existing problems to be resolved (i.e. waste water treatment and car parking).
Maternal Child Health Clinic located across the road that would be affected by the use.	The clinic is located over 100m to the north of the site and the nature of the use (gallery and café) is not one that should have material impact on the locality. It is also noted that the clinic would not be operating after hours or on weekends.
Concern about impacts of liquor license.	<p>Consumption of liquor would be within buildings, apart from the internal courtyard. The consumption would be with meals or by patrons attending an event such as a theatre or art show. No consumption would be permitted in open areas of the site. Victoria Police has been consulted and did not object.</p> <p>The draft permit conditions include a requirement that the owner/operator take all responsible measures to ensure any conditions of the liquor licence (which would include amenity requirements) are not breached and that the consumption of alcohol would remain within the licensed area.</p>
Noise and light from café would impact on livestock and the residence.	<p>The café would be screened from the adjoining properties to the south and east by the existing buildings. This would block any noise and light. It would be located well away from the dwelling (200m). Notwithstanding this, a permit condition has also been recommended for noise management to ensure the proposed use would comply with the Environment Protection Regulations and any noise control guidelines as published by the EPA.</p> <p>The proponent has agreed to establish landscaping along rear boundaries of the site to provide screening of views to</p>

	the site, thereby mitigating light spill impacts and noise from the site. It is recommended that the permit conditions be amended, should the amendment be adopted, to reflect this.
The proposal overlooks a wetland and noise is amplified.	The café would be completely screened on 2 sides by existing, substantial masonry buildings.
Note that they would not oppose the expansion of the gallery if it were within the existing TZ area, other than minor impacts that could be mitigated.	The expansion of the gallery buildings would be almost wholly within the existing site, apart from a small encroachment by the tram and shelter. Any other impacts would be mitigated by permit conditions. As noted above, it is not considered a good planning outcome for the adjoining house owned by the proponent to be removed to facilitate use of that land.
Submission 3	
The application has been made by RRRTAG, instead of the landowner. This is misleading and should be changed as the committee does not support the proposal.	The landowner's name was redacted as a requirement of S197C – Electronic publication of requirements - of the <i>Planning and Environment Act 1987</i> . This was substituted by Council within the documentation with RRRTAG, as a reference to the physical infrastructure and use on the land, rather than reference to RRRTAG as an incorporated body. It could be interpreted either way, but does not have a material impact on the amendment.
There has been a lack of transparency within the organisation of RRRTAG about the planning, design and operation of the proposal.	These concerns are not planning issues and are unable to be addressed through the amendment. The submitter has been advised that there are other more suitable pathways to seek to have these issues addressed.
Concern about governance issues within RRRTAG.	
CFA (submission 4)	
Section 173 agreement for bushfire protection measures	There were discussions with the CFA regarding registering a section 173 agreement on title for a development proposal, when a condition would suffice for the on-going maintenance of land and bushfire protection measures. However, CFA raised concerns about the bushfire protection measures not being implemented if the development proposal does not proceed after the subdivision has been undertaken. As such, revised wording to the section 173 agreement has been recommended which would require the permit holder to implement a Bushfire Management Plan (BMP) prior to the issue of a statement of compliance for the subdivision aspect and maintain the land to defensible space requirements on a continuing basis regardless of whether development is constructed on that lot or not. This condition would address the CFA's concerns.
Submission 5	
Concern about increased noise from traffic and live events.	As noted above, it not expected there would be any significant change to traffic volumes in Factory Road arising from the proposal.

	The issue of noise impacts from the use is referred to above. In addition, live events would take place inside the theatre, which is an existing use and which would not change. Proposed conditions would preclude any amplified music outside the building, and the licenced area excludes outside areas.
Additional traffic would impact on the condition of Factory Road.	Refer above to comment on likely traffic impacts on Factory Road.
Submission 6	
Concern about noise. Concern about 7 day operation and opening hours to 11pm.	The site is located more than 300m from the submitter's property. The nature of the activities on the site should not generate significant levels of noise, and it is noted that whilst the hours of operation provide for a 10pm finish each night, and 12pm on Friday and Saturdays, the use would not operate every day within these hours. Night time use of the building would occur far less frequently. A permit condition relating to noise management has been recommended, which would require the proposed use to comply with the Environment Protection Regulations and any noise control guidelines as published by the EPA. As noted earlier, landscaping along the rear boundaries could mitigate any noise impacts.
Unclear about whether the tram car is permanent or temporary.	The tram car would be used on a temporary basis for 'storage' purposes until works relating to the proposed development are completed. At that time, the tram lounge would be used ancillary to the place of assembly.
Additional traffic on Factory Road	The majority of patrons would be likely to be travelling from Colac and therefore there would be little or no additional traffic in Factory Road. There may be a small amount of visitation from the small towns to the north (Alvie, Beeac, Cressy), and east along Factory Road, however the increase in traffic volumes on Factory Road would be minimal, and unlikely to cause any loss of amenity.
Rezoning of land indicates further development, possibly housing.	The purpose of the rezoning is for a very specific purpose. Were the development to proceed, the land would be used for parking and an effluent disposal area. If the rezoning proceeded and the land was not used as anticipated, there is potential for an owner to seek approval for an alternative use. Were this to occur, the proposal would need to be considered on its planning permit and against all relevant policies.

PLANNING PERMIT



PERMIT NO – PP219/2020-1
PLANNING SCHEME – Colac Otway Scheme
RESPONSIBLE AUTHORITY - Colac Otway Shire

ADDRESS OF THE LAND:

520 Corangamite Lake Road COROROOKE
Lot: 1 TP: 563474 V/F: 2921/077 Parish of Nalangil

30 Factory Road COROROOKE
Lot 2 PS135009 Parish of Nalangil V/F: 9415/342

THE PERMIT ALLOWS:

Re-subdivision of the Land into Three Lots, Extensions and Alterations to Building and Associated Works, Construction of Car Park and Erection of Fence, Use of the Land as a Food and Drink Premises (Café) and for the Sale and Consumption of Liquor (On-Premises Licence), Temporary Use of the Land as a Store (Storage of Tram), Alteration of Access to a Road in a Road Zone Category 1, Display of Signage and Reduction of Bicycle Parking Requirements in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

Amended Plans

1. Prior to the commencement of development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans, which must be drawn to scale with dimensions, must be generally in accordance with the plans submitted with the application but modified to show:

- a) the proposed solid non-combustible fence located along the southern boundary running the distance from the front elevation of the existing former church and gallery/theatre to the rear elevation of the tram lounge building.
- b) the location, dimensions and materials of the deck and any associated structures (such as balustrading and steps) to the east of the tram lounge, including a section showing the height of the deck above natural ground level.

Endorsed Plans

4.2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Date Issued <<insert date>>

Signature for the
Responsible Authority

Delegate

CONDITIONS CONTINUED FOR PERMIT NO. PP219/2020-1

- 2.3. The location and details of the signage and any supporting structures, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
- 3.4. The area in which liquor is allowed to be consumed or supplied under a licence hereby permitted must not be altered without the written consent of the Responsible Authority.
- 4.5. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.

USE AND DEVELOPMENT CONDITIONS

Timing of Development/Use

- 5.6. Other than works associated with the subdivision hereby permitted, which may commence following the certification of the plan of subdivision under the *Subdivision Act* 1988, the development permitted outside Lot 1 PS563474 must not commence until the land has been subdivided in accordance with the endorsed plans.
- 6.7. The use of the premises as a café must not commence until the approved wastewater system has been installed and is operational.

Hours of Operation

- 7.8. The café must only operate between the hours of:
- 10am and 10pm, Sunday – Thursday
 - 10am and 12am on Fridays and Saturdays.
- 8.9. The sale and consumption of liquor must only occur between the hours of:
- 10am and 10pm, Sunday – Thursday
 - 10am and 11pm on Fridays and Saturdays
 - 12 noon and 10pm on Good Friday and ANZAC day
- 9.10. Unless otherwise approved in writing by the Responsible Authority, deliveries to and from the site (excluding fresh produce) must only take place between the hours of 7am and 6pm from Monday to Friday (inclusive).

Patron Numbers

- 10.11. No more than 179 patrons in total may be on the site at any time and no more than 80 seats may be made available at any one time to café patrons, unless otherwise approved in writing by the Responsible Authority. All seating must be within the areas identified as the 'artist café' and 'courtyard' on the endorsed plans.

External Deck

- 11.12. The deck to the east of the tram lounge must not be used for any outdoor theatre events.

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Liquor Licence

~~12-13.~~ The owner/operator must take all responsible measures to ensure that patrons consuming alcohol remain within the licensed area, so as not to breach conditions of the liquor licence, and that patrons' behaviour is acceptable, so as not to create a nuisance to pedestrians or road users.

Access

~~13-14.~~ Details of any alterations proposed to the access from Corangamite Lake Road must be submitted to and approved in writing by the Responsible Authority prior to such works being undertaken. Any alterations to the access must be in accordance with the approved details, to the satisfaction of the Responsible Authority.

Car Parking

~~14-15.~~ Prior to the commencement of the café use hereby permitted, the area/s set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- a) Constructed;
- b) Properly formed to such levels that they can be used in accordance with the plans;
- c) Surfaced with an all-weather seal coat to the satisfaction of the Responsible Authority;
- d) Drained;
- e) Line-marked to indicate each car space and all access lanes;
- f) Clearly marked to show the direction of traffic along access lanes/driveways;
- g) Properly illuminated for both pedestrians and vehicles, with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land;

to the satisfaction of the Responsible Authority.

The areas must be constructed, and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times

Loading/Unloading

~~15-16.~~ The loading and unloading of goods from service vehicles must only be carried out in the designated loading bay on the site and must not disrupt the circulation and parking of vehicles in the car park to the satisfaction of the Responsible Authority.

Stormwater Management

~~16-17.~~ Prior to the commencement of development, a Stormwater Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Stormwater Management Plan must show how the developed site will be effectively drained without causing detrimental downstream effects, which includes construction details of the works on the drainage easement, to the satisfaction of the Responsible Authority.

The design must also provide details on the bio-retention swale drain to the satisfaction of the Responsible Authority.

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All works must be undertaken in accordance with the approved Stormwater Management Plan to the satisfaction of the Responsible Authority.

47-18. During construction works, the site must be developed and managed to ensure there is no stormwater pollution through the contamination of runoff by chemicals, sediments, wastes or pollutants in accordance with 'Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control' (EPA), to the satisfaction of the Responsible Authority.

Construction Management Plan

48-19. Prior to the commencement of development, unless otherwise approved in writing by the Responsible Authority, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The plan must detail how the site will be managed prior to and during the construction period, and must set out requirements for managing:

- Erosion and sediment.
- The deposit of any sediment or other material by vehicles on the abutting roads.
- Dust.
- Runoff.
- Litter, concrete and other construction wastes.
- Chemical contamination.
- Vegetation and natural features planned for retention.

The plan must include a detailed photographic record of the road reserve/s in the vicinity of the site, which shows the condition of the existing public infrastructure.

49-20. All construction works must be undertaken in accordance with the approved Construction Management Plan. The developer must ensure that all contractors are aware of the requirements of the approved Construction Management Plan and understand how to implement them. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Colac Otway Shire drains and/or watercourses at any time during construction or operation to the satisfaction of the Responsible Authority.

Wastewater

20-21. An onsite wastewater management system must be constructed concurrently with the extensions hereby permitted, so that all liquid waste is at all times contained within the curtilage of proposed Lot 1 on the endorsed plans. The design and installation of any wastewater disposal system for any building on the land must comply with 'Code of Practice - Onsite Wastewater Management', July 2016 (EPA Publication No. 891.4, or as amended), to the satisfaction of the Responsible Authority.

24-22. Prior to the commencement of development, EPA approval must be obtained for the proposed onsite wastewater treatment and disposal system and, if required by the EPA prior to works, also a development licence and operating licence.

Noise Management

22-23. The use hereby permitted must comply with the *Environment Protection Regulations 2021* in relation to noise assessment, control and management from commercial premises and from

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premises that provide outdoor or indoor entertainment or events, including with noise limits set for day, evening and night.

23-24. The use hereby permitted must comply with the Noise Control Guidelines (EPA publication 1254.2) in relation to noise from deliveries to shops, public address systems, commercial and industrial waste collection, mobile vendors and truck mounted refrigeration units.

External Colours

24-25. Unless otherwise approved in writing by the Responsible Authority, the timber cladding on the proposed café and lounge extensions must be a mid-brown tone rather than a dark-brown tone.

Landscaping

26. Prior to the commencement of development, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan, which must be drawn to scale with dimensions, must show:

- a) a survey (including botanical names) of all existing vegetation within proposed Lot 1.
- b) landscaping within the site in the vicinity of the boundary shared with 480 Corangamite Lake Road and around the proposed car park, to provide screening of the proposed development from that adjacent property. This landscaping must accord with the defensible space requirements specified in condition 34a.
- c) a planting schedule of all proposed trees, shrubs and ground covers in the subject site, including botanical names, common names, sizes at maturity, and quantities of each plant.

All species selected must be to the satisfaction of the Responsible Authority.

25-27. Prior to commencement of the use hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

General Amenity

26-28. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and must be connected to a security service.

27-29. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

28-30. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, except with the prior written approval of the Responsible Authority for an individual event.

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~~29-31.~~ The use must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) transport of materials, goods or commodities to or from the land;
- b) appearance of any building, works or materials;
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;

all to the satisfaction of the Responsible Authority.

Signage

~~30-32.~~ The sign must be constructed and maintained to the satisfaction of the Responsible Authority, and must not be illuminated by external or internal light except with the prior written consent of the Responsible Authority.

Temporary Store

~~31-33.~~ Unless otherwise approved in writing by the Responsible Authority, or the tram is moved into the building as shown on the endorsed plans, the use of the land to store the tram must cease within 5 years of the date of this permit.

CFA Conditions

Amended Plans

- ~~31.— Amended plans that show defensible space of 19 metres between the grassland vegetation to the east and south of the proposed tram lounge.~~
- ~~32.— Amended plans that show defensible space from the existing former church and gallery/theatre to the southern property boundary.~~
- ~~33.— Amended plans that show the provision of a solid non-combustible fence between the existing former church and gallery/theatre and the grassland hazard vegetation to the south.~~

Bushfire Management Plan

~~32-34.~~ Before the development starts, a Bushfire Management Plan (BMP) must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire protection measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

- a) Defendable Space
Show an area of defendable space for a distance of ~~19 metres around the proposed buildings and to the property boundary to the south where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:~~
 - 19 metres to the east.
 - 19 metres or to the property boundary to the north whichever is closest, and
 - To the property boundary to the south and west.

Where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

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- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5.2 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

b) Construction Standard

Nominate a minimum Bushfire Attack Level of BAL – 12.5 that the building will be designed and constructed.

c) Water Supply

Show 10,000 litres of effective water supply for fire fighting purposes which meets the following requirements:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling)

d) Access

Show the access for fire fighting purposes which meets the following requirements:

- All weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres
- Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10m.

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Bushfire Emergency Plan

Certification of emergency management arrangements

33-35. Within six (6) months from the works commencing, a suitably qualified person in emergency planning must provide certification to CFA and the Responsible Authority that an Emergency Management Plan (or other named document) for the entire site/facility has been prepared that:

- a) Is generally consistent with Australian Standard AS3745-2010 Planning for emergencies in facilities (as appropriate).
- b) Specifically identifies bushfire as a hazard to which the facility and occupants may be vulnerable to.
- c) Contains appropriate procedures so that the facility is closed on a days of a Code Red Fire Danger Rating.

SUBDIVISION CONDITIONS

Easements

34-36. Prior to the certification of the plan of subdivision under the *Subdivision Act* 1988, all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.

Stormwater Management

35-37. Prior to the issue of a statement of compliance under the *Subdivision Act* 1988, all stormwater runoff from the development, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.

36-38. Prior to the issue of a statement of compliance under the *Subdivision Act* 1988, a Stormwater Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Stormwater Management Plan must show how the developed site will be effectively drained without causing detrimental downstream effects, which includes construction details of the works on the drainage easement, to the satisfaction of the Responsible Authority.

The design must also provide details on the bio-retention swale drain to the satisfaction of the Responsible Authority.

All works must be undertaken in accordance with the approved Stormwater Management Plan to the satisfaction of the Responsible Authority, prior to the issue of a statement of compliance under the *Subdivision Act* 1988.

Construction Management Plan

37-39. Prior to the issue of a statement of compliance under the *Subdivision Act* 1988, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The plan must detail how the site will be managed prior to and during the construction period, and must set out requirements for managing:

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- Erosion and sediment.
- The deposit of any sediment or other material by vehicles on the abutting roads.
- Dust.
- Runoff.
- Litter, concrete and other construction wastes.
- Chemical contamination.
- Vegetation and natural features planned for retention.

The plan must include a detailed photographic record of the road reserve/s in the vicinity of the site, which shows the condition of the existing public infrastructure.

38-40. All construction works must be undertaken in accordance with the approved Construction Management Plan. The developer must ensure that all contractors are aware of the requirements of the approved Construction Management Plan and understand how to implement them. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Colac Otway Shire drains and/or watercourses at any time during construction or operation to the satisfaction of the Responsible Authority.

Section 173 Agreement

41. Prior to the issue of a statement of compliance under the *Subdivision Act* 1988, the owner of the land must enter into an agreement under Section 173 of the *Planning and Environment Act* 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:

Compliance with the Bushfire Protection Measures

- a) If development is constructed on the lot, the bushfire protection measures must be:
- i. implemented; and
 - ii. maintained at all times.

in accordance with any requirements specified in the endorsed Bushfire Management Plan, at the full cost of the Owner and to the satisfaction of the Responsible Authority;

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Defendable Space

b) Unless the prior written consent of the Responsible Authority is obtained, the defendable space set out in the Bushfire Management Plan must be:

- i. implemented on the land prior to the issue of a statement of compliance for the subdivision authorised by planning permit PP219/2020-1, or any subsequent amendment to that permit; and
- ii. maintained on a continuing basis by the owner of each lot regardless of whether development is constructed on that lot.

to the satisfaction of the Responsible Authority; and

Amendments to the Bushfire Management Plan

c) The Bushfire Management Plan must not be amended unless the prior written consent of the Responsible Authority is obtained.

The agreement will be registered on title in accordance with Section 181 of the Planning and Environment Act 1987.

Servicing Authorities

39.42. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

40.43. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

41.44. The plan of subdivision submitted for certification under the *Subdivision Act* 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Telecommunications

42.45. The owner of the land must enter into an agreement with:

- a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

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~~43-46.~~ Before the issue of a Statement of Compliance under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

- a telecommunications network or service provider that Lots 1 and 2 are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Expiry

~~44-47.~~ This permit will expire if one of the following circumstances applies:

- a) The plan of subdivision has not been certified within two (2) years of the date of this permit;
- b) The development has not commenced within three (3) years of the date of this permit;
- c) A statement of compliance is not issued within five (5) years of the date of certification;
- d) The development is not completed within five (5) years of the date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

Notes:

1. This permit does not authorise the commencement of any building works. Prior to commencement of development, it will also be necessary to obtain a building permit.
2. Prior to preparing drainage plans, a legal point of discharge (LPOD) must be obtained in accordance with Building Regulation 133. A copy of the LPOD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.
3. The conditions in this permit relating to telecommunications do not apply to the lot in the Farming Zone.
4. A works within road reserve permit is required prior to any works being undertaken on Council managed road reserves within the Colac Otway Shire.
5. At least seven (7) days before any works start, an Asset Protection Permit must be obtained from Council. Council infrastructure must be maintained in a safe condition during the construction period. Any damage caused by these works to Council assets must be reinstated to the satisfaction of the Council prior to the completion of works.
6. The consumption of liquor within the development allowed by this permit must not commence until such time as a Liquor Licence has been issued by the Victorian Commission for Gambling and Liquor Regulation (VCGLR), pursuant to the *Liquor Control Reform Act 1988*, as amended.
7. Restrictions to the numbers of persons allowed onsite at the proposed facility (theatre) including the café may be imposed by either the EPA Victoria or Colac Otway Shire's Health Protection Unit should

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the proposed wastewater volumes (hydraulic/organic loading) pose a risk to the environment or human health and/or where off-site discharge is occurring.

A detailed system design and an addendum to Land Capability Assessment produced by Landtech Consulting project number 596, dated March 27 2021, may be requested by either the EPA of Victoria or Council's Health Protection Unit to support the wastewater application.

Environment Protection Authority (EPA)

8. This permit is not an EPA permission/approval. Before the use or development authorised under this permit starts, the permit holder must ensure that any obligations or duties that arise under the *Environment Protection Act 2017* are met. This may include obtaining an EPA permission, approval or exemption, in accordance with the *Environment Protection Regulations 2021*.
9. The amended *Environment Protection Act 2017* has now come into effect as of 1 July 2021.

The amended *Environment Protection Act 2017* imposes new duties on individuals and/or businesses undertaking the activity permitted by this permit. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable.

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Item: 10.2

Planning Scheme Amendment C120cola - Irrewillipe Road, Elliminyt Rezoning

OFFICER	Simon Clarke
GENERAL MANAGER	Ian Seuren
DIVISION	Development and Community Services
ATTACHMENTS	1. Draft Framework Plan - Bakerland (Irrewillipe Road) Planning Scheme Amendment [10.2.1 - 5 pages]

1. PURPOSE

To change a previous Council position that supports seeking authorisation from the Minister for Planning to exhibit the Irrewillipe Road Planning Scheme Amendment C120cola.

2. EXECUTIVE SUMMARY

At its 15 December 2021 meeting, Council resolved to seek authorisation from the Minister for Planning to exhibit the Irrewillipe Road Planning Scheme amendment (C120cola). The resolution was subject to a number of provisos, one of which has since proven to be unworkable. It is therefore considered necessary for Council to change its approach in order for the rezoning application to progress.

3. RECOMMENDATION

That Council:

- 1. Notes the resolution from the 15 December 2021 Council Meeting relating to the Irrewillipe Road Planning Scheme amendment C120cola – Bakerland Development Plan 116.*
- 2. Resolves to seek authorisation from the Minister for Planning to prepare and exhibit the Irrewillipe Road Planning Scheme amendment C120cola – Bakerland Development Plan 116, including all land within the proposed rezoning precinct.*
- 3. Notes Council's changed position regarding the proposed area to be rezoned, which will now include all landowners within the proposed rezoning precinct, thus superseding Point 3 of the 15 December 2021 resolution.*
- 4. Authorises Council officers, in consultation with landowners and/or representatives, to make minor changes to the Amendment documentation prior to exhibition.*

5. ***Notes that officers will prepare a Memorandum of Understanding with the proponent of the amendment before exhibition to agree on the approach that is intended to be taken regarding development contributions.***
6. ***Notes that officers will continue to progress negotiations with the proponent concerning the provision of social housing within the area to be rezoned, with the objective of reaching agreement on this issue before Council considers adoption of the amendment.***

4. KEY INFORMATION

Council is in receipt of an application for a planning scheme amendment over land in Elliminyt in the vicinity of Harris Road and Irrewillipe Road to rezone land for residential purposes. The amendment would rezone land currently in the Rural Living Zone to General Residential Zone and apply a Development Plan Overlay that requires a Development Plan to be endorsed prior to residential subdivision occurring. A draft Framework Plan has been produced that demonstrates appropriate transport linkages, open space provision and integration of development with surrounding areas, although this plan will continue to be refined into a Development Plan that will be approved after the amendment process.

At its meeting held on 15 December 2021, Council resolved to progress the planning scheme amendment to authorisation, subject to a number of matters being addressed prior to lodgement with the Department of Environment Land Water and Planning (DELWP). It has since become apparent that part of the resolution has become problematic from a planning perspective and therefore the resolution of Council requires amendment. The resolution from the December 2021 Council Meeting is set out below:

“That Council:

1. ***Resolves to seek authorisation for the Minister for Planning to prepare and exhibit the Irrewillipe Road Planning Scheme amendment C120cola – Bakerland Development Plan 116.***
2. ***Authorises Council officers, in consultation with landowners and/or representatives, to make minor changes to the Amendment documentation prior to exhibition.***
3. ***Notes that officers will prepare a Memorandum of Understanding with the proponent of the amendment before exhibition to agree on the approach that is intended to be taken regarding development contributions, and that the area to be rezoned will be adjusted to exclude land where land owners are not supportive of the proposal.***
4. ***Notes that officers will continue to progress negotiations with the proponent concerning the provision of social housing within the area to be rezoned, with the objective of reaching agreement on this issue before Council considers adoption of the amendment.”***

There are two specific parts to Part 3 of the resolution. The Memorandum of Understanding (MOU) has been prepared by the proponent and has been finalised to be signed by both parties. With regard to the second condition of Part 3 of the resolution, which would exclude unsupportive landowners from the amendment, this has proved to be problematic for the following reasons:

- The ability for landowners to opt-out has the potential to establish a fragmented pattern of development in the area which is difficult to plan for. It is highly unlikely that DELWP will accept a fragmented planning scheme amendment as it does not represent orderly planning.
- The elements in the plan that require consideration as shared infrastructure cannot be properly accounted for in terms of establishing a Shared Infrastructure Funding Plan (e.g.

elements such as open space, water retardation infrastructure, road and transport improvements).

The opt-out provision was incorporated late in the preparation of the previous report to Council when it was not entirely clear what degree of support the proposed amendment had from landowners and included as a means of being abundantly cautious. Further discussions with DELWP, the proponent and landowners has altered the suggested approach.

The approach to be adopted with infrastructure contributions is to establish a Shared Infrastructure Funding Plan prior to adopting the amendment, with payment of infrastructure contributions timed to apply when individual landowners decide to subdivide their land. Contributions are therefore a requirement of the schedule as part of the rezoning, with payments forming part of subdivision permit conditions.

Prior to proceeding further with the amendment, it was considered appropriate to gauge landowner support for the rezoning because the proponent does not control all of the land within the area proposed to be rezoned. There is risk in the amendment not proceeding if there is not broad-based support from the landowners. Accordingly, Council officers and the proponent conducted a drop-in information session at COPACC on 10 March 2022. Approximately 25 people representing landowner interests attended the session, predominantly representing landowners in the southern half of the area to be rezoned. The most significant issues arising from the drop-in session include:

1. The position of the north-south waterway running through the site, and in particular, reasons why the waterway has been positioned on the plan in the way it is shown, possible re-routing of drainage infrastructure and the impact on timing of future subdivision on the southern part of the area to be rezoned.
2. The location of the park and perceived loss of land value due to the location of the park on a particular portion of the land.
3. Certain landowners not wishing to subdivide in the short-medium term.
4. Timing of development contributions.
5. Impact on rates.

The general principle of rezoning was not broadly opposed. However, the level of detail on the Framework Plan accompanying the rezoning schedule needs to be fleshed out in greater detail with the Development Plan that will become a requirement of the planning scheme as part of the amendment. The requirements of the Development Plan include:

1. Urban Design Masterplan
2. Integrated Water Management Plan
3. Road Network and Traffic Management Plan
4. Open Space and Landscape Masterplan
5. Shared Infrastructure Funding Agreement

At present Council has sufficient information to proceed to DELWP for authorisation. Further work on the plans referenced above will occur in parallel with progress on the amendment and there will be further opportunities for landowners to be engaged both informally and formally as part of the statutory process.

As a result of feedback from the drop-in information session, it is proposed that consideration will be given to how the north-south waterway is represented on the Framework Plan, and whether softening

the graphics on the plan and including annotations to state that further refinement of the exaction location of the waterway will occur through the preparation of the Development Plan.

Furthermore, in discussions with landowners, it was made clear that nothing in the rezoning compels individual landowners to subdivide their land, and that any shared infrastructure contributions would only apply when proposals for subdivision are being actively considered. Attendees were reassured that despite any rezoning of their land, they would be able to continue using their land as they do now, without restriction.

As a consequence of the drop-in information session, it is recommended that the landowner opt-out provision in Part 3 of the 15 December 2021 resolution be removed. In this way, the amendment can be exhibited to allow the consideration of a discrete area of land for rezoning where proper and orderly development can occur to achieve the desired high quality urban design outcomes sought (i.e. well co-ordinated drainage retention/treatment, consolidated public open space, and a linear pedestrian/cycling link along the Deans Creek tributary). The exhibition process will allow Council to consider any specific concerns raised, and to take these into account when progressing to the next stage.

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

The planning scheme amendment needs to satisfy established legislative processes, and meet the strategic justification required for Ministerial authorisation to exhibit. This report seeks to ensure that the amendment appropriately responds to the relevant strategic planning principles by ensuring that the rezoned area is considered holistically and in an integrated manner. It is also critical that Council is not burdened financially in the future with obligations to fund infrastructure which should otherwise be funded by private landowners.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

The *Planning and Environment Act 1987* and relevant Ministerial Directions govern the processing of planning scheme amendments. The planning scheme amendment will be processed in accordance with these requirements.

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

Detailed preparation of the Development Plan following the rezoning process (should it be approved) would take into account environmental and sustainability principles including such things as stormwater quality management, waterway rejuvenation and the like. These matters have been considered at a high level in the Framework Plan developed to support the amendment.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

Formal exhibition of the amendment will occur late April/May. There will be further opportunities for engagement during the preparation of the more detailed Development Plan as the planning scheme amendment progresses.

Public Transparency (s58 LGA 2020)

Amendment documentation will be made publicly available as part of the exhibition process. The drop-in information session held on 10 March 2022 was supplementary to statutory processes and was designed to raise awareness of the proposal and gauge the sentiment of local landowners.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

Objective 1: Affordable and available housing will support our growing community and economy

Objective 5: Grow the Colac Otway Shire's permanent population by at least 1.5%

Development of the land for residential purposes aligns with the Colac 2050 Growth Plan, and key priorities of the Council plan to support an increase in Colac's population, a thriving business community and ensure adequate land availability for housing.

Financial Management (s101 Local Government Act 2020)

The planning scheme amendment is a privately funded amendment. Officer time is accounted for in Council's recurrent budget. All costs such as fees payable to the Planning Minister and for the cost of any independent panel will be paid by the proponent. Fees are payable to Council by the proponent, based on the number of submissions received. Costs incurred by Council for receiving advice on technical aspects of the amendment such as shared infrastructure contributions will be largely offset by these fees.

Service Performance (s106 Local Government Act 2020)

Not applicable.

Risk Assessment

Council has an obligation to engage closely with landowners to ensure that support for the amendment is maintained. Failure to maintain support risks success in achieving the amendment.

Communication/Implementation

Following the amendment to the resolution, the planning scheme amendment will be referred to DELWP for authorisation and be placed on formal public exhibition for a period of 6 weeks. All directly affected landowners will be notified in writing of the amendment, in addition to other methods of communication including social media and notices in the Colac Herald.

Human Rights Charter

Not applicable. All owners of land in the area being rezoned will have the opportunity to participate in the planning process and to have their submissions heard independently.

Officer General or Material Interest

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

Options

Option 1 – Amend the position of Council to remove the opt-out option for landowners.

This option is recommended by officers as it will allow the amendment to expeditiously progress to DELWP for authorisation. As noted in the report above, it is unlikely that the Minister will support exhibiting an amendment that only rezones adhoc properties within the area of the amendment. Landowners impacted by the rezoning will have an opportunity to express any concerns through the exhibition process, and to have these concerns heard by an independent panel if they cannot be resolved. Inclusion of all properties in the subject area will ensure that provision is made for well-integrated and designed residential development, and provision of key infrastructure to support this development.

Option 2 – Not change the position of Council to remove the opt-out option for landowners.

This option is not recommended by officers as it is unlikely that DEWLP will authorise the amendment. It would also compromise the future capacity of Council to attract funding from landowners to support infrastructure such as drainage and traffic improvements through a Shared Infrastructure Funding Plan.

30/07/2018

SCHEDULE [NUMBER] TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO[number]**.

IRREWILLIPE ROAD DEVELOPMENT PLAN AREA**1.0 Objectives**

To ensure that development occurs in accordance with the broad development principles as shown in the Irrewillipe Road Framework Plan and to ensure delivery of essential community infrastructure.

2.0 Requirement before a permit is granted

A permit may be granted for the following before a development plan has been approved by the responsible authority:

- Construction of one dwelling on an existing lot, including outbuildings.
- An extension or alteration to an existing building.
- Any buildings and works associated with the use of land for Agriculture.
- Subdivisions creating a lot for an existing dwelling

Before granting a permit, the responsible authority must be satisfied that the permit will not prejudice the future use and development of the land in an integrated and orderly manner.

3.0 Conditions and requirements for permits

A permit must contain conditions which give effect to the approved Development Plan and the Shared Infrastructure Funding Plan.

4.0 Requirements for development plan

A permit must contain conditions or requirements which give effect to the provisions and requirements of the approved Development Plan, including the Irrewillipe Road Shared Infrastructure Funding Plan as appropriate.

A permit for the subdivision of the land must contain conditions which provide for development contributions towards:

- Roads, pedestrian, or bicycle infrastructure external to the site
- Public open space.
- Drainage infrastructure.

The Development Plan may consist of a plan and associated planning and technical reports and other documents.

The Development Plan may be prepared and approved in stages.

The Development Plan must be generally in accordance with the Irrewillipe Road Framework Plan as shown at Clause 4.0 and include the following:

An **Urban Design Masterplan** that includes:

- A general subdivision layout that includes the location and general distribution of lots showing a variety of lot sizes and densities to encourage a variety of housing types.
- The location of all roads, open spaces and drainage reserves.
- Contours of land at 0.5m intervals.

[COLAC OTWAY] PLANNING SCHEME

- A subdivision design which provides a positive identity and contributes to the amenity and safety of all surrounding roads, waterways, and the Irrewillipe Reserve.
- Within the development area, provide an interconnected and continuous network of safe and efficient conventional footpaths, shared paths, and cycle lanes.
- Appropriate interface and design measures on the Irrewillipe Reserve interface.
- The stages by which the development of the land is to proceed.

An **Integrated Water Management Plan** that takes an integrated approach to flooding, stormwater, and drainage management, is designed with reference to the whole of the catchment, and includes:

- Reference to:
 - WSUD Engineering Procedures: Stormwater, CSIRO Publishing , 2005.
 - Clause 56.07 of the Colac Otway Planning Scheme.
 - The Infrastructure Design Manual and associated Design Notes.
 - Colac Stormwater Development Strategy – Engeny March 2019
- A Drainage Strategy that addresses:
 - Drainage Feasibility.
 - Stormwater Quality Management.
 - Peak Discharge Management; and
- Identification of all land to be set aside for drainage purposes, detailing the approximate size and location of all drainage reserves and system components, including retarding basins to meet peak discharge limits and WSUD elements to meet Best Practice Environmental Management Guidelines.
- Easement creation and/or widening and realignment as necessary to ensure adequate provision for pipe-laying and maintenance, both within the development area, and to external affected properties.
- A stormwater management system that ensures peak discharge rates, pollutant loads of all stormwater leaving the site post development are no greater than pre-development and that ensures no adverse impacts to any surrounding area, upstream or downstream.
- Consideration of development staging.

A **Road Network and Traffic Management Plan** generally in accordance with the recommendations of the SALT Report dated May 2021 which:

- Provides for an internal road, path, and shared path network with a high level of access for all vehicular and non-vehicular traffic and which responds to the topography.
- Considers safe sightlines to all property access and internal roads.
- Provides details of all necessary upgrades to the surrounding road network to urban standards including any required upgraded intersection treatments.
- Includes indicative cross sections of all roads
- Considers public transport routes
- Considers Traffic Management Controls to the internal road networks.

An **Open Space and Landscape Masterplan** that includes:

- An open space contribution equal to 10% of the developable residential land or in-lieu cash payment or combination of both. Encumbered land shall not be credited as Public Open Space including land required for the future retarding basins.
- All public open space to be a useable size, configuration, and location.

[COLAC OTWAY] PLANNING SCHEME

- Local Parks with a minimum area of 1 hectare (unless adjoining a drainage reserve where a minimum area of 0.5 ha may be accepted) and bounded by development frontages and/or roads on at least 3 sides.
- Plans for all open space areas showing the location of proposed improvements including playgrounds, pedestrian and cycle paths, earthworks, seats, bollards, fencing, landscaping, irrigation systems, drinking fountains, drainage lines and retention basins.

A Shared Infrastructure Funding Plan which includes:

- Identification of shared infrastructure consistent with Development Contributions Plan and Infrastructure Contributions Plan principles on equity, nexus, need and reasonableness.
- Costs and apportionment of the shared infrastructure.
- Detail of the implementation of the Shared Infrastructure via Section 173 agreement.

[COLAC OTWAY] PLANNING SCHEME

4.0 Irrewillipe Road Framework Plan



LEGEND

	SITE BOUNDARY		WATERWAY - INCLUDING LINEAR OPEN SPACE
	EXISTING DRAINAGE BASIN		PUBLIC OPEN SPACE
	EXISTING PUBLIC OPEN SPACE		FUTURE RESIDENTIAL
	DRAINAGE BASIN RESERVE		POTENTIAL SIGHT LINE LIMITATIONS
	OPEN SPACE CONNECTIONS		

[COLAC OTWAY] PLANNING SCHEME

DRAFT

Item: 10.3

Contract 2209 - Boat Ramp Facilities Improvement Project

OFFICER	Simon McBeth
GENERAL MANAGER	Tony McGann
DIVISION	Environment and Infrastructure
ATTACHMENTS	<ol style="list-style-type: none"> 1. Apollo Bay Boat Ramp Facility Upgrade- Feasibility Report and Concept Design - Council Meeting March 202 [10.3.1 - 24 pages] 2. Floating pontoons Coastal Consent Application December 2021 - Council Meeting 2022 [10.3.2 - 9 pages] 3. Concept Design - March Council Meeting 2022 [10.3.3 - 1 page]

1. PURPOSE

To obtain Council endorsement to award Contract 2209 for the Boat Ramp Facilities Improvement Project at the Port of Apollo Bay.

2. EXECUTIVE SUMMARY

- In December 2021 a grant of \$800,000 was awarded to the Port of Apollo from Better Boating Victoria, to deliver two new 60m long floating jetties at the Port of Apollo Bay Boat Ramp.
- Feasibility and concept design completed in November 2021.
- The tender was advertised on Friday 10th December 2021 for a period of 9 weeks.
- The tender evaluation panel met on the 22nd February 2022.
- The outcome of the tender evaluation process is that Bellingham Marine Australia Pty Ltd are the preferred and recommended tenderer.
- Any budget overrun is to be paid from the Port Operating Budget (DoT funded). The Port will retain a 10% contingency fund for this purpose if required.
- There is nil cost to Colac Otway Shire.
- The project program submitted by Bellingham Marine Australia scheduled works to start works in July 2022 and be completed by 30th August 2022.

3. RECOMMENDATION

That Council:

- 1. Awards Contract 2209 – Port of Apollo Bay Boat Ramp Facilities Improvement Project (the contract) to Bellingham Marine Australia Pty Ltd for the tendered price of \$776,000. (ex GST).**
- 2. Authorises the Chief Executive Officer to execute the contract on behalf of the Council.**
- 3. Authorises the Chief Executive Officer to perform all roles of the Principal for the contract.**
- 4. Authorises the Director City Deals Projects, as the Superintendent for the contract, including managing variations in accordance with the contract conditions.**
- 5. Notes that unsuccessful tenderers will be advised of the outcome of the tender process and the successful tenderer and contract price will be listed on Council's website.**

4. KEY INFORMATION

- In 2021, the Port conducted a feasibility study and commissioned concept designs to construct two new floating jetties at the Port of Apollo Bay boat ramp. See attachment 1.
- Through a targeted advocacy campaign, Port Management Team secured an \$800,000 grant from Better Boating (Victorian Fisheries Authority) to deliver an upgrade to the facilities at the Port of Apollo Bay Boat Ramp.
- The upgrade will include the removal of the existing fixed timber jetty and floating pontoon, and replacement with two new floating jetty pontoons. These pontoons will be 66m long (western) and 54m long (eastern) and would be 2.6m wide. See attachment 2 for the concept design.
- The current infrastructure consists of a timber deck on the eastern side and a smaller floating plastic pontoon on the western side. Both are in poor condition and are at the end of their asset life. There are safety risks associated with both of these ageing facilities.
- This proposal will address these safety and usability problems, and will be a significant enhancement to the boating facility. The new pontoons will provide a safe, compliant and fit for purpose boating facility to meet the needs of the community and Port stakeholders.
- The new pontoons will be all abilities accessible and compliant with all relevant safety and marine structure standards and legislation.
- Consent under the *Marine and Coasts Act 2018* is required to undertake these works. Application was made in December 2021 and DELWP have advised that approval is pending.
- Planning permit not required for these works.
- The tender was advertised on Friday 10 December 2021 for a period of 9 weeks.
- The tender evaluation panel met on the 22 February 2022.
- The outcome of the tender evaluation process is that Bellingham Marine are the preferred and recommended tender.
- The lump sum contract price to complete these works is \$776,000.
- Any budget overrun is to be paid from the Port Operating Budget (DoT funded). The Port will retain a 10% contingency fund for this purpose if required.
- External financial assessments conducted by Equifax indicated that Bellingham Marine Australia Pty Ltd has a sound financial capacity to undertake the contract in question.
- There is nil cost to Colac Otway Shire.

- The project program submitted by Bellingham Marine scheduled works to start works in July 2022 and be completed by 30 August 2022.
- Boat Ramp Will need to be closed for a period of 5 weeks during construction.
- Community engagement and communications strategy to commence immediately following award of contract.

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

This project is consistent with the overarching governance principals of the Act. In particular, this project will provide a significantly enhanced recreational boating facility to the benefit of the community. This is a substantial service improvement to the social benefit of the community.

There are no known adverse environmental impacts of installing these structures in any established harbours with suitable supporting infrastructure.

The design for these works are in accordance with AS4997, “Guidelines for the design of maritime structures”. Section 4.6 of this standard deals with design for climate change and projected sea level rise. Also incorporated to the design, was the sea level rise predicted in the CSIRO’s 2008 report on “The effects of climate change on extreme sea levels along the Victorian Coastline” (section 3 and 4).

The project is fully compliant with all relevant legislation and standards.

The project is consistent with the following relevant policies, plans and strategies (as demonstrated comprehensively through coastal consent application process, see attachment 3):

- Marine and Coastal Policy 2020
- Victorian Coastal Strategy 2014
- Western Victoria Boating Coastal Action Plan 2010
- Victorian Recreational Boating Strategy (draft) 2021.

The project is fully funded by an external agency grant and is a partnership project with the Victorian Fisheries Authority’s ‘Better Boating’, demonstrating sound state collaboration.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

The lawful authority to complete this project is through the granting of consent for the use of coastal crown land under section 68 of the *Marine and Coastal Act 2018*.

Application for consent was made in December 2021 and DELWP have advised that approval is pending.

The project is consistent with the following relevant policies, plans and strategies (as demonstrated comprehensively through coastal consent application process, see attachment 3):

- Marine and Coastal Policy 2020
- Victorian Coastal Strategy 2014
- Western Victoria Boating Coastal Action Plan 2010
- Victorian Recreational Boating Strategy (draft) 2021.

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020

The construction project manager will develop a Construction Environmental Management Plan (CEMP) to address and manage all environmental impact and risks for the construction phase of the project. This will be submitted to the DELWP program manager prior to works commencing for approval.

The contractor will be required to provide the Port Manager with a vessel biofoul management plan, to ensure that any risk of translocating marine pests through vessel movements into and out of the Port is mitigated. These plans must be approved by the Port Manager prior to any vessels coming into Port Waters.

There will be short term localised turbidity in the waters surrounding the pile driving locations. However, turbidity monitoring at the Port over 70 years of dredging, has shown that increased turbidity through dredging spoil dispersal and sea bed disturbance, dissipates within 48 hrs. There are no long-term effects of this turbidity. Sediments in the area have been tested and are within acceptable limits as per the National Assessment Guidelines for Dredging 2009.

As the project works are all inside the harbour, outside the natural stream for sediment transport, there will be no impact on existing coastal processes, such as sand movement and beach erosion.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

The Port of Apollo Bay Consultative Committee (POABCC) has been consulted on the project since May 2021. Project updates have been provided and the project discussed at each meeting since May 2021. The POABCC is the Port's formal consultative body and has representation from the following stakeholder groups:

- commercial fishers
- recreational anglers
- Apollo Bay Sailing Club
- Apollo Bay Fishermen's Co-op
- Great Ocean Road Coast and Parks Authority
- COS councillors
- Apollo Bay Ocean Rescue
- Community representatives x 2.

Letters of support have been received from the community members, sailing club and Emergency Management Victoria (EMV). Once the contract has been awarded and we have a construction schedule to inform the project program, a community engagement and communications strategy will be developed.

Public Transparency (s58 LGA 2020)

Not applicable

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 1: Strong and Resilient Economy

Theme 2: Valuing the Natural and Built Environment

Theme 3: Healthy and Inclusive Community

Financial Management (s101 *Local Government Act 2020*)

The Port contributes \$43 million annually to the region's economy.

The enhanced recreational boating facility will encourage further use of the facility and visitation to the town of Apollo Bay. Such visitation has significant economic benefit through direct spending in the town economy.

The project is fully funded by an \$800,000 grant from Better Boating (VFA). Any budget overruns will be met via the Port Operating budget (DoT funded). There is a 10% contingency being retained for this purpose.

There is nil cost to Colac Otway Shire to award this contract and complete this project.

External financial assessments conducted by Equifax indicated that Bellingham Marine Australia Pty Ltd has a sound financial capacity to undertake the contract in question.

Service Performance (s106 *Local Government Act 2020*)

The new pontoons will be a significant enhancement of an existing recreational boating facility and will provide a much safer, more functional modern boating facility, whilst reducing safety risk and improving access for all parts of the community.

The existing boating facilities at the site are not fit for purpose or compliant with current standards. The existing facilities are also not all abilities accessible and are not meeting needs of recreational boat users.

The current infrastructure consists of a timber deck on the eastern side and a smaller floating plastic pontoon on the western side. The timber deck is in poor condition and with a deck height well above typical water levels, is not considered useable for boat ramp activities. The access from the deck down to a vessel is via fixed ladders which is a significant safety concern. The existing floating pontoon and access gangway on the western side of the ramp has a number of issues. The access gangway is of light construction to the extent that it does not (structurally) comply with code required design loadings. The pontoon itself is a very light hollow plastic float system that is overly lively for the public to walk on. Piles securing the pontoon are inadequate (to the extent that one appears to have already failed and is missing).

This proposal will address these safety and usability problems. The new pontoons will provide a safe, compliant and fit for purpose boating facility to meet the needs of the community and Port stakeholders. The new pontoons will be all abilities accessible and compliant with all relevant safety and marine structure standards and legislation.

Risk Assessment

The risk of proceeding with this proposal has been assessed as low. The rationale for this risk assessment outcome is as follows:

- The project is an enhancement to an existing facility.
- There is nil financial cost to COS- this is an entirely external funded project.
- Port budget (funded by DoT) will be responsible for any budget overrun
- This project is minimal impact. The project involves installing small scale boating infrastructure (6 x piles and 2 x floating pontoons)

- This project is consistent with many similar facilities across the state and globally. There are no known adverse environmental impacts of installing these structures in any established harbours with suitable supporting infrastructure.
- As the project works are all inside the harbour, outside the natural stream for sediment transport, there will be no impact on existing coastal processes, such as sand movement and beach erosion.
- Significant community support for project.

Communication/Implementation

A communications strategy will be implemented immediately following award of contract. The strategy will include the following:

- Port Management directly emailing all Port users, stakeholders, permit holders and any interested persons on Port stakeholder database
- Signage at site
- Social media communications
- Publication in Colac Herald and Apollo Bay News sheet
- Publication of Boating Victoria Website and COS Website

The project program submitted by Bellingham Marine scheduled works to start works in July 2022 and be completed by 30 August 2022.

Boat Ramp Will need to be closed for a period of 5 weeks during construction.

Human Rights Charter

Not applicable.

Officer General or Material Interest

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

Options

Option 1 – Award the contract to Bellingham Marine Australia as per recommendation of this report.

This option is recommended by officers as it delivers a substantial positive community outcome via an enhanced recreational boating facility. The delivery of this outcome will have a nil cost to Colac Otway Shire.

The project has been assessed as overall low risk, with positive social and economic impacts. There are no known adverse environmental associated with the delivery of this project.

Option 2 – Do not award the contract Bellingham Marine Australia and re-advertise tender.

This option is not recommended by officers as we have a suitable offer from a highly experienced contractor within budget.

This is an externally funded project that must be delivered within 12 months. Failure to award contract will threaten viability of project within grant timelines.

Option 3 – Do not award the contract Bellingham Marine Australia and do not complete project.

This option is not recommended by officers as it will result in lost opportunity to deliver a significant improvement to local community facility without cost to Colac Otway Shire. This is an externally funded project that must be delivered within 12 months.

APOLLO BAY

BOAT RAMP IMPROVEMENTS FEASIBILITY



*International Marina Consultants Pty Ltd
Brisbane, Australia
29th September 2021*

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AUSTRALIA**

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1. INTRODUCTION

International Marina Consultants (IMC) has been commissioned by the Colac Otway Shire to carry out a Marina Expansion Feasibility.

Part of this feasibility included assessment of improvements required for the existing boat ramp facilities (excluding on land access and parking provisions).

This report assesses these boat ramp improvement requirements.

2. EXISTING BOAT RAMP FACILITIES

The existing facility (refer Figure 1, Photos 1 and 2) comprises a two lane reinforced concrete ramp, a fixed wharf structure on its eastern side and a floating pontoon and access gangway on its western side.

The ramp extends just below low water and has a large expanse of shallows seaward of the ramp.

The fixed wharf structure is considerably higher than typical tidal water levels (refer Photos 2 and 3).

The timber wharf is also displaying signs of significant timber (deck) degradation (refer Photos 4 and 5).

The floating pontoon system on the western side is a lightweight hollow plastic float system.

3. EXISTING FACILITY ISSUES

The two-lane ramp itself is considered in good condition however the following are considered to require attention to bring the facility to a user expected level of functionality and safety.

3.1 Fixed Wharf Structure

This structure on the eastern side of the ramp has a timber deck that is in poor condition and with a deck height well above typical water levels is not considered useable for boat ramp activities.

The access from the deck down to a vessel is via fixed ladders (refer Photo 6) which is a significant safety concern.

3.2 Existing Pontoon

The existing floating pontoon and access gangway on the western side of the ramp has a number of issues.

The access gangway appears to be of light construction to the extent that it does not (structurally) comply with code required design loadings.

The pontoon itself is a very light hollow plastic float system that is overly lively for the public to walk on.

Piles securing the pontoon are inadequate (to the extent that one appears to have already failed and is missing).

3.3 Adjacent Water Depths

Water depths approaching the ramp are inadequate to the extent that the ramp is effectively unusable at very low tides.

4. EXISTING SITE CONDITIONS

The ramp facility is located on the southern side of the existing harbour.

4.1 Waves

The harbour experiences wave action that propagates through the entrance.

A wave study has been carried out to confirm the feasibility of establishing further marine facilities within the harbour (refer Attachment 1).

As indicated in the wave study report the 100 year ARI at the boat ramp (location P9 on page 47) is around 0.25m and 0.17m for the 1 year ARI. These are well below the acceptable wave height limits for such a facility and no added wave protection is required at the ramp location.

4.2 Geotechnical Considerations

There is an extensive sandstone rock shelf extending across the southern side of the harbour. This shelf dips towards the north-east.

It is noted that the boat ramp facility has been constructed out into the harbour (from the original southern shoreline) to provide sufficient all tide access to the ramp.

It is therefore assumed that the rock shelf sufficiently dips to the north to allow for dredging of the sand accumulation over the shelf to achieve the 1m water depth seaward of the ramp as indicated in Figure 2.

It is also noted that water depths from the hydrographic survey (refer Attachment 2) superimposed on Figure 2 show a deeper bed levels where boat ramp vessels approach the ramp to further indicate that there is a mobile layer of sand over the rock shelf in this area that can be dredged.

5. BOAT RAMP FACILITY IMPROVEMENTS

In light of the issues identified in Section 3 the following is recommended to address the safety and usability problems (refer Figure 2).

5.1. Fixed Wharf Structure

Remove the fixed wharf structure and replace it with a floating pontoon with an access gangway connected to the existing concrete abutment structure.

5.2 Western Floating Pontoon and Gangway

Remove the existing light structures and replace them with a more robust access gangway and piled pontoon (of suitable length to cope with popular weekend demand).

5.3 All Tide Access

Dredge adjacent seabed to one metre below lowest tide as indicated on Figure 2 to provide safe, all tide access to the pontoons and ramp facility.

6. BOAT RAMP IMPROVEMENTS COSTS

Based on providing a suitably robust and Australia Standards Compliant facility, the estimated costs of these works are as follows.

All costs exclude GST.

6.1. Demolish Existing Timber Wharf

Demolish timber deck structure, piling and dispose of off-site

\$50,000

6.2 Dredging

Dredge adjacent seabed are (of 1,700 m²) down to -1.0mCD

1,950m³ x \$20/m³

\$39,000

6.3 Design, Supply and Install New Floating Pontoons

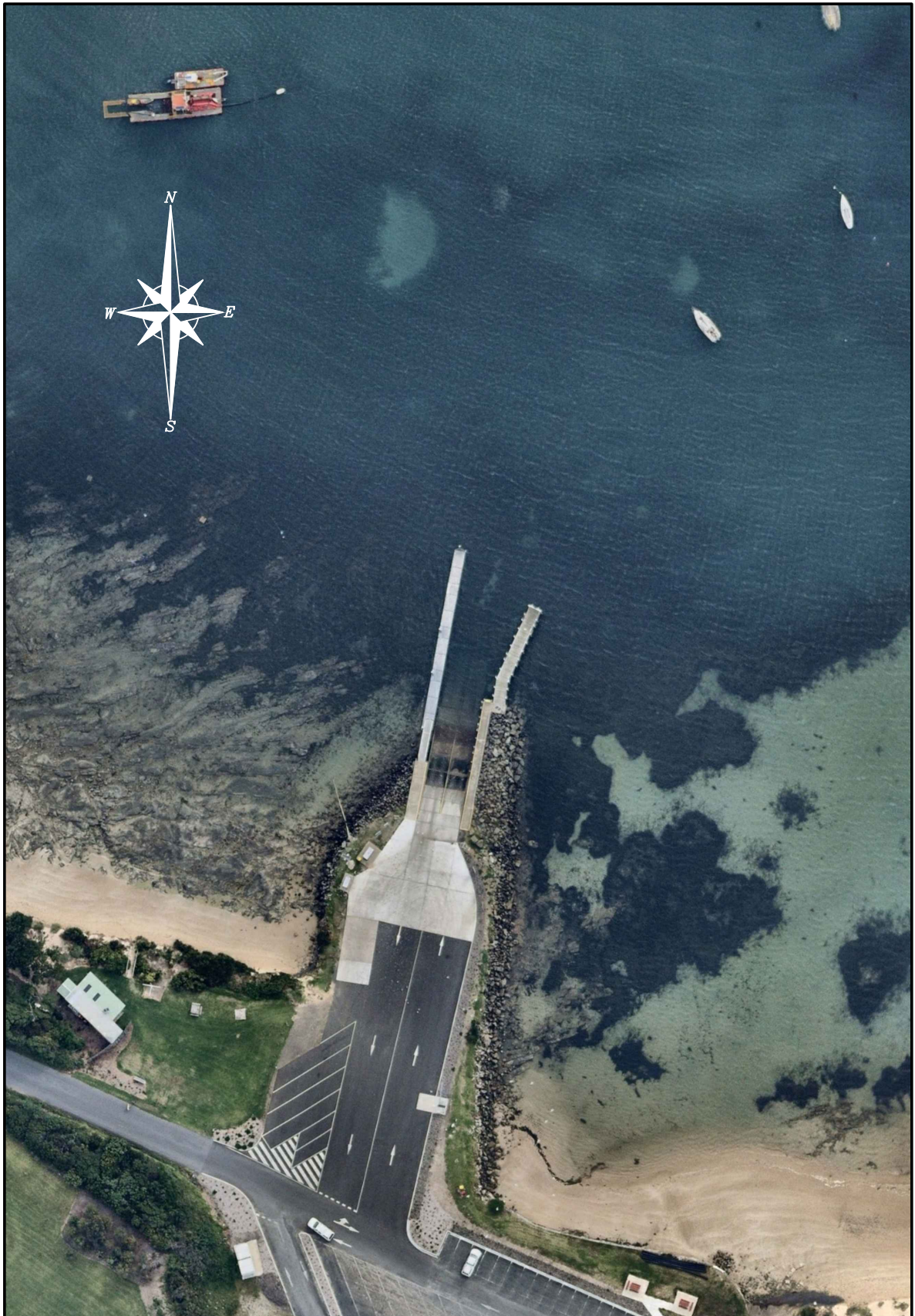
- Engineering \$30,000
- Piling \$180,000
- Gangways \$90,000
- Floating Pontoon \$300,000

Sub-Total \$600,000

Total for Items 6.1 to 6.3 \$689,000

Note the above exclude any onshore improvements works (road access, parking, power and water services) and any development approvals costs.

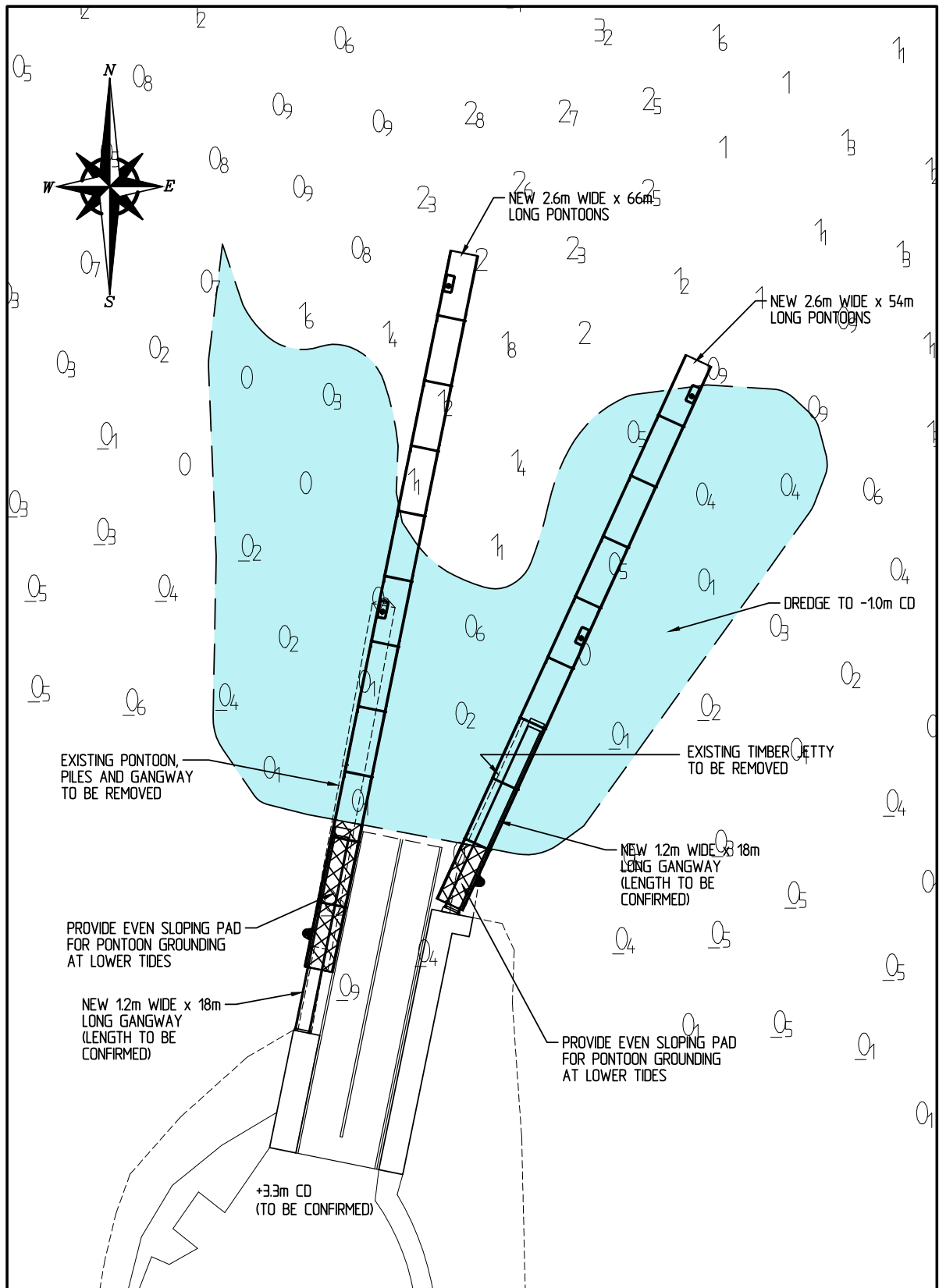
FIGURES



APOLLO BAY BOAT RAMP



FIGURE 1



APOLLO BAY BOAT RAMP IMPROVEMENTS

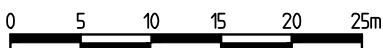


FIGURE 2

PHOTOS

International Marina Consultants Pty Ltd



Photo 1



Photo 2

International Marina Consultants Pty Ltd



Photo 3



Photo 4

International Marina Consultants Pty Ltd



Photo 5



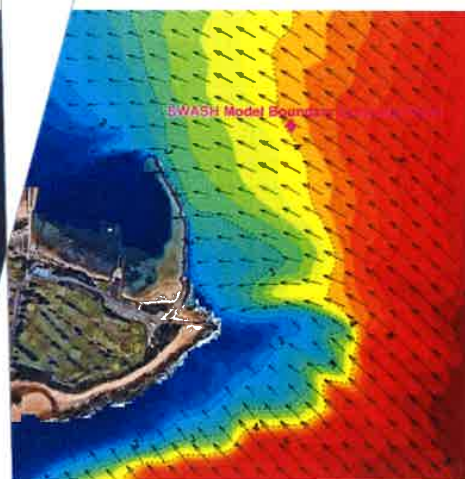
Photo 6

ATTACHMENT 1

Cardno Wave Modelling Report Relevant Extracts

Wave Modelling Report

Wave Climate Study, Apollo Bay
Harbour



Prepared for
International Marina Consultants

28 April 2021





Table 2-1 Probability of Equalling or Exceeding Different ARI Events for Given Design Lives

Average Recurrence Interval Event	Probability of Occurrence in 1 year Period	Probability of Occurrence in 2 years Period	Probability of Occurrence in 5 years period	Probability of Occurrence in 10 years Period	Probability of Occurrence in 25 years Period	Probability of Occurrence in 50 years Period	Probability of Occurrence in 100 years Period
1 year	63.2%	86.5%	99.3%	100.0%	100.0%	100.0%	100.0%
2 years	39.3%	63.2%	91.8%	99.3%	100.0%	100.0%	100.0%
5 years	18.1%	33.0%	63.2%	86.5%	99.3%	100.0%	100.0%
10 years	9.5%	18.1%	39.3%	63.2%	91.8%	99.3%	100.0%
25 years	3.9%	7.7%	18.1%	33.0%	63.2%	86.5%	98.2%
50 years	2.0%	3.9%	9.5%	18.1%	39.3%	63.2%	86.5%
100 years	1.0%	2.0%	4.9%	9.5%	22.1%	39.3%	63.2%
200 years	0.5%	1.0%	2.5%	4.9%	11.8%	22.1%	39.3%
300 years	0.3%	0.7%	1.7%	3.3%	8.0%	15.4%	28.3%
400 years	0.2%	0.5%	1.2%	2.5%	6.1%	11.8%	22.1%
500 years	0.2%	0.4%	1.0%	2.0%	4.9%	9.5%	18.1%
1000 years	0.1%	0.2%	0.5%	1.0%	2.5%	4.9%	9.5%

4 Data

4.1 Bathymetry

The bathymetric data for this study has been derived from several sources, namely:

1. Site specific survey data undertaken in June 2020 and provided by IMC (see **Appendix A**), which defines the Apollo Bay Harbour area; and
2. Victorian Coastal Nearshore Bathymetry (20m resolution), which defines the nearshore bathymetry; and
3. Victorian 1m coastal and topographic LiDAR data which defines the nearshore topography above mean sea level; and
4. Australian Bathymetry and Topography Grid (Geoscience Australia, 2009), which defines the bathymetry in deeper areas not covered by other survey information.

These data were combined to form a comprehensive Digital Elevation Model (DEM) of the study site and model area. The vertical datum of the DEM and SWAN wave model is referenced to metres Australian Height Datum (m AHD).

4.2 Water Levels

4.2.1 Tides

Tidal planes at Apollo Bay are presented to local chart datum (CD) in **Table 4-1** – CD is LAT at Apollo Bay. Note that daily differences in water level occur as a result of meteorological and oceanic processes. During a short period of data recordings taken in 2008 – 2009 for the Victorian coastal LADS surveys, about one year of data, a maximum water level at Apollo Bay of 2.31m CD was observed. This result may be taken as a good estimate of the 1-year ARI peak water level.

These tidal planes exclude projected sea level rise.

Table 4-1 Tidal Planes in the Study Area – Australian National Tide Tables (2021)

Tidal Plane	Abbreviation	Level (m CD)
Highest Astronomical Tide	HAT	2.3
Mean High Water Springs	MHWS	2.0
Mean High Water Neaps	MHWN	1.3
Mean Sea Level	MSL	1.22
Australian Height Datum	AHD	1.14
Mean Low Water Neaps	MLWN	1.1
Mean Low Water Springs	MLWS	0.4
Lowest Astronomical Tide	LAT	0.0

4.3 Waves and Winds

No recorded long-term wave data was available for this site; hence numerical wave modelling was required to develop nearshore operational and design wave conditions within the harbour from long term hindcast Southern Ocean wave data. To support this exercise, wave and wind data was available from different sources. These datasets comprised wind and wave time-series of long-term global hindcast model data (CSIRO CAWCR Reanalysis) of 42 years in length, and local wave buoy measurements near the Apollo Bay area. This wave buoy was deployed east of Apollo Bay Harbour and spanned approximately 1.2 years between October 2019 and January 2021. It was operated by Deakin University. The locations of the CSIRO and wave buoy data sets are shown on **Figure 4-1**.

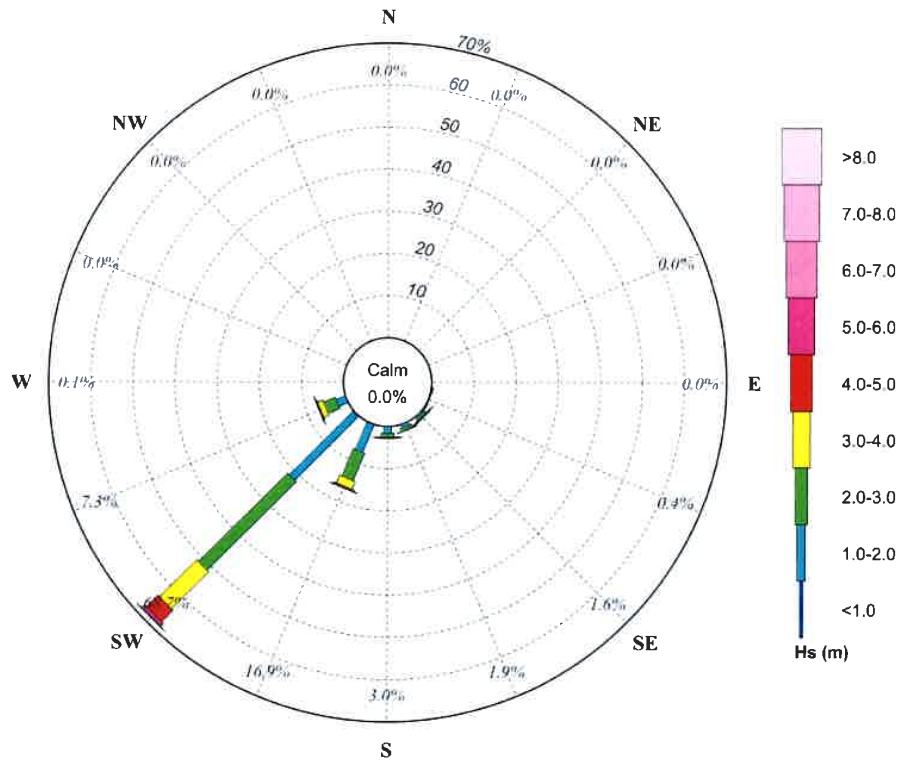


Figure 4-2 Annual Wave Rose at the Offshore Location based on CSIRO Hindcast Data

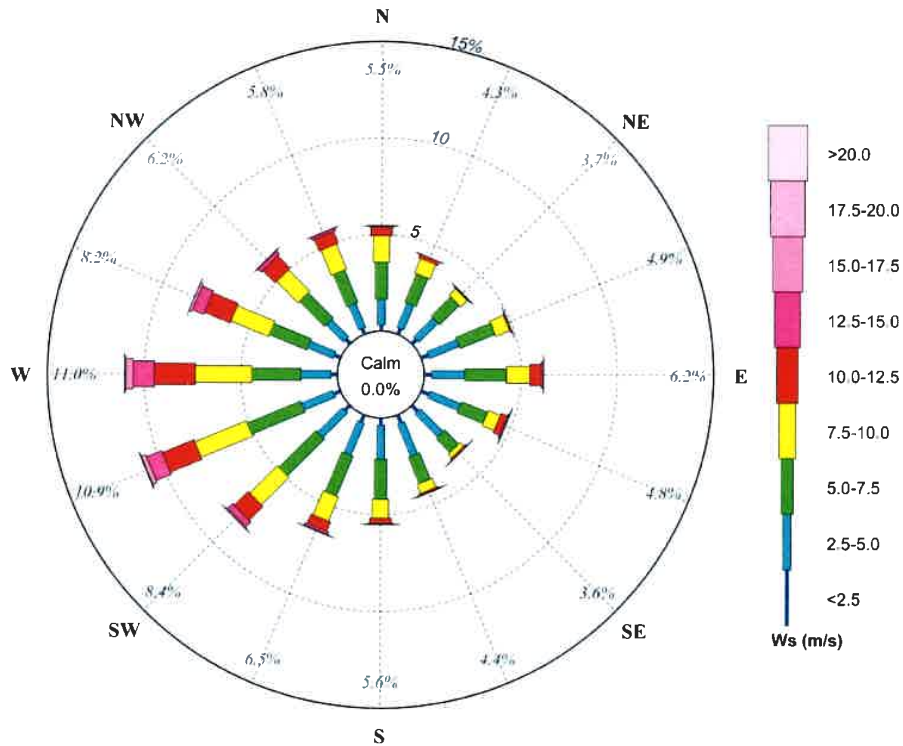


Figure 4-3 Annual Wind Rose at the Offshore Location based on CSIRO Hindcast Data

7 Harbour Wave Agitation Assessment

7.1 Model Setup

To estimate wave conditions in and around the harbour, the detailed phase resolving SWASH model was applied. **Figure 7-1** depicts the SWASH wave model grid and bathymetry developed for this investigation. The SWASH model set up consisted of a 2m resolution rectilinear grid extending 850m offshore (in the E-W direction) and alongshore (in the N-S direction).

Fully absorbing sponge layers were applied on the western and northern boundaries of the model. The harbour breakwaters have been included in the model's bathymetry and a porosity value of 0.6 has been mostly used to represent the armour layer. However, along the lee breakwater and within the harbour area a fully reflective structure or a porosity value of 0.45 has also been used to define the vertical screen wall or rock protection in front of the walls. A porosity value of 0.45 has also been used to include the revetments near the boat ramp area.

Figure 7-2 to **Figure 7-7** present photographic descriptions of the main and lee breakwaters. **Figure 7-8** provides a Nearmap image of the harbour on a day when waves can be seen reflecting from the wave screen. It shows that no, or very little, wave energy passes through the wave screen at the outer end of the lee breakwater system and enters the harbour area near the marina. However, wave energy can be seen diffracting into the port area near the marina. This section of wall has been modelled as impervious to waves, albeit no design details are available. It is understood, however, that it may be in a state of dis-repair, with some holes. Cardno understands that appropriate repair work will be undertaken.

Note, also, the complex seabed form of the harbour entrance, and which will affect the propagation of wave energy into the harbour.

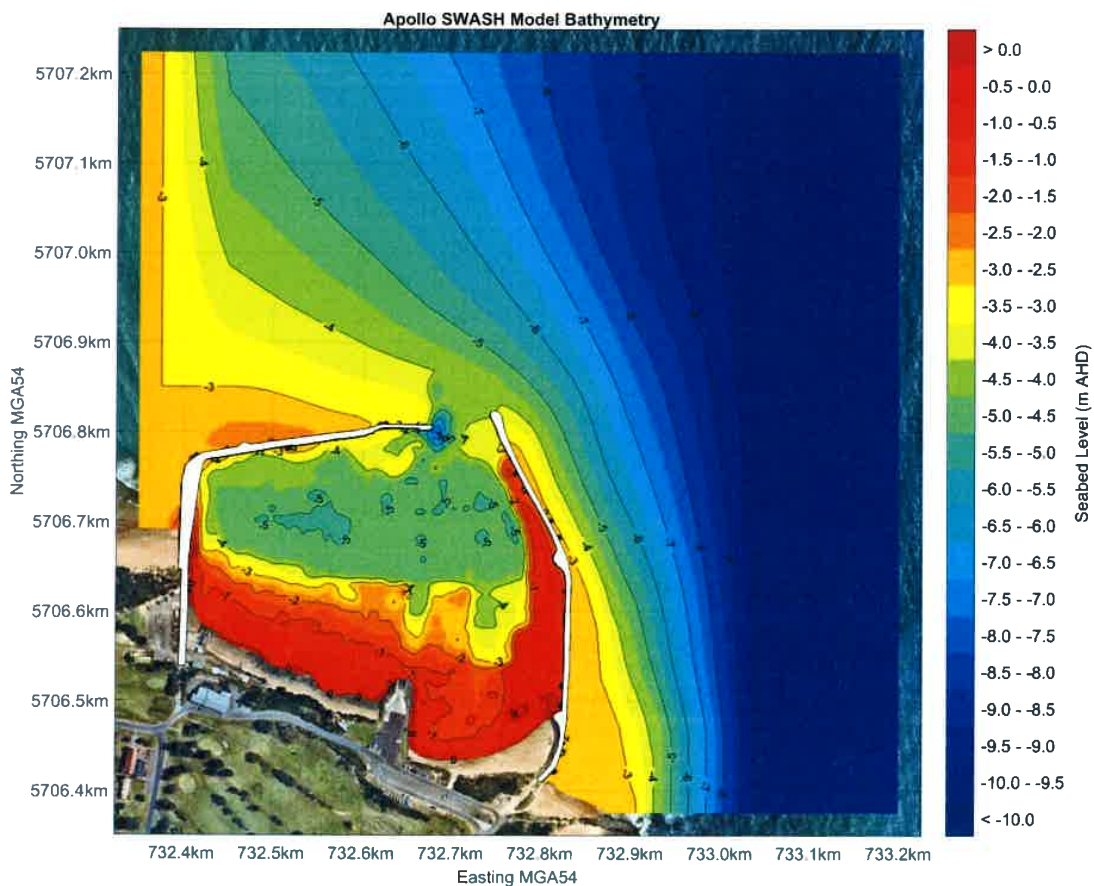


Figure 7-1 SWASH Model Extent and Bathymetry

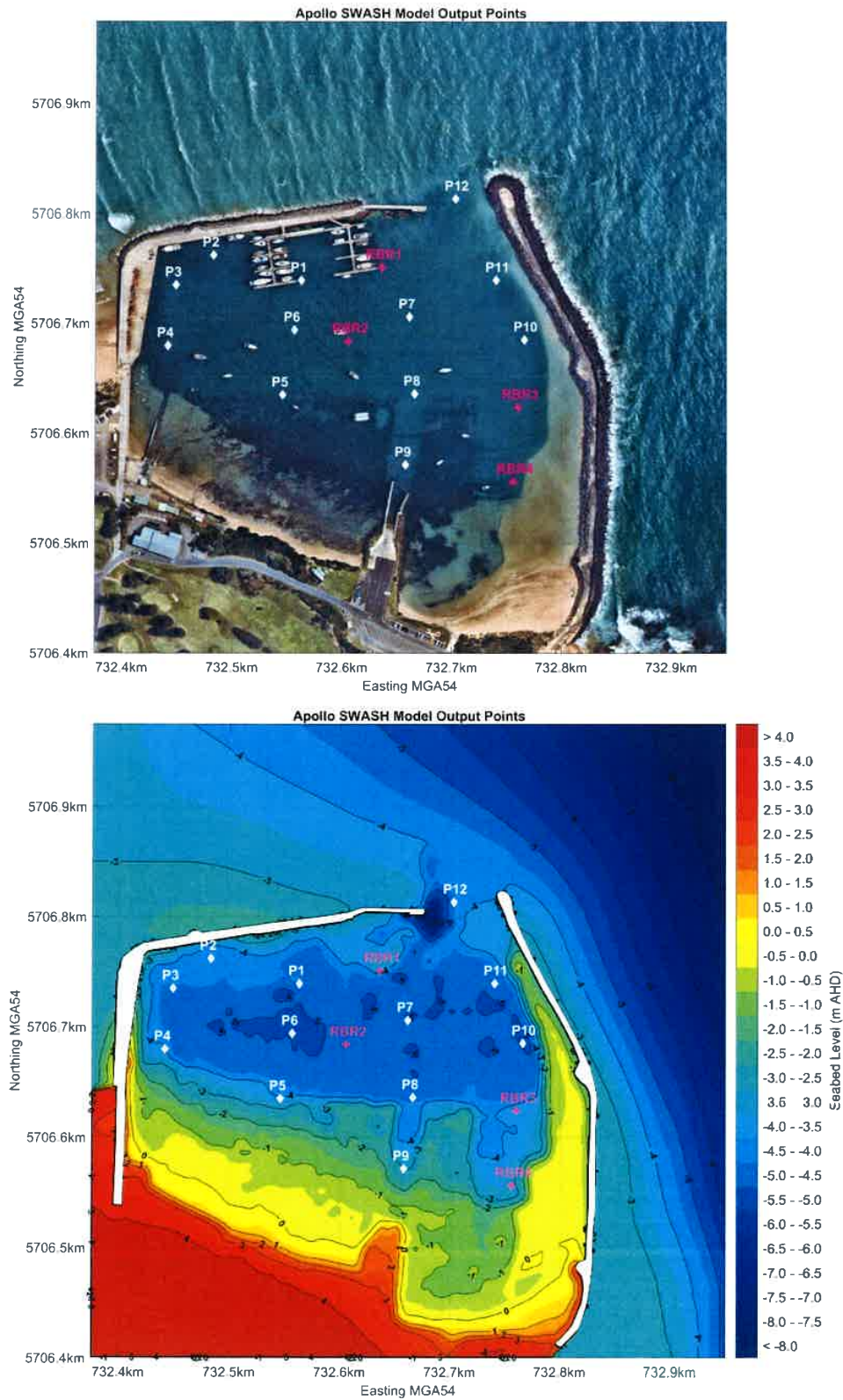


Figure 7-18 The Location of Extraction Points within the Apollo Bay Harbour selected for EVA Analysis

Table 7-3 Design Wave Conditions at P5 to P8 Locations - Existing

ARI (Years)	P5		P6		P7		P8	
	Hm0 (m)	Tp (s)	Hm0 (m)	Tp (s)	Hm0 (m)	Tp (s)	Hm0 (m)	Tp (s)
1	0.21	13.7	0.23	13.8	0.33	12.9	0.25	12.5
2	0.24	13.1	0.26	13.6	0.38	12.6	0.28	12.7
5	0.27	12.6	0.29	13.4	0.42	12.3	0.31	12.8
10	0.29	12.3	0.31	13.3	0.45	12.1	0.33	12.8
20	0.30	12.0	0.32	13.2	0.47	12.0	0.34	12.9
25	0.30	12.0	0.33	13.1	0.47	11.9	0.35	12.9
50	0.32	11.7	0.34	13.0	0.49	11.8	0.36	13.0
100	0.33	11.5	0.35	12.9	0.51	11.6	0.37	13.0
200	0.34	11.3	0.36	12.8	0.53	11.5	0.39	13.1

Table 7-4 Design Wave Conditions at P9 to P12 Locations - Existing

ARI (Years)	P9		P10		P11		P12	
	Hm0 (m)	Tp (s)	Hm0 (m)	Tp (s)	Hm0 (m)	Tp (s)	Hm0 (m)	Tp (s)
1	0.17	14.1	0.13	14.9	0.21	14.3	0.84	12.5
2	0.19	14.8	0.15	15.9	0.24	15.7	0.95	12.6
5	0.21	15.4	0.17	16.6	0.26	16.8	1.04	12.6
10	0.22	15.7	0.18	17.1	0.28	17.5	1.09	12.6
20	0.23	16.1	0.19	17.5	0.29	18.1	1.14	12.7
25	0.23	16.2	0.19	17.6	0.30	18.3	1.16	12.7
50	0.24	16.5	0.20	17.9	0.31	18.9	1.21	12.7
100	0.25	16.7	0.20	18.3	0.32	19.4	1.25	12.7
200	0.26	17.0	0.21	18.6	0.33	19.9	1.29	12.7

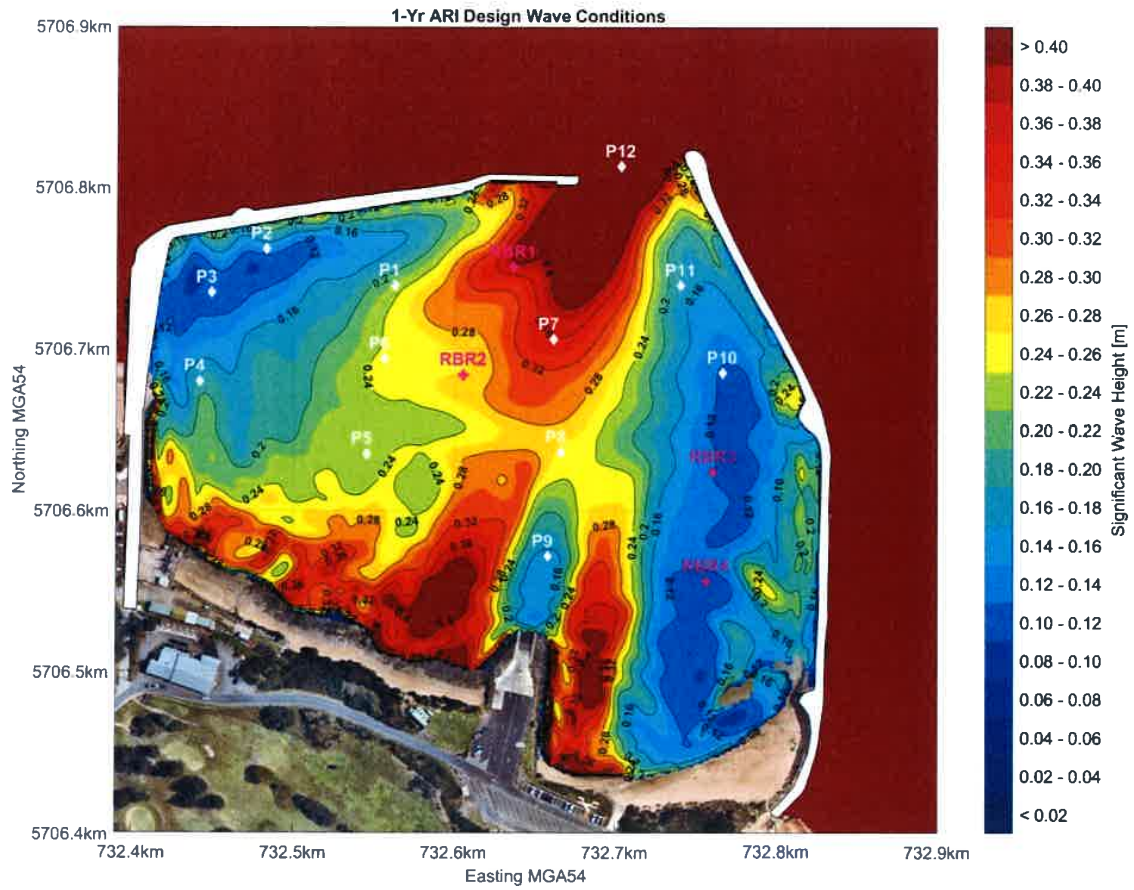


Figure 7-24 Indicative Map of 1-Year ARI Peak Event Wave Heights - Existing

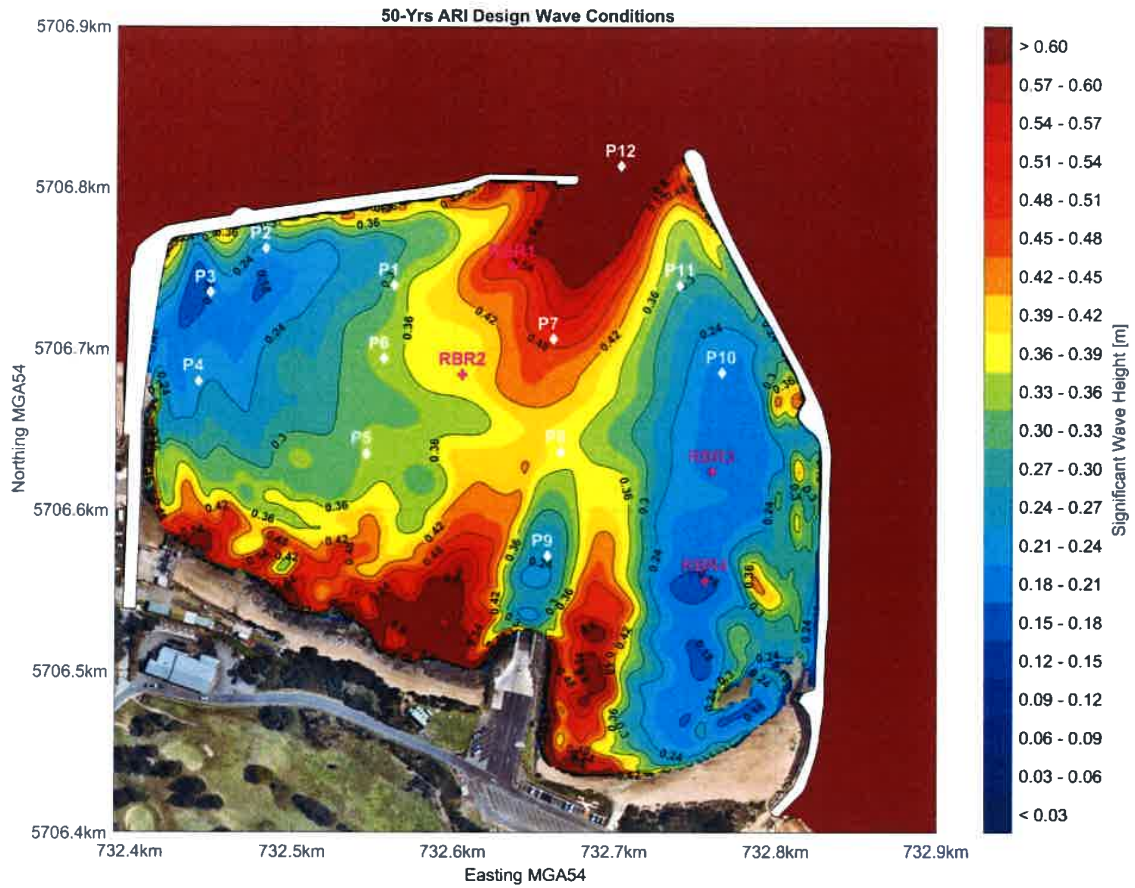
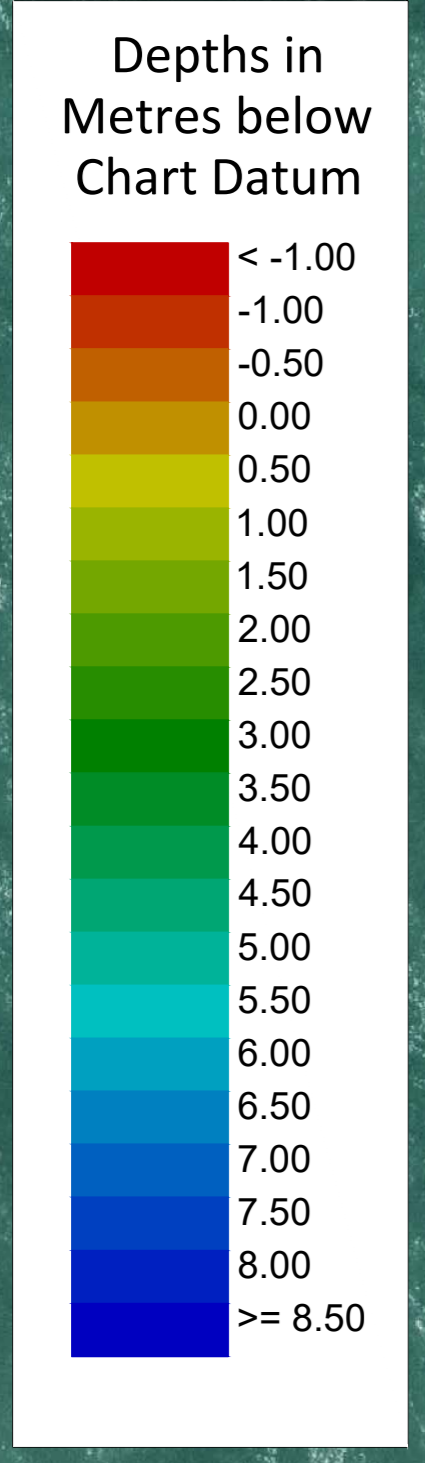


Figure 7-25 Indicative Map of 50-Years ARI Peak Event Wave Heights - Existing

ATTACHMENT 2

Total Hydrographic Survey 8 July 2021



SURVEY NOTES
 Hydrographic Survey was performed to the following uncertainties:
 Total Horizontal Uncertainty +/- 0.50m
 Total Vertical Uncertainty +/- 0.23m
 Revision Number: Version 1.0 - 20/07/2021
 Refer to Survey Report: [Report of Survey.pdf](#)

SOUNDING SELECTION
 Shoal Bias selection from unthinned survey data set, using a 7.5 metre radius of influence for sounding selection

CONTOUR GENERATION:
 Contours generated from a 0.50 metre shoal bias surface, contours set at 0.50 metre intervals.

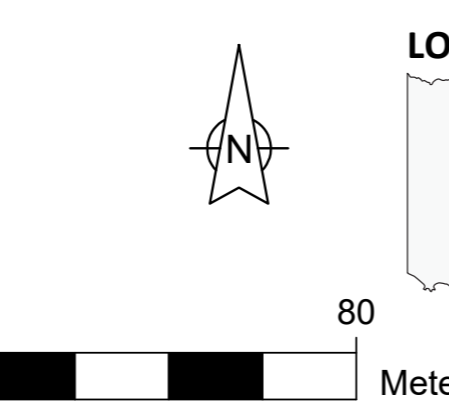
EQUIPMENT
 SURVEY EQUIPMENT
 North Winghead 1778 with integrated POSMV
 OceanMaster
 Leica GS14 RTK GNSS

ACQUISITION AND PROCESSING
 Hypack 2021

VESSEL
 Total 2 - 4.0m Monohull

DATUMS
 HORIZONTAL DATUM:
 Datum - GDA 2020
 Projection - MGA Zone 54

VERTICAL DATUM:
 Chart Datum (1.14m below AHD)



LEGEND

2: Depth in Metres below Chart Datum
 1: Depth in Metres above Chart Datum

COLAC OTWAY SHIRE APOLLO BAY SAFE HARBOUR 2021 HYDROGRAPHIC SURVEY			
PROJECT NAME CLOT0003	DATE SURVEYED 08/07/2021	SURVEYED T.WILLIAMS	DATE DRAWN 20/07/2021
SHEET NUMBER 1 OF 1		SUPERVISING SURVEYOR: T. WILLIAMS - CERTIFIED PROFESSIONAL HYDROGRAPHIC SURVEYOR (CPHS1)	DRAWN BY T. WILLIAMS
		CLIENT: COLAC OTWAY SHIRE	

APPLICATION FOR CONSENT OF MARINE AND COASTAL CROWN LAND

Barwon South West Region


Application form for use and development consent on marine and coastal Crown land under the Marine and Coastal Act 2018

Proposal Title:	Port of Apollo Bay- Boat Ramp Facilities Improvement Project	
Submission date:	15/12/21	
Location:	Crown Allotment: 23A Section: 2 Parish/Township: Krambruk Port of Apollo Bay, 1 Trafalgar Street APOLLO BAY VIC 3233 Apollo Bay. Coastal Reserve. Aerial map depicting location of proposal is attached (Attachment 1).	
Applicant name:	Port of Apollo Bay, Colac Otway Shire	
Applicant contact details:	(03) 5232 9475 0448 423 192 Simon.mcbeth@colacotway.vic.gov.au Port of Apollo Bay Colac Otway Shire 1 Breakwater Road Apollo Bay VIC 3233	
Land manager:	Colac Otway Shire Council.	
Summary of risk assessment:	The risk of proceeding with this proposal has been assessed as low . The rationale for this risk assessment outcome is as follows: <ul style="list-style-type: none"> - The project is an enhancement to an existing facility - This project is minimal impact. The project involves installing small scale boating infrastructure (6 x piles and 2 x floating pontoons) - This project is consistent with many similar facilities across the state and globally. There are no known adverse environmental impacts of installing these structures in any established harbours with suitable supporting infrastructure. - As the project works are all inside the harbour, outside the natural stream for sediment transport, there will be no impact on existing coastal processes, such as sand movement and beach erosion. 	




APPLICATION FOR CONSENT OF MARINE AND COASTAL CROWN LAND

PROPOSAL DESCRIPTION	
Brief description of proposal:	<p>The proposal is to replace the existing floating pontoon and timber jetty at the Port of Apollo Bay Boat Ramp with two new floating pontoons.</p> <p>These pontoons would be 66m long (western) and 54m long (eastern) and would be 2.6m wide. See Attachment 2 for the feasibility study and concept design.</p> <p>The current infrastructure consists of a timber deck on the eastern side and a smaller floating plastic pontoon on the western side. The timber deck is in poor condition and with a deck height well above typical water levels, is not considered useable for boat ramp activities.</p> <p>The access from the deck down to a vessel is via fixed ladders (refer Photo 6 of attachment 1) which is a significant safety concern.</p> <p>The existing floating pontoon and access gangway on the western side of the ramp has a number of issues. The access gangway is of light construction to the extent that it does not (structurally) comply with code required design loadings. The pontoon itself is a very light hollow plastic float system that is overly lively for the public to walk on.</p> <p>Piles securing the pontoon are inadequate (to the extent that one appears to have already failed and is missing).</p> <p>This proposal will address these safety and usability problems. The new pontoons will provide a safe, compliant and fit for purpose boating facility to meet the needs of the community and Port stakeholders.</p> <p>The new pontoons will be all abilities accessible and compliant with all relevant safety and marine structure standards and legislation.</p> <p>The new pontoons will be a significant enhancement of an existing recreational boating facility and will provide a much safer, more functional modern boating facility, whilst reducing safety risk and improving access for all parts of the community.</p> <p>COS is seeking a 10 year consent for these works.</p>
Cost and fund source:	<p>The total cost of the project is \$905,850 and is fully funded.</p> <p>A grant of \$800,000 was awarded to the Port from Better Boat (Victorian Fisheries Authority) to fund the project (letter of commitment received, funding agreement being drafted).</p> <p>The remaining costs will be in-kind contribution from the Port (COS).</p>
Who is responsible for ongoing maintenance of the use/development, and is this funded?	<p>Colac Otway Shire Council, as Port Manager and Land manager, is responsible for the maintenance of all Port infrastructure, including the boat ramp and floating and fixed marine infrastructure.</p>
When is the use/development proposed to occur?	<p>The project will be delivered in 2022 (calendar year).</p> <p>The exact timing of the project delivery is subject to commercial contractor availability and will be determined when commercial market offers are assessed. This is scheduled to occur in February 2021.</p> <p>To avoid conflict with users, the peak holiday periods of summer school holiday and Easter school holidays will not be utilised for construction works.</p>



APPLICATION FOR CONSENT OF MARINE AND COASTAL CROWN LAND

Date of DELWP site visit:	TBA by DELWP
Rationale:	<p>The existing boating facilities at the site are not fit for purpose or compliant with current standards. The existing facilities are also not all abilities accessible and are not meeting needs of recreational boat users.</p> <p>The current infrastructure consists of a timber deck on the eastern side and a smaller floating plastic pontoon on the western side. The timber deck is in poor condition and with a deck height well above typical water levels, is not considered useable for boat ramp activities.</p> <p>The access from the deck down to a vessel is via fixed ladders (refer Photo 6 of attachment 1) which is a significant safety concern.</p> <p>The existing floating pontoon and access gangway on the western side of the ramp has a number of issues. The access gangway is of light construction to the extent that it does not (structurally) comply with code required design loadings. The pontoon itself is a very light hollow plastic float system that is overly lively for the public to walk on.</p> <p>Piles securing the pontoon are inadequate (to the extent that one appears to have already failed and is missing).</p> <p>This proposal will address these safety and usability problems. The new pontoons will provide a safe, compliant and fit for purpose boating facility to meet the needs of the community and Port stakeholders.</p> <p>The new pontoons will be all abilities accessible and compliant with all relevant safety and marine structure standards and legislation.</p> <p>The new pontoons will be a significant enhancement of an existing recreational boating facility and will provide a much safer, more functional modern boating facility, whilst reducing safety risk and improving access for all parts of the community.</p>
How is this project consistent with the Marine and Coastal Policy 2020?	<p>This project is consistent with The United Nations Sustainable Development Goals of the policy, specifically;</p> <ul style="list-style-type: none"> - Access to the marine and coastal environment is safe for the public, with facilities located to protect environmental and cultural values. → Buildings and structures exhibit excellence in siting and design and minimise impacts on the environment. - Buildings and structures on marine and coastal Crown land have a functional need to be near or in the water and provide significant public benefit - Growth of coastal settlement is ecologically, socially and economically sustainable. - The marine and coastal environment hosts a diverse range of uses and experiences strategically located to be safe and sustainable now and in the future. <p>The project is also consistent with objective (f) of the policy, “promote the ecologically sustainable use and development of the marine and coastal environment and its resources in appropriate areas”</p> <p>Chapter 6 of the policy relates to Climate change. The design for these works are in accordance with AS4997, “Guidelines for the design of maritime structures”. Section 4.6 of this standard deals with design for climate change and projected sea level rise.</p> <p>Also incorporated to the design, was the sea level rise predicted in the CSIRO’s 2008 report on “The effects of climate change on extreme sea levels along the Victorian Coastline” (section 3 and 4).</p> <p>Chapter 7 – of the policy relates to emergency response and preparedness. As the only safe harbour between Port Phillip Heads and Port Fairy, the Port plays a vital role in the states marine emergency response and preparedness. The Port is home to the Apollo Bay Marine</p>




APPLICATION FOR CONSENT OF MARINE AND COASTAL CROWN LAND

	<p>Sea Rescue vessel and has a trained and equipped team to deal with hydrocarbon spill events. This proposed facility will provide significantly increased access to the boat ramp for the Apollo Bay Sea Rescue vessel and the emergency services. The vessel cannot access the boat ramp with the current facilities.</p> <p>Chapter 9 of the policy pertains to marine and coastal industries. The industries that apply here at the Port are various commercial fishing industries and tourism based boat and charter activities. The Port is essential to support and facilitate these industries.</p> <p>The context of Recreation and Tourism is addressed in Chapter 10 of the policy.</p> <p>The Port hosts and facilitates a number of community based clubs and organisations, such as the Apollo Bay Sailing Club, as well as a diverse range of recreational and tourism based activities,</p> <p>Under the Victorian Coastal Strategy 2014 (VCS) and the Western Victoria Boating Coastal Action Plan (2010), Apollo Bay Boat Harbour is identified as a designated “Regional Boating Facility”.</p> <p>This project will repair and secure the critical infrastructure required to continue to support these clubs, groups and activities.</p> <p>The Marine Spatial Planning Framework, as addressed in Chapter 14 of the policy refers to the multiple users and beneficiaries of the marine environment’s values and resources. Spaces have been designated under this framework for human activities, which include fishing and boating. The Port is located in such a designated space, a Coastal Recreation Zone. The aim of this project is consistent with this planning framework.</p> <p>Chapter 11 relates to buildings, structures and access. This project will provide a modern, fit for purpose boating facility that is compliant with all relevant Australian standards and guidelines. It will also improve access to the site for a broader range of the community, including all abilities access. As such, this project is highly consistent with this section of the policy.</p>
<p>How is this project consistent with the Victorian Coastal Strategy 2014?</p>	<p>Local ports are addressed in section 2.3 of the Victorian Coastal Strategy. Under the policy facilities at ports should be managed to address safety and environmental risks and vulnerability in a changing climate. The project is consistent with this policy.</p> <p>Under the Strategy and the Western Victoria Boating Coastal Action Plan (2010), Apollo Bay Boat Harbour is identified as a designated “Regional Boating Facility”.</p> <p>Section 3.4 of the addresses boating and water based activities, and section 3.5 addresses recreational fishing. This proposal contributes toward the desired outcomes stated in these sections and is consistent with the policy for decision making.</p> <p>Other policies are supported under section 3.2, which relates to visitation and tourism and section 3.4, boating and water-based activities.</p> <p>In the context of the Victorian Coastal Strategy, the proposed project is highly appropriate.</p>
<p>How does the project adhere to the objectives of the Marine and Coastal Act 2018?</p>	<p>The project directly adheres to several of the objectives as set out in Section 7 of the Act as follow:</p> <p>(b) to promote the resilience of marine and coastal ecosystems, communities and assets to climate change</p> <p>Project is focused on increasing resilience of the asset and extending the asset life.</p> <p><u>(e) To promote a diversity of experiences in the marine and coastal environment.</u></p> <p>Diversity of use and experiences at the Port of Apollo Bay is enhanced by this boating infrastructure. These vessels that are used for commercial fishing, recreational fishing,</p>



APPLICATION FOR CONSENT OF MARINE AND COASTAL CROWN LAND

	<p>research and ocean rescue would be unable to operate if this infrastructure was not in place. The closest safe harbour from the Port is at Queenscliff, 55 Nm by sea from Apollo Bay.</p> <p>This new facility will enable all abilities access.</p> <p><u>(f) To promote the ecologically sustainable use and development of the marine and coastal environment and its resources in appropriate areas.</u></p> <p>The sustainable use and development of the Port requires infrastructure to be in place in a safe and functional state of repair. The existing facilities at the port support both commercial and recreational activities and a multitude of other community, recreation and tourism based activities. The port operates under a SEMP (Safety and environmental management plan), a legislative obligation and an assurance that all operations are performed so as to ensure best practice environmental management. This facility upgrade will increase functionality and usability of these facilities in an ecologically sound manner.</p>
<p>How does the project adhere to the guiding principles of the <i>Marine and Coastal Act 2018</i>?</p>	<p><u>Integrated coastal zone management</u></p> <p>Under this principle, the project will address existing and relevant industry sector and user groups of the marine and coastal environment, that of a working port. The facility will enhance recreational and tourism opportunities and uses. The implementation of this important project will take into account continuation of long and short term social and economic benefits, direct and indirect, to the town of Apollo Bay.</p> <p><u>Ecosystem-based management</u></p> <p>N/A This project is to upgrade an existing boating facility.</p> <p><u>Ecologically Sustainable Development</u></p> <p>The sustainable use and development of the Port requires infrastructure to be in place in a safe and functional state of repair. The existing boating facilities at the port support both commercial and recreational activities and a multitude of other community, recreation and tourism based activities including sailing and land based fishing. The port operates under a SEMP (Safety and environmental management plan), a legislative obligation and an assurance that all operations are performed so as to ensure best practice environmental management.</p> <p><u>Evidence-based decision-making</u></p> <p>A feasibility study was conducted for this project. This study included:</p> <ul style="list-style-type: none"> - Wave study and modelling - Bathymetry assessment and hydrographic survey - Geotechnical investigation <p><u>Precautionary Principle</u></p> <p>This project is minimal impact. The project involves installing boating infrastructure (piles and floating pontoons) that is already in existence in multiple locations inside the harbour and in thousands of locations across the world. There are no known adverse environmental impacts of installing these structures in any established harbours with suitable supporting infrastructure. The project is consistent with the precautionary principle.</p> <p><u>Proportionate and risk-based principle</u></p> <p>Risks associated with this proposal are minimal and negligible. The project is consistent with the proportionate and risk based principle.</p> <p><u>Adaptive management</u></p> <p>This project is consistent with many similar facilities across the state and globally. There are no known adverse environmental impacts of installing these structures in any established</p>



APPLICATION FOR CONSENT OF MARINE AND COASTAL CROWN LAND

	<p>harbours with suitable supporting infrastructure. Therefore, the proposal is consistent with the principles of adaptive management.</p> <p><u>Summary:</u> The proposed project adheres to the guiding principles of the Marine and Coastal Act 2018.</p>
<p>Where is the project reflected in local strategies/policies?</p>	<p>The Port is a central to the function and character of the town of Apollo Bay, and plays an essential role in the states marine infrastructure network. The Port is a vital recreational and tourism asset for the community, of which the boat ramp and associated facilities plays a key role.</p> <p>The improvements to the boat ramp facilities are featured in the following local strategies and policies;</p> <ul style="list-style-type: none"> - Harbour Development Plan (ABHDP) 2020 - Under the Victorian Coastal Strategy 2014 - Western Victorian Boating Coastal Action Plan (2010) - Victorian Recreational Boating Strategy (draft) 2021 - COS Council Plan 2017-2021 - Community infrastructure Plan, Marengo to Skenes Creek (draft) 2020
<p>What are the Long-term and short-term environmental, social and economic impacts?</p>	<p>The impacts of the project will be as follows;</p> <p>Environmental- The construction project manager will develop a Construction Environmental Management Plan (CEMP) to address and manage all environmental impact and risks for the project. This will be submitted to the DELWP program manager prior to works commencing.</p> <p>The contractor will be required to provide the Port Manager with a vessel biofoul management plan, to ensure that any risk of translocating marine pests through vessel movements into and out of the Port is mitigated. These plans must be approved by Port Manager prior to any vessels coming into Port Waters.</p> <p>There will be short term localised turbidity in the waters surrounding the pile driving locations.</p> <p>However, turbidity monitoring at the Port over 70 years of dredging, has shown that increased turbidity through dredging spoil dispersal and sea bed disturbance, dissipates within 48 hrs. There are no long term effects of this turbidity.</p> <p>Sediments in the area have been tested and are within acceptable limits as per the <i>National Assessment Guidelines for Dredging 2009 (see attachment 8)</i>.</p> <p>As the project works are all inside the harbour, outside the natural stream for sediment transport, there will be no impact on existing coastal processes, such as sand movement and beach erosion.</p> <p>Social- There will be short term social impact through restricted public access to the facility during construction. This will be managed through the project’s community engagement and communication strategy.</p> <p>These impact will be minimised by preventing construction works during the period of 23rd December to 1st February and through the Easter school holiday period, to avoid high use periods.</p> <p>The most significant social impact will be social benefits associated with increased community access to an enhanced recreational community boating facility. The upgraded</p>



APPLICATION FOR CONSENT OF MARINE AND COASTAL CROWN LAND

	<p>facility will provide improved access to the ramp facility, including all abilities access. The facility will facilitate community recreational including sailing, boating and fishing.</p> <p>Economic- The Port contributes \$43 million annually to the region’s economy.</p> <p>The enhanced recreational boating facility will encourage further use of the facility and visitation. Such visitation has significant economic benefit through direct spending in the town economy.</p>
<p>How has this project considered climate change and projected sea level rise (0.8m by 2100) as well as possible erosion and climate change scenarios?</p>	<p>The designs were completed in accordance with AS4997, “Guidelines for the design of maritime structures”. Section 4.6 of this standard deals with design for climate change and projected sea level rise.</p> <p>Also incorporated into the design, was the sea level rise predicted in the CSIRO’s 2008 report on “The effects of climate change on extreme sea levels along the Victorian Coastline” (section 3 and 4).</p>



APPLICATION FOR CONSENT OF MARINE AND COASTAL CROWN LAND

CONSULTATION	
<p>Outline of community consultation undertaken/planned:</p>	<p>The Port of Apollo Bay Consultative Committee (POABCC) has been consulted on the project since May 2021.</p> <p>Project updates have been provided and the project discussed at each meeting since May 2021.</p> <p>The POABCC is the Port’s formal consultative body and has representation from the following stakeholder groups:</p> <ul style="list-style-type: none"> - commercial fishers - recreational anglers - Apollo Bay Sailing Club - Apollo Bay Fishermen’s Co-op - Otway Coastal Committee - COS councillors - Apollo Bay Ocean Rescue - Community representatives x 2 <p>Letters of support have been received from the community members, sailing club and Emergency Management Victoria (EMV).</p> <p>Once the contract has been awarded and we have a construction schedule to inform the project program, a community engagement and communications strategy will be developed.</p>
<p>Does this project require a CHMP? (link to guidance material on cultural heritage)</p>	<p>No. Under regulation 21 of the Aboriginal Heritage Regulations 2018, the activity is exempt as a development of the sea bed.</p>
<p>Does this project require a permit from Heritage Victoria?</p>	<p>No. Please see advice from COS planning (Attachment 3)</p>
<p>Does this project require a planning permit?</p>	<p>No. Please see advice from COS planning (Attachment 3)</p>
<p>Did this project require the notification of a Future Act under the Native Title Act 1993 and if so, what was the outcome?</p>	<p>No.</p>

This document is to be read with reference to the following attachments:

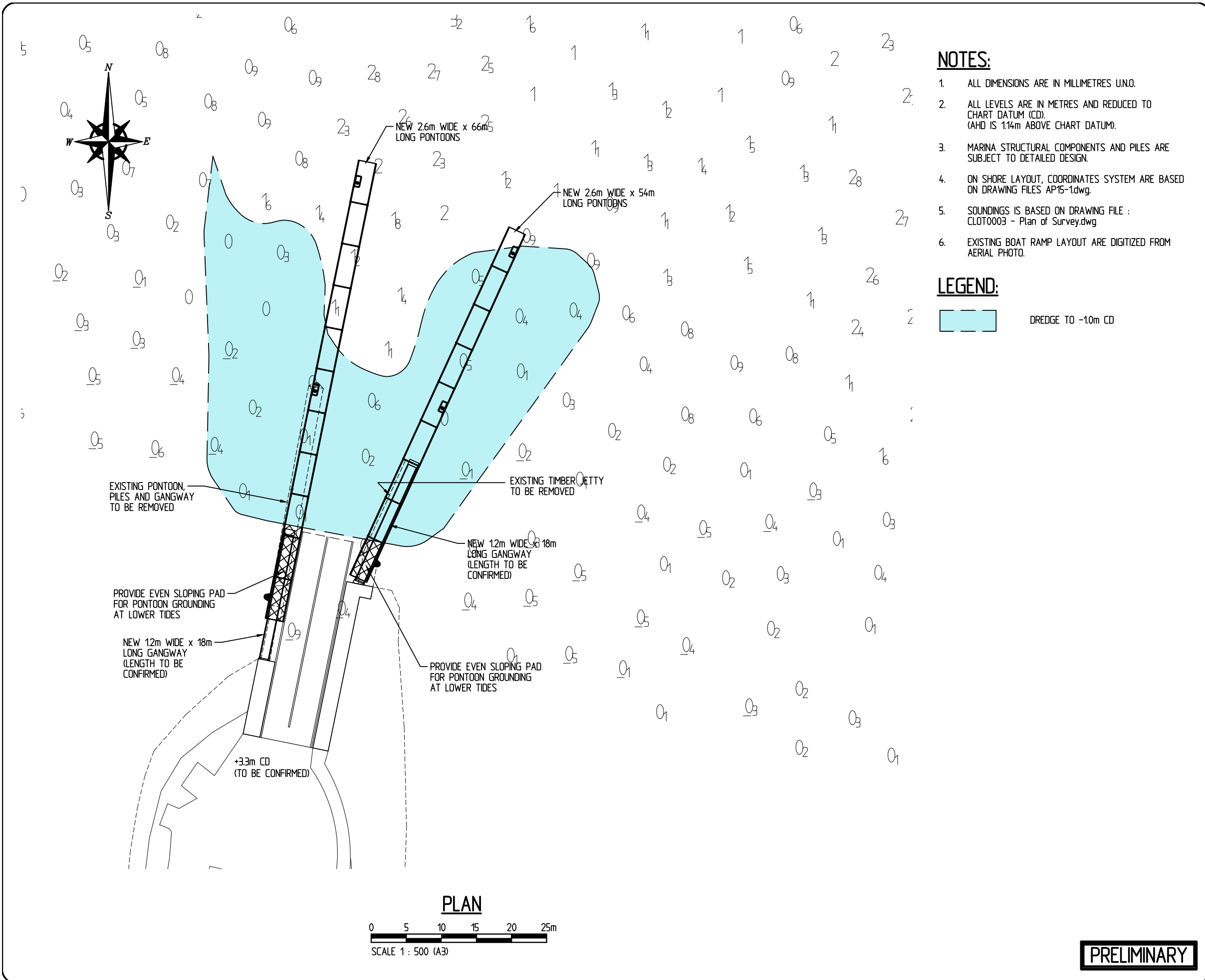
Attachment 1 Aerial map depicting location of proposal

Attachment 2 Feasibility Study and Concept Design



APPLICATION FOR CONSENT OF MARINE AND COASTAL CROWN LAND

Attachment 3 COS Planning Advice



NOTES:

1. ALL DIMENSIONS ARE IN MILLIMETRES U.N.O.
2. ALL LEVELS ARE IN METRES AND REDUCED TO CHART DATUM (CD). (AHD IS 1.14m ABOVE CHART DATUM).
3. MARINA STRUCTURAL COMPONENTS AND PILES ARE SUBJECT TO DETAILED DESIGN.
4. ON SHORE LAYOUT, COORDINATES SYSTEM ARE BASED ON DRAWING FILES AP15-1.dwg.
5. SOUNDINGS IS BASED ON DRAWING FILE : CLOT0003 - Plan of Survey.dwg
6. EXISTING BOAT RAMP LAYOUT ARE DIGITIZED FROM AERIAL PHOTO.

LEGEND:

DREDGE TO -1.0m CD

B 1/09/21 SPONDING LAYOUT UPDATED, DREDGING AREA REVISED
 A 10/08/21 DRAWING SCALE CHANGED, GANGWAY LENGTH INCREASED, DREDGING AREA ADDED

Revisions

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International Marina Consultants

Consultants to the Marina Industry.

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CLIENT:

BELLINGHAM MARINE AUSTRALIA

PROJECT:

APOLLO BAY MARINA EXPANSION

TITLE:

BOAT RAMP PONTOON RECONFIGURATION LAYOUT

Date: 17/05/2021

Drawing No.: 5898-03/B

Scale: AS SHOWN

Drawn By: J.C. Checked By:

Approved By:

PRELIMINARY

Item: 10.4

Draft Committees Policy

OFFICER	Lyndal McLean
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Council Committees - Draft Policy - March 2022 [10.4.1 - 8 pages]

1. PURPOSE

To endorse the draft Committees Policy (attached) for the purpose of public consultation.

2. EXECUTIVE SUMMARY

It is intended that the draft Committees Policy, once adopted, will replace the four existing policies on Council committees.

The draft Committees Policy (attached) has been developed to provide a clear and concise framework on committee types, how they are established, operated and reviewed.

It is recommended that the draft Committees Policy be out for community consultation for a period of six weeks.

3. RECOMMENDATION

That Council:

- 1. Endorses the Committees Policy (as Attachment 1) for the purpose of public consultation.***
- 2. Determines that the public consultation shall be no less than six-weeks from the public notice.***
- 3. Considers any written submissions prior to the adoption of the final Committees Policy at a future Council meeting.***
- 4. Resolves to adopt the Committees Policy (as Attachment 1), where no submissions are received and revoke the following policies, without further resolution of Council:***

- **18.8 Council Committees Policy**
- **18.11 Community Reference Group Membership Policy**
- **15.1 Committees of Management of Drainage Systems**
- **15.2 Section 86 Committees Policy.**

4. KEY INFORMATION

There are currently four Council policies (listed below) that provide direction for various Council committees.

- 18.8 Council Committees Policy
- 18.11 Community Reference Group Membership Policy
- 15.1 Committees of Management of Drainage Systems
- 15.2 Section 86 Committees Policy.

Some of the committees referred to in the policies are no longer relevant due to the implementation of the *Local Government Act 2020*.

There is a need for one policy to provide clear and concise direction regarding the function, establishment and operation of various Council committees. It is recommended the above policies be revoked when the draft Committees Policy is adopted at a future Council meeting.

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

Endorsing the Committees Policy for the purpose of public consultation relates to the following Governance Principles:

- the municipal community is to be engaged in strategic planning and strategic decision making.
- priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- innovation and continuous improvement is to be pursued.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

The Committees Policy has been developed in line with the requirements of the *Local Government Act 2020*.

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

No impact.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

It is recommended that the draft Committees Policy be out for community consultation for a period of six weeks. Following the community engagement period and prior to presenting the policy to Council for adoption, the feedback will be analysed and incorporated into the draft policy, as required.

Public Transparency (s58 LGA 2020)

The community consultation period and submission of feedback for the draft Committees Policy will be promoted on the 'Have Your Say' section of Council's website and through Council's regular print and digital communications channels.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

Financial Management (s101 Local Government Act 2020)

Not applicable.

Service Performance (s106 Local Government Act 2020)

The Committees Policy will provide a clear framework for the establishment and operation of committees at Colac Otway Shire. This will enable a consistent and equitable approach to committees.

Risk Assessment

Not applicable.

Communication/Implementation

Following the community consultation period, the submissions will be analysed and the policy amended as required. The Committees Policy will be presented to a future Council meeting for adoption.

Human Rights Charter

No impact.

Officer General or Material Interest

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

Options

Option 1 – Endorses the Committees Policy for the purpose of community consultation.

This option is recommended by officers as it provides an opportunity for members of the community to provide feedback on the draft Committees Policy.

Option 2 – Does not endorse the Committees Policy for the purpose of community consultation

This option is not recommended by officers as the community would not be provided with an opportunity to provide feedback on the draft Committees Policy.



Council Policy

POLICY NUMBER XX COUNCIL COMMITTEES

PURPOSE

To provide a framework for:

- Assessing, establishing, managing and reviewing Committees formed by Colac Otway Shire.
- Representation on external Committees and appointment.

SCOPE

This policy:

- Sets out the framework and arrangement of committees across Colac Otway Shire Council.
- Defines the requirements for committees established by Council.
- Defines the requirements for appointing Councillors to committees (both internal and external).

DEFINITIONS

Agenda	An agenda sets out the items to be discussed at a meeting.
CEO	Chief Executive Officer
Delegated Committee	A committee established by a Council under section 63 of the <i>Local Government Act 2020</i> or, a joint delegated committee established by two or more Councils under section 64, or a committee, other than a Community Asset Committee, exercising any power of a Council under this Act or any other Act delegated to the committee under this Act or any other Act.
Community Asset Committee	Means a Community Asset Committee established by a Council under section 65 of the <i>Local Government Act 2020</i> .
Audit and Risk Committee	Means the Audit and Risk Committee established by a Council under section 53 of the <i>Local Government Act 2020</i> .
Advisory Committee	Means any committee established by the Council, other than a delegated committee, that provides advice to the Council; or a delegated committee; or a member of Council staff who has been delegated a power, duty or function of the Council under section 47 of the <i>Local Government Act 2020</i> .

Uncontrolled when printed

CM reference		Date of adoption	
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Specific Purpose Committee	Means any committee created for a discrete and specific purpose to review an issue or undertake a project and report back to Council or Chief Executive Officer. This type of committee may also facilitate networking among the membership on a subject of mutual benefit.
Non-discretionary Committee	Means any committee created to comply with a statutory obligation.
Committee of Management	Means a committee where council has been appointed under the <i>Crown Land (Reserves) Act 1978</i> to manage a reserve on behalf of the Minister.
External Committees	Means a committee established by another entity (not Council).
Committee Member	A person appointed to a committee. A committee member could be a Councillor, community member, an organisational representative or an officer (or a combination of these).
Crown Land Reserve	Public land that has been set aside for public purposes for the enjoyment and benefit of the people of Victoria under the <i>Crown Land (Reserves) Act 1978</i> .
Instrument of Delegation	An instrument, in writing, which delegates certain powers and duties and any restrictions, conditions or exceptions entrusted to a delegate by a delegator.
Minutes	Minutes are a written record of what happened at a meeting.
Terms of Reference	Terms of reference provide a framework within which a committee operates. Included in the Terms of Reference is information about the purpose and objectives of the committee, appointment of members, meeting frequency, minutes, voting and reporting requirements.

REFERENCES

Local Government Act 2020
Crown Land (Reserves) Act 1978

Uncontrolled when printed

CM reference		Date of adoption	
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STATEMENT OF POLICY

Committees are established by Colac Otway Shire to assist the Council in fulfilling its obligations. The various types of committees have different roles and relationships with Council.

The Committee structure at Colac Otway Shire includes:

Committees established by Colac Otway Shire

- Delegated and Joint Delegated Committees
- Community Asset Committees
- Audit and Risk Committee
- Advisory Committees
- Specific Purpose Committees
- Non-discretionary Committees

Committees established by other bodies

- Committees of Management – Crown Land Reserves
- External Committees

Assessment

Prior to establishing any type of committee, or joining an external committee, an assessment needs to be undertaken. Key points to consider, include:

- Purpose and the outcome required (which will determine the appropriate committee type)?
- Current landscape (eg is there another committee that currently exists that serves the same function)?
- Will the proposed committee or Councillor appointment give rise to a significant benefit?
- Is there a cost (monetary or staff time) involved?
- What is Council's level of control and/or influence?

Establishment of Committees

The following committee types must be established by Council resolution:

- Delegated and Joint Delegated Committees
- Community Asset Committees
- Audit and Risk Committee
- Advisory Committees
- Non-discretionary Committees (unless otherwise specified).

As a minimum governance requirement, Specific Purpose Committees with external appointments, a strategic focus or where a Memorandum of Understanding is required, must be approved by the Executive Management Team. However, specific circumstances may require resolution of Council.

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CM reference		Date of adoption	
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Appointment to Council Committees and External Committees

While conflicts of interest may arise periodically, no committee member with a general or material conflict of interest relating to the objectives of the Committee, will be appointed.

Appointment of Councillors to committees must be by resolution of Council.

Operation and Review of Committees

Operation and review of the various committees will be detailed in the operational procedure.

Any Occupational Health and Safety issues are to be reported to the Executive Management Team.

APPENDICES

APPENDIX 1: Council Committees Summary Table

RELATED DOCUMENTS

Council Committees Operational Procedure (*yet to be developed*)

DOCUMENT CONTROL

Policy owner	Manager Governance and Communications	Division	Executive
Adopted by council		Policy Number	
File Number		Review date	

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CM reference		Date of adoption	
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APPENDIX 1 – Council Committee Summary Table

Council Committees summary table

Committees Established by Colac Otway Shire									
Committee	Purpose	Establishment	Reporting/Review required	Committee member appointment and length of term	Indemnity	Informal Meeting of Councillors Record and Conflict of Interest	Personal Interest Return requirement	Administration support	Term of committee
Delegated Committee	To exercise statutory functions/powers on behalf of Council. Delegated Committees and Joint Delegated Committees are prescribed by the <i>Local Government Act 2020</i> .	Established by a Council resolution with an Instrument of Delegation adopted by Council.	In accordance with s11 of the Local Government Act 2020, the delegation must be reviewed within 12 months after a general election.	Resolution of Council. Minimum two Councillor-members. Chair must be a Councillor who is appointed by either Council or Mayor.	Council must keep all members indemnified. (Indemnity provisions (s43 <i>Local Government Act 2020</i>))	All members must disclose Conflict of Interest at meetings, pre-meetings and briefings. Informal records to be kept for pre-meetings.	Members must complete a biannual return.	Governance team.	No expiry, however delegation must be reviewed every four years.
Joint Delegated Committees	To exercise statutory functions/powers on behalf of Council. Delegated Committees and Joint Delegated Committees are prescribed by the <i>Local Government Act 2020</i> .	Resolution of Councils.	In accordance with s11 of the Local Government Act 2020, the delegation must be reviewed within 12 months after a general election.	Resolution of Council. At least one Councillor from each Council. Must be chaired by a Councillor.	Council must keep all members indemnified. (Indemnity provisions (s43 <i>Local Government Act 2020</i>))	All members must disclose Conflict of Interest at meetings, pre-meetings and briefings. Informal records to be kept for pre-meetings.	Members must complete a biannual return and submit to each Council represented on the joint delegated committee.	Determined by the Councils.	As per delegation, however delegation must be reviewed every four years.
Community Asset Committees	Established by Council to manage a community asset in the municipal district.	Resolution of Council. Members by Council resolution or CEO under delegation.	CEO must submit Annual Report to Councillor on Community Asset Committee activities and performance.	No Councillor representation.	Council must keep all members indemnified. (Indemnity provisions (s43 <i>Local Government Act 2020</i>))	All members must disclose Conflict of Interest at meetings.	Not required. Community members not 'specified persons' pursuant to the <i>Local Government Act 2020</i>	Member of Community Asset Committee	No term, unless specified in the instrument of delegation.
Audit and Risk Committee	Monitor the compliance of Council policies and procedures, financial and performance reporting, monitor and provide advice on risk management and fraud prevention systems and controls and oversee internal and external audit functions. The Audit and Risk Committee is required under the <i>Local Government Act 2020</i> .	Resolution of Council. Audit and Risk Committee Charter also resolution of Council.	Annual assessment of its performance against the Audit and Risk Committee Charter and provide to CEO for tabling at Council meeting. Prepare biannual Audit and Risk Committee report that describes the	Audit and Risk Committee must comprise: - Councillors - Majority of members who are not Councillors of Council and collectively have expertise in financial management and risk and	Independent members not indemnified for decisions – because not a delegated committee. Only make recommendation. Independent members paid a fee.	Bound by Conflict of Interest provisions of the <i>Local Government Act 2020</i> .	Not required. Independent members not 'specified persons' pursuant to <i>Local Government Act 2020</i> .	Governance team.	No expiry term.

Council Committees Summary Table

APPENDIX 1 – Council Committee Summary Table

Committees Established by Colac Otway Shire									
Committee	Purpose	Establishment	Reporting/Review required	Committee member appointment and length of term	Indemnity	Informal Meeting of Councillors Record and Conflict of Interest	Personal Interest Return requirement	Administration support	Term of committee
			<p>activities of the ARC and includes its findings and recommendations and provide to CEO for tabling at Council meeting.</p> <p>Audit and Risk Committee minutes tabled at Council meetings.</p>	<p>experience in public sector management.</p> <ul style="list-style-type: none"> - Not include any person who is a member of Council staff of Council. - The Chair cannot be a Councillor. - Councillors appointed annually by Council resolution. - Independents initial term three years, maximum term nine years. 					
Advisory Committees	<p>Provide valuable information and provide advice in order to facilitate decisions of significance made by Council and in turn support achievements under the Council Plan.</p> <p>Advisory committees are not delegated committees</p> <ul style="list-style-type: none"> • Chief Executive Officer Employment Matters Advisory Committee. • Submissions Committee. • Portfolio Advisory Committees. • Project Advisory Committees. • Program or grant advisory committee. 	Resolution of Council.	<p>Annual review (in line with annual appointment of Councillors to committees).</p> <p>With the exception of the Chief Executive Officer Employment Matters Advisory Committee, at a minimum advisory committees to report annually to Councillor Briefing (For Information Only).</p>	<p>All members appointed by Council resolution.</p> <p>Community representatives appointed following public EOI process for a defined period.</p> <p>Councillor representative appointed annually.</p> <p>Chief Executive Officer Employment Matters Advisory Committee - Independent member (non-voting) appointed by Council and paid a fee.</p>	<p>Community members not indemnified for decisions - because not a delegated committee. Only make recommendation.</p>	<p>If a Councillor is at the meeting then Informal Meeting of Councillors Record required</p> <p>All voting members must disclose any Conflicts of Interest.</p>	<p>Not required.</p> <p>Independent members not 'specified persons' pursuant to <i>Local Government Act 2020</i>.</p>	<p>Chief Executive Officer Employment Matters Advisory Committee - Manager People and Culture.</p> <p>All others provided by the department whose functions are most aligned to the committee's objectives.</p>	<p>Chief Executive Officer Employment Matters Advisory Committee – no expiry specified in Terms of Reference.</p> <p>All others will depend on purpose.</p>

Council Committees Summary Table

APPENDIX 1 – Council Committee Summary Table

Committees Established by Colac Otway Shire									
Committee	Purpose	Establishment	Reporting/Review required	Committee member appointment and length of term	Indemnity	Informal Meeting of Councillors Record and Conflict of Interest	Personal Interest Return requirement	Administration support	Term of committee
Specific Purpose Committees	<p>Created for a discrete and specific purpose and their role is to review an issue or undertake a project and report back to Council or Chief Executive Officer. They may also facilitate networking among the membership on a subject of mutual benefit. This group of committees includes</p> <ul style="list-style-type: none"> • Interest Groups. • Working Groups. • Reference Groups. • Steering Committees. • Partnership Groups. • Project Consultative Committees. • Project Control Groups. • Community Reference Groups. • Friends Groups. <p>These are not delegated committees.</p>	<p>As a minimum governance requirement, Specific Purpose Committees with external appointments, a strategic focus or where a Memorandum of Understanding is required, must be approved by the Executive Management Team. However, depending on required outcome, may require resolution of Council.</p>	<p>Frequency of reporting and review aligned to the purpose/objective.</p> <p>Executive Management Team, Councillor Briefing or General Manager.</p>	<p>Based on purpose and objectives.</p>	<p>Committee specific.</p>	<p>Where Councillors are appointed to Specific Purpose Committees established by Colac Otway Shire, Informal Meeting of Councillors Record will be required (under auspices of Council).</p> <p>Required to declare any Conflicts of Interest.</p>	<p>Not applicable.</p>	<p>Provided by the department whose functions are most aligned to the committee's objectives</p>	<p>Depends on type of committee and purpose.</p> <p>Fixed term or time specific or project based.</p>
Non-Discretionary Committees	<p>To comply with a statutory obligation.</p> <p>(<i>Planning and Environment Act 1987</i> – maybe more under other legislation such as Water Act etc)</p>	<p>Established by Council resolution unless otherwise specified.</p>	<p>In line with established terms (ie planning permit).</p>	<p>Where Councillor representation required, appointment by Council resolution.</p>	<p>Not applicable.</p>	<p>Required to declare any Conflicts of Interest.</p>	<p>Not applicable.</p>	<p>Provided by the department whose functions are most aligned to the committee's objectives.</p>	<p>Term of committee will depend on statutory obligations.</p>

APPENDIX 1 – Council Committee Summary Table

Committees Established by Other Bodies									
Committee	Purpose	Establishment	Reporting/Review required	Committee member appointment and length of term	Indemnity	Informal Meeting of Councillors Record and Conflict of Interest	Personal Interest Return requirement	Administration support	Term of committee
Committees of Management – Crown Land Reserves	Council is appointed under the <i>Crown Land (Reserves) Act 1978</i> to manage a number of reserves on behalf of the Minister and has responsibility and authority to manage, improve, maintain and control the reserve.	Established by DELWP under <i>Crown Land (Reserves) Act 1978</i>	Required to report damage to a building or facility and any serious breach of a lease.	No Councillor appointment.	Determined by establishing body.	Not applicable.	Not applicable.	Committee of Management.	Determined by DELWP.
External Committees	These are community or industry based committees that operate with their own Terms of Reference or mandate where Council has been invited to participate in partnership or as a community advocate.	Determined by the founding body.	Updates provided verbally at Councillor Briefing where a Councillor is a member.	Determined by founding body. Appointments by Council resolution. Frequency depends on committee.	Not applicable.		Not required.	Not provided by Council.	Determined by the founding body.

Council Committees Summary Table

Item: 10.5

Calling of a Submissions Committee meeting

OFFICER	Lyndal McLean
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

1. PURPOSE

To schedule a meeting of the Submissions Committee on Wednesday 13 April 2022, commencing at 4pm in Colac Otway Performing Arts and Cultural Centre.

2. EXECUTIVE SUMMARY

The following documents were made available for public consultation as part of the engagement process.

- Councillor Code of Conduct.
- Public Transparency Policy.
- Governance Rules.
- 2022-25 Rating Strategy.

The various Council resolutions included an opportunity for any person wishing to speak to their written submission, at a meeting of the Submissions Committee.

One submitter has requested to speak to their written submissions for the Councillor Code of Conduct, Public Transparency policy and the Governance Rules.

One submitter has requested to speak to their written submission for the 2022-25 Rating Strategy.

3. RECOMMENDATION

That Council schedules a meeting of the Submissions Committee to be held on Wednesday 13 April 2022, commencing at 4pm at Colac Otway Performing Arts and Cultural Centre, Colac, to hear persons who indicated they wish to speak in support of their written submission to the:

- 1. Councillor Code of Conduct***
- 2. Public Transparency Policy***
- 3. Governance Rules***
- 4. 2022-25 Rating Strategy.***

4. KEY INFORMATION

The Councillor Code of Conduct, Public Transparency Policy and Governance Rules were put out for public consultation, as part of the engagement process, following the 24 November 2021 Council meeting for a period of six-weeks. One submission was received for each document, with the submitter requesting to be heard in support of their submissions.

As part of the review process, the draft Rating Strategy was put out for public consultation following the 23 February 2022 Council meeting for a period of four-weeks. Two submissions were received, with one submitter requesting to be heard in support of their submission.

A requirement of the Submissions Committee Terms of Reference is that the dates and times for meetings are to be determined by Council.

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

Scheduling a Submissions Committee meeting to hear community members speak to their written submission aligns with the governance principles of the *Local Government Act 2020*, specifically with the municipal community being engaged in strategic planning and strategic decision making.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

Community Engagement Policy
Local Government Act 2020

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

No impact.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

The scheduling of a Submissions Committee meeting is the result of community engagement period and the provision for community members to make written submissions and request to be heard in support of them.

Public Transparency (s58 LGA 2020)

The public consultation period for each document was promoted on the Colac Otway website and through Council's regular print and digital communication channels.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

Financial Management (s101 Local Government Act 2020)

Not applicable.

Service Performance (s106 Local Government Act 2020)

The adoption of the documents referred to in this report will provide a framework for various areas of the organisation to enable services to be provided in a fair and equitable manner.

Risk Assessment

Not applicable.

Communication/Implementation

The documents will be considered for adoption at a future Council meeting. Once the policies are adopted, they will be published on Council's website.

Human Rights Charter

No impact.

Officer General or Material Interest

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

Options

Option 1 – Schedule a Submissions Committee meeting

This option is recommended by officers as community members have requested to speak to their written submissions.

Option 2 – Do not schedule a Submissions Committee meeting

This option is not recommended by officers as it would not allow the opportunity for community members to speak to their written submissions.

Item: 10.6

S6 Instrument of Delegation - Council to members of Council staff

OFFICER	Maree Powell
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. S6 Instrument of Delegation - Attachment for Adoption - March 2022 [10.6.1 - 84 pages] 2. Maddocks Updates January 2022 [10.6.2 - 12 pages] 3. Updates allocated - March 2022 [10.6.3 - 5 pages] 4. Signed S6 Instrument of Delegation - September 2021 [10.6.4 - 82 pages]

1. PURPOSE

The purpose of this report is to review and update Council's S6 Instrument of Delegation to members of Council staff for each of the relevant Acts and Regulations, align the Instrument with the requirements of the Act and confer these duties to the relevant officers enabling enforcement of the statutory powers and responsibilities required within legislation.

2. EXECUTIVE SUMMARY

There are a number of Acts and Regulations where Council has express powers of delegation, and delegation of those powers, duties and functions, subject to the limitations and conditions contained in the Instrument of Delegation, must be directly to staff and cannot be sub-delegated through the Chief Executive Officer.

3. RECOMMENDATION

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

- 1. Delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.***

2. ***Authorises the use of the common seal in accordance with Colac Otway Shire's Governance Local Law No 4 – 2020.***
3. ***Approves the S6 Instrument of Delegation to come into force immediately upon execution.***
4. ***Approves that coming into force of the S6 Instrument of Delegation, the previous S6 Instrument of Delegation from Council to members of Council staff is revoked.***
5. ***The duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that may from time to time be adopted.***

4. KEY INFORMATION

Councils have been given many powers, duties and functions under multiple pieces of legislation which are essential in fulfilling the wide-ranging responsibilities of Local Government. Council must regularly update its Instruments of Delegation to enable enforcement of the statutory powers and responsibilities required within legislation and confer these duties to the relevant staff.

The organisation generally undertakes a review of delegations on a half yearly basis or where there have been advised changes to legislation. In addition, Council must specifically review delegations within 12 months of a general election

Council subscribes to the regular update service offered by Maddocks Lawyers which provides updates on legislative amendments required to Council's Instruments of Delegation to ensure legislative compliance. Council also uses a software package (RelianSys) to automate the reporting and management of delegations.

The following changes have been made to the S6 as advised by Maddocks Lawyers:

- Sections 19EA(3), 19N(2), 38G(2), 39(2) and 43 of the *Food Act 1984* (Food Act) have been inserted pursuant to the *Food Amendment Act 2020*. Section 39A has also been amended to reflect the new power to register or renew the registration of a food premises. These provisions are in force.
- Sections 19IA(1) and (2), 39A(6), 40(1) and 40E of the Food Act have also been inserted. While they contain duties, rather than powers, it was thought it may assist to have these noted in the Instrument.
- Section 45AC of the Food Act has been inserted to enable a delegate to authorise a person for the purposes of bringing proceedings.
- Section 38G(4) of the Food Act has been amended to reference the correct provision.
- Section 12A of the *Planning and Environment Act 1987* (P&E Act) has been removed as it has been repealed.
- Section 113(2) of the P&E Act has been inserted pursuant to the *Planning and Environment Amendment Act 2021*. It relates to the power to request the Minister for a declaration for land to be proposed to be reserved for public purposes.
- Sections 91ZU, 91ZZC, 91ZZE, 142D, 142G, 142I, 206AZA, 207ZE, 311A and 317ZDA of the *Residential Tenancies Act 1997* (RT Act) have been removed from the S6 and inserted in the S7. This is because the specific power of delegation provided under the RT Act only applies to Part 14 and regulations under this part. Therefore, the delegation of other powers and functions under the RT Act comes from the *Local Government Act 2020*.
- Section 96 of the *Road Management Act 2004* has been inserted to enable a delegate to authorise a person for the purpose of instituting legal proceedings.

- The Residential Tenancies Regulations 2021 have been removed from the S6. Upon review, it was determined that the power to approve any other toilet system is not a power under the Residential Tenancies Regulations 2021 but rather a power under other legislation, such as the Environment Protection Regulations 2021.

A number of changes were also made to the *Cemeteries and Crematoria Act 2003* (Cemeteries and Crematoria Act) however these have not been included as they are not relevant to Colac Otway Shire.

To update the S6 Instrument of Delegation, consultation with relevant managers was undertaken to ensure the appropriate officers are delegated the powers to perform their duties required under the legislation.

Additional amendments in this update also reflect some minor changes to officer titles.

Please note that the internally applied conditions and limitations referencing the number of objections etc., which have been applied to the *Planning and Environment Act 1987* provisions at Council for some time including s 60, s 61, s 62 (1), s 62 (2), s 62 (5)(b), s 84 (1), s 96G (1), still form part of the document presented for adoption.

Councillors are provided with a copy of the updated instrument for authorisation, amendment documents showing the changes which were applied by Maddocks and the new provisions allocated, together with a copy of the current signed S6 Instrument of Delegation from September 2021 when the last review was completed.

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

The overarching governance principle is Council decisions are to be made and actions taken in accordance with the relevant law.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

Not applicable.

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

Not applicable.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

Not applicable.

Public Transparency (s58 LGA 2020)

Not applicable.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

Council's policy framework and specific policy decisions provides guidance to staff in executing their delegated powers.

Financial Management (s101 *Local Government Act 2020*)

The cost for annual subscription to both Maddocks and RelianSys services has been included in Council's annual budget considerations.

Service Performance (s106 *Local Government Act 2020*)

Not applicable.

Risk Assessment

Maintaining the currency of delegations in our complex legal and legislative environment is challenging to ensure legislative compliance with over 90 different pieces of legislation. The subscribed services provided by Maddocks and RelianSys reduce the resource requirement and the risk of non-compliance for Council. This service provides updates on legislative changes and therefore Council updates the delegations on a half yearly basis or more if required.

Communication/Implementation

Council officers will be sent updated copies of their delegations on completion of all updates from this round.

Human Rights Charter

Not applicable.

Officer General or Material Interest

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

OptionsOption 1 – Adopt the updated S6 Instrument of Delegation

This option is recommended by officers in order to align the Instrument with the requirements of the Act and confer these duties to the relevant officers enabling enforcement of the statutory powers and responsibilities required within legislation.

Option 2 – Not adopt the updated S6 Instrument of Delegation

This option is not recommended by officers as it will render officers' unable to carry out enforcement of the statutory powers and responsibilities required within legislation and impact the delivery of important ongoing services.



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INSTRUMENT OF DELEGATION

S6 Instrument of Delegation
- Members of Staff

MARCH 2022

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S6 Instrument of Delegation – Council to Members of Staff

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. record that references in the Schedule are as follows:

Positions

CEO	Chief Executive Officer
CRS	Co-ordinator Revenue Services
CUC	Compliance Unit Co-ordinator
GMCS	General Manager Corporate Services
GMDCS	General Manager Development and Community Services
GMEI	General Manager Environment and Infrastructure
HPC	Health Protection Co-ordinator
HPSO	Health Protection Support Officer
HPTO	Health Protection Technical Officer
MAPD	Manager Assets and Project Delivery
MECS	Manager Environment & Community Safety
MFS	Manager Financial Services
MHAC	Manager Healthy Active Communities
MPC	Manager People and Culture
MPBH	Manager Planning, Building and Health
MSO	Manager Services and Operations
MEMC	Municipal Emergency Management Co-ordinator
N/A	Not Applicable
PBAC	Planning and Building Administration Co-ordinator
PCofC	Planning Committee of Council
SPC	Statutory Planning Co-ordinator
SPMPC	Strategic Planning and Major Projects Co-ordinator

Position Groups

All GMs	All GMs
CAO	Compliance Administration Officers
CO	Compliance Officers
CSO	Customer Services Officers
HPO	Health Protection Officers
PA	Planning Administrators
PLO	Planning Officers

3. declares that:
 - 3.1 this Instrument of Delegation is authorised by resolution of Council passed on 23 March 2022; and

Colac Otway Shire

- 3.2 the delegation:
 - 3.2.1 comes into force immediately the common seal of Council is affixed to 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) strategyadopted 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.

This Delegation was amended by resolution of the Colac Otway Shire Council on 23 March 2022.

THE COMMON SEAL of the)
COLAC OTWAY SHIRE COUNCIL was)
Hereunto affixed in the presence of:)

Anne Howard
Chief Executive Officer

Date

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Delegation Sources

- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

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S6 Instrument of Delegation - Members of Staff

Domestic Animals Act 1994			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	CUC, CO	Council may delegate this power to a Council authorised officer

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	HPTO, HPC, HPSO, HPO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	HPTO, HPC, HPSO, HPO	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	HPTO, HPC, HPO	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	HPTO, HPC, HPSO, HPO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	HPTO, HPC, HPSO, HPO	If s 19(1) applies

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	HPTO, HPC, HPSO, HPO	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).	HPTO, HPC, HPSO, HPO	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	HPTO, HPC, HPSO, HPO	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	HPTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	HPTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	HPTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	HPTO, HPC, HPSO, HPO	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	HPTO, HPC, HPSO, HPO	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	HPTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	HPTO, HPC, HPO	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	HPTO, HPC, HPO	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	HPTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	HPTO, HPC, HPSO, HPO	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	HPTO, HPC, HPO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	HPTO, HPC, HPSO, HPO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	HPTO, HPC, HPSO, HPO	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	HPTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	HPTO, HPC, HPSO, HPO	Where Council is the registration authority
	Power to register or renew the registration of a food premises	HPTO, HPC, HPSO, HPO	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	HPC, HPO	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	MPBH, HPC	Where Council is the registration authority
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	HPTO, HPC, HPSO, HPO	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	HPTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	HPTO, HPC, HPSO, HPO	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	HPTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	HPTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	HPTO, HPC, HPSO, HPO	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	HPTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	HPTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	HPTO, HPC, HPSO, HPO	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38E(2)	Power to register the food premises on a conditional basis	HPTO, HPC, HPSO, HPO	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	HPTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	HPTO, HPC, HPSO, HPO	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	HPC, HPO	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	HPTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	HPC, HPO	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	HPTO, HPC, HPSO, HPO	

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 39A	Power to register, or renew the registration of a food premises despite minor defects	HPTO, HPC, HPSO, HPO	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	HPTO, HPC, HPSO, HPO	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	HPTO, HPC, HPO	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	HPTO, HPC, HPSO, HPO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	HPTO, HPC, HPSO, HPO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	HPC	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	HPTO, HPC, HPSO, HPO	
s 40F	Power to cancel registration of food premises	MPBH, HPC	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 43	Duty to maintain records of registration	HPTO, HPC, HPSO, HPO	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	HPTO, HPC, HPSO, HPO	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	HPTO, HPC, HPO	Where Council is the registration authority
s 45AC	Power to bring proceedings	HPC, HPO	
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	HPTO, HPC, HPO	Where Council is the registration authority

Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	GMDCS	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

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Local Government Act 1989			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	MPBH, PCofC, SPC, SPMPCC, GMDCS	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	MPBH, SPC, SPMPCC, GMDCS	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	MPBH, PBAC, SPC, SPMPCC, GMDCS, PLO	
s 4I	Duty to keep Victorian Planning Provisions and other documents available in accordance with public availability requirements	MPBH, PBAC, SPC, SPMPCC, GMDCS, PLO	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	MPBH	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	MPBH, PBAC, PCofC, SPC, SPMPCC, GMDCS	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 8A(5)	Function of receiving notice of the Minister's decision	MPBH, PBAC, SPC, SPMPC, GMDCS	
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	MPBH, PCofC, SPC, SPMPC, GMDCS	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	MPBH, PCofC, GMDCS	
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	MPBH, PCofC, SPC, SPMPC, GMDCS	
s 12B(1)	Duty to review planning scheme	MPBH, PCofC, SPC, SPMPC, GMDCS	
s 12B(2)	Duty to review planning scheme at direction of Minister	MPBH, PCofC, SPC, SPMPC, GMDCS	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	MPBH, PCofC, SPC, SPMPC, GMDCS	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	MPBH, PBAC, PCofC, SPC, SPMPC, GMDCS, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 17(1)	Duty of giving copy amendment to the planning scheme	MPBH, PBAC, SPC, SPMPC, GMDCS, CSO, PA, PLO	
s 17(2)	Duty of giving copy s 173 agreement	MPBH, PBAC, SPC, SPMPC, GMDCS, CSO, PA, PLO	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	MPBH, PBAC, SPC, SPMPC, GMDCS, CSO, PA, PLO	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	MPBH, PBAC, SPC, SPMPC, GMDCS, PA, PLO	
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	MPBH, PBAC, SPC, SPMPC, GMDCS, PA, PLO	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	MPBH, PBAC, SPC, SPMPC, GMDCS, PA, PLO	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.

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	MPBH, PCofC, SPC, SPMPCC, GMDCS	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	MPBH, PBAC, SPC, SPMPCC, GMDCS, CSO, PA	
s 21A(4)	Duty to publish notice	MPBH, PBAC, SPC, SPMPCC, GMDCS, PA, PLO	
s 22	Duty to consider all submissions	MPBH, PCofC, SPC, SPMPCC, GMDCS	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	MPBH, PCofC, SPC, SPMPCC, GMDCS	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	MPBH, PCofC, SPC, SPMPCC, GMDCS	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	MPBH, SPC, SPMPCC, GMDCS, PLO	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	MPBH, PBAC, SPC, SPMPCC, GMDCS, PA, PLO	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	MPBH, PBAC, SPC, SPMPCC, GMDCS, CSO, PA, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 27(2)	Power to apply for exemption if panel's report not received	MPBH, PCofC, SPC, SPMPC, GMDCS	
s 28(1)	Duty to notify the Minister if abandoning an amendment	MPBH, SPC, SPMPC, GMDCS	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	MPBH, PBAC, SPC, SPMPC, GMDCS, PA, PLO	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	MPBH, PBAC, SPC, SPMPC, GMDCS, PA, PLO	
s 30(4)(a)	Duty to say if amendment has lapsed	MPBH, PBAC, SPC, SPMPC, GMDCS	
s 30(4)(b)	Duty to provide information in writing upon request	MPBH, PBAC, SPC, SPMPC, GMDCS	
s 32(2)	Duty to give more notice if required	MPBH, PBAC, SPC, SPMPC, GMDCS	
s 33(1)	Duty to give more notice of changes to an amendment	MPBH, PBAC, SPC, SPMPC, GMDCS	
s 36(2)	Duty to give notice of approval of amendment	MPBH, PBAC, SPC, SPMPC, GMDCS	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38(5)	Duty to give notice of revocation of an amendment	MPBH, PBAC, SPC, SPMPC, GMDCS	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	MPBH, SPC, SPMPC, GMDCS	
s 40(1)	Function of lodging copy of approved amendment	MPBH, PBAC, SPC, SPMPC, GMDCS	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	MPBH, PBAC, SPC, SPMPC, GMDCS, CSO, PA, PLO	
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	MPBH, PBAC, SPC, SPMPC, GMDCS, CAO, PA, PLO	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	MPBH, PBAC, SPC, SPMPC, GMDCS, CSO, PA, PLO	
s 46AW	Function of being consulted by the Minister	MPBH, CEO, GMDCS	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy	MPBH, SPC, SPMPC, CEO, GMDCS	Where Council is a responsible public entity

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Power to endorse the draft Statement of Planning Policy		
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	MPBH, SPC, SPMP, CEO, GMDCS	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	MPBH, SPC, SPMP, CEO, GMDCS	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	MFS, MPBH, CEO, GMCS, GMDCS	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	MFS, MPBH, CEO, GMCS, GMDCS	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	MFS, MPBH, CEO, GMCS, GMDCS	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	MFS, CEO, GMCS	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	
s 46GP	Function of receiving a notice under s 46GO	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	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	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	
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	MFS, MPBH, CEO, GMCS, GMDCS	
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	MFS, MPBH, CEO, GMCS, GMDCS	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general		
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	MFS, CEO, GMCS	
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	MFS, CEO, GMCS	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	MFS, CEO, GMCS	
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	MPBH, SPC, SPMP, CEO, GMCS, GMDCS	
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	MPBH, SPC, SPMP, CEO, GMCS, GMDCS	Where Council is the collecting agency

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(3)(b)	Power to enter into an agreement with the applicant	MPBH, SPC, SPMP, CEO, GMCS, GMDCS	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	MPBH, SPC, SPMP, CEO, GMDCS	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)	MPBH, SPC, SPMP, CEO, GMDCS	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	MPBH, SPC, SPMP, CEO, GMDCS	
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	MPBH, SPC, SPMP, CEO, GMDCS	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	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS, GMEI	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	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	Where Council is the collecting agency

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GY(1)	Duty to keep proper and separate accounts and records	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	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	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	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	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(2)(b)	Function of receiving the monetary component	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	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)	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	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	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	any land credit amount to which the person is entitled under s 46GW		
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	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	<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	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	<p>Where Council is the development agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the collecting agency</p>

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZA(1)	Duty to keep proper and separate accounts and records	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	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	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	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)	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	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)	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	Where Council is the development agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	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	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	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	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	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)	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	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)	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	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)	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	MFS, MHAC, CEO	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	MPBH, MHAC, CEO, GMCS, GMDCS	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	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	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)	MFS, MPBH, SPC, SPMP, CEO, GMCS, GMDCS	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	MPBH, PCofC, SPC, SPMP, GMDCS	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	MPBH, PCofC, SPC, SPMP, GMDCS	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	MPBH, GMDCS	
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	MPBH, GMDCS	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	MPBH, SPC, SPMP, GMDCS	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	MPBH, SPC, SPMP, GMDCS	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	MPBH, SPC, SPMP, CEO, GMDCS	
s 46Q(1)	Duty to keep proper accounts of levies paid	MFS, MPBH, SPC, SPMP, GMCS, GMDCS	
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	MFS, MPBH, SPC, SPMP, GMCS, GMDCS	
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	MPBH, SPC, SPMP, CEO, GMDCS	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	MPBH, SPC, SPMP, GMDCS	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	MPBH, SPC, SPMP, CEO, GMDCS	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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	MPBH, SPC, SPMP, CEO, GMDCS	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	MPBH, SPC, SPMP, CEO, GMDCS	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	MFS, MPBH, SPC, SPMP, GMDCS	
s 46QD	Duty to prepare report and give a report to the Minister	MFS, MPBH, SPC, SPMP, GMDCS	Where Council is a collecting agency or development agency
s 47	Power to decide that an application for a planning permit does not comply with that Act	MPBH, SPC, SPMP, CEO, GMDCS	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, PA, PLO	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, CSO, PA, PLO	
s 50(4)	Duty to amend application	MPBH, SPC, SPMP, CEO, GMDCS, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50(5)	Power to refuse to amend application	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 50(6)	Duty to make note of amendment to application in register	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, PA, PLO	
s 50A(1)	Power to make amendment to application	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 50A(4)	Duty to note amendment to application in register	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, PA, PLO	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, CSO, PA, PLO	
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	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	MPBH, PBAC, SPC, SPMPCC, CEO, GMDCS, PLO	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	MPBH, PBAC, SPC, SPMPCC, CEO, GMDCS, PLO	
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	MPBH, PBAC, SPC, SPMPCC, CEO, GMDCS, PLO	
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	MPBH, PBAC, SPC, SPMPCC, CEO, GMDCS, PLO	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	MPBH, PBAC, SPC, SPMPCC, CEO, GMDCS, PLO	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	MPBH, PBAC, PCofC, SPC, SPMPCC, CEO, GMDCS	
s 52(3)	Power to give any further notice of an application where appropriate	MPBH, PBAC, SPC, SPMPCC, CEO, GMDCS, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	MPBH, PBAC, SPC, SPMPC, CEO, GMDCS, PLO	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	MPBH, PBAC, PCofC, SPC, SPMPC, CEO, GMDCS, PLO	
s 54(1)	Power to require the applicant to provide more information	MPBH, PBAC, SPC, SPMPC, CEO, GMDCS, PLO	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	MPBH, PBAC, SPC, SPMPC, CEO, GMDCS, PLO	
s 54(1B)	Duty to specify the lapse date for an application	MPBH, PBAC, SPC, SPMPC, CEO, GMDCS, PLO	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	MPBH, SPC, SPMPC, CEO, GMDCS, PLO	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	MPBH, SPC, SPMPC, CEO, GMDCS, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, PA, PLO	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	MPBH, SPC, SPMP, CEO, GMDCS	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, PA, PLO	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, CSO, PA, PLO	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, PA, PLO	
s 57A(5)	Power to refuse to amend application	MPBH, SPC, SPMP, CEO, GMDCS	
s 57A(6)	Duty to note amendments to application in register	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, PA, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57B(1)	Duty to determine whether and to whom notice should be given	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 57C(1)	Duty to give copy of amended application to referral authority	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, PA, PLO	
s 58	Duty to consider every application for a permit	MPBH, PCofC, SPC, SPMP, CEO, GMDCS, PLO	
s 58A	Power to request advice from the Planning Application Committee	MPBH, SPC, SPMP, CEO, GMDCS	
s 60	Duty to consider certain matters	MPBH, PCofC, SPC, SPMP, CEO, GMDCS, PA, PLO	<hr/> Save where the proposed use and/or development: <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit.

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<ul style="list-style-type: none"> • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).
s 60(1A)	Duty to consider certain matters	MPBH, PCofC, SPC, SPMPCC, CEO, GMDCS, PLO	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	MPBH, PCofC, SPC, SPMPCC, GMDCS, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MPBH, PCofC, SPC, SPMPC, CEO, GMDCS, PLO	<p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</p> <hr/> <p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			the planning scheme has recommended refusal of the application). Save where the application may have an affect on the broader community. The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	MPBH, PCofC, SPC, SPMPCC, CEO, GMDCS	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	MPBH, PCofC, SPC, SPMPCC, CEO, GMDCS	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	MPBH, PCofC, SPC, SPMPCC, CEO, GMDCS	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	MPBH, PCofC, SPC, SPMPCC, CEO, GMDCS	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	MPBH, PCofC, SPC, SPMPCC, CEO, GMDCS	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 62(1)	Duty to include certain conditions in deciding to grant a permit	MPBH, PCofC, SPC, SPMPC, CEO, GMDCS, PLO	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 62(2)	Power to include other conditions	MPBH, PCofC, SPC, SPMPC, CEO, GMDCS, PLO	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	MPBH, PCofC, SPC, SPMPC, CEO, GMDCS, PLO	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	MPBH, PCofC, SPC, SPMPC, CEO, GMDCS, PLO	
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	MPBH, PCofC, SPC, SPMPC, CEO, GMDCS, PLO	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<ul style="list-style-type: none"> • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	MPBH, PCofC, SPC, SPMP, CEO, GMDCS, PLO	
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)	MPBH, PCofC, SPC, SPMP, CEO, GMDCS, PLO	
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)	MPBH, PCofC, SPC, SPMP, CEO, GMDCS, PLO	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	MPBH, SPC, SPMP, CEO, GMDCS, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	MPBH, PBAC, SPC, SPMPC, CEO, GMDCS, PA, PLO	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	MPBH, PBAC, SPC, SPMPC, CEO, GMDCS, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	MPBH, PBAC, SPC, SPMPC, CEO, GMDCS, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	MPBH, PBAC, SPC, SPMPC, CEO, GMDCS, PA, PLO	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	MPBH, PBAC, SPC, SPMPC, CEO, GMDCS, PA, PLO	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	MPBH, PBAC, SPC, SPMPC, CEO, GMDCS, PA, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, PA, PLO	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	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, PA, PLO	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, PA	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	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, CSO, PA, PLO	
s 69(1A)	Function of receiving application for extension of time to complete development	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, CSO, PA, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 69(2)	Power to extend time	MPBH, PCofC, SPC, SPMPC, CEO, GMDCS, PLO	Delegation to officers applies save where the development has commenced lawfully under the planning permit and: o the application seeks approval for an extension of time to complete the works; and o the officer recommendation is for refusal, unless that recommendation is made due to the recommendation of a referral authority under Section 55 of the Act.
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	MPBH, PBAC, SPC, SPMPC, CEO, GMDCS, CSO, PA, PLO	
s 71(1)	Power to correct certain mistakes	MPBH, PBAC, SPC, SPMPC, CEO, GMDCS, PLO	
s 71(2)	Duty to note corrections in register	MPBH, PBAC, SPC, SPMPC, CEO, GMDCS, PA, PLO	
s 73	Power to decide to grant amendment subject to conditions	MPBH, PCofC, SPC, SPMPC, CEO, GMDCS, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 74	Duty to issue amended permit to applicant if no objectors	MPBH, SPC, SPMPCC, CEO, GMDCS, PLO	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	MPBH, PBAC, SPC, SPMPCC, CEO, GMDCS, PA, PLO	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	MPBH, PBAC, SPC, SPMPCC, CEO, GMDCS, PA, PLO	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	MPBH, PBAC, SPC, SPMPCC, CEO, GMDCS, PA, PLO	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	MPBH, PBAC, SPC, SPMPCC, CEO, GMDCS, PA, PLO	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

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, PA, PLO	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	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 83	Function of being respondent to an appeal	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 83B	Duty to give or publish notice of application for review	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	MPBH, PCofC, SPC, SPMP, CEO, GMDCS	Save where the proposed use and/or development: <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where:

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).
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	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
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	MPBH, SPC, SPMP, CEO, GMDCS	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 84AB	Power to agree to confining a review by the Tribunal	MPBH, SPC, SPMP, CEO, GMDCS, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 86	Duty to issue a permit at order of Tribunal within 3 working days	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	MPBH, SPC, SPMP, CEO, GMDCS	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 91(2)	Duty to comply with the directions of VCAT	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 93(2)	Duty to give notice of VCAT order to stop development	MPBH, SPC, SPMP, CEO, CUC, GMDCS, CO, PLO	
s 95(3)	Function of referring certain applications to the Minister	MPBH, SPC, SPMP, CEO, GMDCS	
s 95(4)	Duty to comply with an order or direction	MPBH, SPC, SPMP, CEO, GMDCS, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	MPBH, SPC, SPMP, CEO, GMDCS	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	MPBH, SPC, SPMP, CEO, GMDCS	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	MPBH, SPC, SPMP, CEO, GMDCS	
s 96F	Duty to consider the panel's report under s 96E	MPBH, SPC, SPMP, CEO, GMDCS	
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)	MPBH, PCofC, SPC, SPMP, CEO, GMDCS	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community.

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<ul style="list-style-type: none"> • Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).
s 96H(3)	Power to give notice in compliance with Minister's direction	MPBH, SPC, SPMP, CEO, GMDCS	
s 96J	Power to issue permit as directed by the Minister	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	MPBH, SPC, SPMP, CEO, GMDCS, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 97C	Power to request Minister to decide the application	MPBH, SPC, SPMP, CEO, GMDCS	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
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	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, CSO, PA, PLO	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, PA, PLO	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, PA, PLO	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	MPBH, SPC, SPMP, GMDCS	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 97Q(4)	Duty to comply with directions of VCAT	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, PA, PLO	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	MPBH, CEO, GMDCS	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	MPBH, CEO, GMDCS	
s 101	Function of receiving claim for expenses in conjunction with claim	MPBH, CEO, GMDCS	
s 103	Power to reject a claim for compensation in certain circumstances	MPBH, CEO, GMDCS	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.107(1)	function of receiving claim for compensation	MPBH, CEO, GMDCS	
s 107(3)	Power to agree to extend time for making claim	MPBH, CEO, GMDCS	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	MPBH, GMDCS	
s 114(1)	Power to apply to the VCAT for an enforcement order	MPBH, SPC, SPMP, CEO, CUC, GMDCS, MECS, CO	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	MPBH, SPC, SPMP, CEO, CUC, GMDCS, MECS, CO, PLO	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	MPBH, SPC, SPMP, CEO, CUC, GMDCS, MECS, CO	
s 123(1)	Power to carry out work required by enforcement order and recover costs	MPBH, SPC, SPMP, CEO, CUC, GMDCS, MECS, CO	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	MPBH, CEO, CUC, GMDCS, MECS	Except Crown Land
s 129	Function of recovering penalties	MFS, MPBH, CEO, CUC, GMDCS, MECS, CO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 130(5)	Power to allow person served with an infringement notice further time	MPBH, SPC, SPMP, CEO, CUC, GMDCS, MECS, CO, PLO	
s 149A(1)	Power to refer a matter to the VCAT for determination	MPBH, SPC, SPMP, CEO, CUC, GMDCS, MECS, CO	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	MPBH, SPC, SPMP, CEO, CUC, GMDCS, MECS, CO	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	MPBH, SPC, SPMP, CEO, GMDCS	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	MPBH, SPC, SPMP, CEO, GMDCS	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 171(2)(g)	Power to grant and reserve easements	MPBH, PCofC, SPC, SPMPCC, CEO, GMDCS	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO, GMCS, GMDCS	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	CEO, GMCS, GMDCS	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)	CEO, GMCS, GMDCS	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	MPBH, SPC, SPMPCC, CEO, GMDCS, GMEI	
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	MPBH, CEO, GMCS, GMDCS, GMEI	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	MPBH, SPC, SPMPCC, CEO, GMDCS, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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	MPBH, SPC, SPMPC, CEO, GMDCS	
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	MPBH, SPC, SPMPC, CEO, GMDCS	
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	MPBH, PCofC, SPC, SPMPC, CEO, GMDCS	
s 178A(1)	Function of receiving application to amend or end an agreement	MPBH, PBAC, SPC, SPMPC, CEO, GMDCS, PLO	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	MPBH, PBAC, SPC, SPMPC, CEO, GMDCS, PLO	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	MPBH, PBAC, SPC, SPMPC, CEO, GMDCS, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178A(5)	Power to propose to amend or end an agreement	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
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	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 178C(4)	Function of determining how to give notice under s 178C(2)	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	MPBH, SPC, SPMP, CEO, GMDCS, PLO	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	MPBH, SPC, SPMP, CEO, GMDCS, PLO	If no objections are made under s 178D

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	MPBH, SPC, SPMP, CEO, GMDCS, PLO	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	MPBH, SPC, SPMP, CEO, GMDCS, PLO	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	MPBH, SPC, SPMP, CEO, GMDCS, PLO	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	MPBH, SPC, SPMP, CEO, GMDCS, PLO	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	MPBH, SPC, SPMP, CEO, GMDCS, PLO	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
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	MPBH, SPC, SPMP, CEO, GMDCS, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	application for review to the Tribunal has been determined or withdrawn		
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
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	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 182	Power to enforce an agreement	MPBH, SPC, SPMP, CEO, GMDCS, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
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	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
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	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
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	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
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	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 184G(2)	Duty to comply with a direction of the Tribunal	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
s 184G(3)	Duty to give notice as directed by the Tribunal	MPBH, SPC, SPMP, CEO, GMDCS, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 198(1)	Function to receive application for planning certificate	N/A	Certificates not issued by Council
s 199(1)	Duty to give planning certificate to applicant	N/A	Certificates not issued by Council
s 201(1)	Function of receiving application for declaration of underlying zoning	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, CSO, PA, PLO	
s 201(3)	Duty to make declaration	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
	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	MPBH, PCofC, SPC, SPMP, CEO, CUC, GMDCS, MECS, CO, PLO	
	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	MPBH, PCofC, SPC, SPMP, CEO, GMDCS, PLO	
	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	MPBH, SPC, SPMP, CEO, GMDCS, PLO	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Power to give written authorisation in accordance with a provision of a planning scheme	MPBH, PCofC, SPC, SPMPCC, CEO, GMDCS, PLO	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	MPBH, SPC, SPMPCC, CEO, GMDCS	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	MPBH, SPC, SPMPCC, CEO, GMDCS	

Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	MPBH, MECS, HPC	
s 522(1)	Power to give a compliance notice to a person	MFS, MPBH, CUC, MECS, CRS, CO	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	All GMs	
s 525(4)	Duty to issue identity card to authorised officers	All GMs	

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Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 526(5)	Duty to keep record of entry by authorised officer under s 526	MFS, CUC, CRS	
s 526A(3)	Function of receiving report of inspection	MFS, CUC, CRS	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CUC, MECS, CO	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	MAPD, GMEI	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	GMCS, MAPD, CRS, GMEI	
s 11(9)(b)	Duty to advise Registrar	GMCS, MAPD, CRS, GMEI	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	MAPD, CRS, GMEI	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	MSO, MAPD, GMEI	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 12(2)	Power to discontinue road or part of a road	MAPD, GMEI	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	MAPD, GMEI	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	MAPD, GMEI	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	MAPD, GMEI	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	MAPD, GMEI	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 12(10)	Duty to notify of decision made	MAPD, GMEI	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	MAPD, GMEI	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	MAPD, GMEI	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	GMEI	
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	GMEI	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	MAPD, GMEI	
s 15(2)	Duty to include details of arrangement in public roads register	MAPD, GMEI	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 16(7)	Power to enter into an arrangement under s 15	GMEI	
s 16(8)	Duty to enter details of determination in public roads register	MAPD, GMEI	
s 17(2)	Duty to register public road in public roads register	MAPD, GMEI	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	MAPD, GMEI	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	MAPD, GMEI	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	GMEI	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	MAPD, GMEI	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	GMEI	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	MAPD, GMEI	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	MAPD, GMEI	
s 19(4)	Duty to specify details of discontinuance in public roads register	MAPD, GMEI	
s 19(5)	Duty to ensure public roads register is available for public inspection	MAPD, GMEI	
s 21	Function of replying to request for information or advice	MAPD, GMEI	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	MAPD, GMEI	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	MAPD, GMEI	
s 22(5)	Duty to give effect to a direction under s 22	MAPD, GMEI	
s 40(1)	Duty to inspect, maintain and repair a public road.	MSO, MAPD, GMEI	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	MAPD, GMEI	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	MSO, MAPD, GMEI	
s 42(1)	Power to declare a public road as a controlled access road	GMEI	Power of coordinating road authority and sch 2 also applies

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	GMEI	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	GMEI	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	MAPD, GMEI	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)	MAPD, GMEI	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	MAPD, GMEI	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 49	Power to develop and publish a road management plan	MAPD, GMEI	
s 51	Power to determine standards by incorporating the standards in a road management plan	MAPD, GMEI	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	MAPD, GMEI	
s 54(2)	Duty to give notice of proposal to make a road management plan	MAPD, GMEI	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	MAPD, GMEI	
s 54(6)	Power to amend road management plan	MAPD, GMEI	
s 54(7)	Duty to incorporate the amendments into the road management plan	MAPD, GMEI	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	MAPD, GMEI	
s 63(1)	Power to consent to conduct of works on road	MSO, MAPD, GMEI	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	MSO, MEMC, MECS, MAPD, GMEI	Where Council is the infrastructure manager

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 64(1)	Duty to comply with cl 13 of sch 7	MSO, MAPD, GMEI	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	CUC, MECS, CO	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	CUC, MECS, CO	Where Council is the coordinating road authority
s 67(3)	Power to request information	CUC, MECS, CO	Where Council is the coordinating road authority
s 68(2)	Power to request information	CUC, MECS, CO	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	GMCS, GMDCS, GMEI	
s 72	Duty to issue an identity card to each authorised officer	MPC, GMCS	
s 85	Function of receiving report from authorised officer	MSO, MAPD, GMEI	
s 86	Duty to keep register re s 85 matters	GMEI	
s 87(1)	Function of receiving complaints	MSO, MAPD, GMEI	
s 87(2)	Duty to investigate complaint and provide report	GMEI	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96	Power to authorise a person for the purpose of instituting legal proceedings	CEO	
s 112(2)	Power to recover damages in court	MSO, MAPD, GMEI	
s 116	Power to cause or carry out inspection	MSO, MAPD, GMEI	
s 119(2)	Function of consulting with the Head, Transport for Victoria	MSO, MAPD, GMEI	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	MSO, MAPD, GMEI	
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)	GMEI	
s 121(1)	Power to enter into an agreement in respect of works	GMEI	
s 122(1)	Power to charge and recover fees	MAPD, GMEI	
s 123(1)	Power to charge for any service	MAPD, GMEI	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	GMEI	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	GMEI	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	GMEI	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	MAPD, GMEI	
sch 2 cl 5	Duty to publish notice of declaration	GMEI	
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	MAPD, GMEI	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	MSO, MAPD, GMEI	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	MAPD, GMEI	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	MSO, MAPD, GMEI	Where Council is the infrastructure manager or works manager

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MAPD, GMEI	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	GMEI	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	MAPD, GMEI	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	MAPD, GMEI	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	MFS, MAPD, GMEI	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)	MSO, MAPD, GMEI	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	MSO, MAPD, GMEI	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	GMEI	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	MSO, MAPD, GMEI	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 16(4)	Duty to consult	MISO, MAPD, GMEI	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	MAPD, GMEI	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	MAPD, GMEI	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	MAPD, GMEI	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	GMEI	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	MAPD, GMEI	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	MAPD, GMEI	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	MAPD, GMEI	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	CUC, MAPD, GMEI, CO	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	MAPD, GMEI	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	MAPD, GMEI	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	MAPD, GMEI	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	MAPD, GMEI	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

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Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	MPBH, SPC, SPMP, GMDCS	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	MPBH, SPC, SPMP, CEO, GMDCS, PLO	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, CSO, PA, PLO	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	MPBH, PBAC, SPC, SPMP, CEO, GMDCS, CSO, PA, PLO	where Council is not the responsible authority but the relevant land is within Council's municipal district

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Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MPBH, SPC, SPMP, CEO, GMDCS	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	MPBH, SPC, SPMP, CEO, GMDCS	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	MPBH, SPC, SPMP, CEO, GMDCS	
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	MPBH, SPC, SPMP, CEO, GMDCS	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	HPTO, HPC, HPO	
r 10	Function of receiving application for registration	HPTO, HPC, HPSO, HPO	
r 11	Function of receiving application for renewal of registration	HPTO, HPC, HPO	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	HPTO, HPC, HPSO, HPO	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	HPTO, HPC, HPO	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	HPTO, HPC, HPSO, HPO	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	HPTO, HPC, HPO	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	HPTO, HPC, HPO	
r 12(4) & (5)	Duty to issue certificate of registration	HPTO, HPC, HPSO, HPO	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 14(1)	Function of receiving notice of transfer of ownership	HPTO, HPC, HPSO, HPO	
r 14(3)	Power to determine where notice of transfer is displayed	HPTO, HPC, HPSO, HPO	
r 15(1)	Duty to transfer registration to new caravan park owner	HPTO, HPC, HPSO, HPO	
r 15(2)	Duty to issue a certificate of transfer of registration	HPTO, HPC, HPSO, HPO	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	HPTO, HPC, HPO	
r 17	Duty to keep register of caravan parks	HPTO, HPC, HPSO, HPO	
r 18(4)	Power to determine where the emergency contact person's details are displayed	HPTO, HPC, HPSO, HPO	
r 18(6)	Power to determine where certain information is displayed	HPTO, HPC, HPSO, HPO	
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	HPTO, HPC, HPSO, HPO	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 22(2)	Duty to consult with relevant emergency services agencies	HPTO, HPC, HPO	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	HPTO, HPC, HPSO, HPO	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	HPTO, HPC, HPSO, HPO	
r 25(3)	Duty to consult with relevant floodplain management authority	HPTO, HPC, HPO	
r 26	Duty to have regard to any report of the relevant fire authority	HPTO, HPC, HPO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	HPTO, HPC, HPSO, HPO	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	HPTO, HPC, HPSO, HPO	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	HPTO, HPC, HPSO, HPO	
r 41(4)	Function of receiving installation certificate	HPTO, HPC, HPSO, HPO	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	HPTO, HPC, HPSO, HPO	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power 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	HPTO, HPC, HPSO, HPO	

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	GMEI	
r 9(2)	Duty to produce written report of review of road management plan and make report available	GMEI	
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)	GMEI	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	GMEI	
r 13(1)	Duty to publish notice of amendments to road management plan	GMEI	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	GMEI	
r 16(3)	Power to issue permit	GMEI	Where Council is the coordinating road authority

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Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 18(1)	Power to give written consent re damage to road	GMEI	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	GMEI	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	GMEI	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	GMEI	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))	GMEI	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	GMEI	

Road Management (Works and Infrastructure) Regulations 2015			
Provision	Power 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	GMEI	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	GMEI	Where Council is the coordinating road authority

COLAC OTWAY SHIRE

RELIANSYS® DELEGATIONS - EXPORT OF UPDATES BY REGISTER - COMPLETE

S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

Note - Exported provisions are separated by category into NEW and then CHANGED and then DELETED.

02 FEBRUARY 2022

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NEW Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
594844	Cemeteries and Crematoria Act 2003	s 74	Duty to offer a perpetual right of interment		Provision commences on 1 March 2022 unless proclaimed earlier
594845	Cemeteries and Crematoria Act 2003	s 84F(2)(d)	Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5)		
594846	Cemeteries and Crematoria Act 2003	s 84H(4)	Power to exercise the rights of a holder of a right of interment		
594847	Cemeteries and Crematoria Act 2003	s 84I(5)	Duty to pay refund to the previous holder or holders of the right of interment		

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
594848	Cemeteries and Crematoria Act 2003	s 84I(6)(a)	Power to remove any memorial on the place of interment		
594849	Cemeteries and Crematoria Act 2003	s 84I(6)(b)	Power to grant right of interment under s 73		
594850	Cemeteries and Crematoria Act 2003	s 110(1A)	Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary		Provision commences on 1 March 2022 _____
594851	Food Act 1984	s 19EA(3)	Function of receiving copy of revised food safety program		Where Council is the registration authority _____
594852	Food Act 1984	s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.		Where Council is the registration _____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					authority _____
594853	Food Act 1984	s 19IA(2)	Duty to give written notice to the proprietor of the premises		Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3)) _____
594854	Food Act 1984	s 19N(2)	Function of receiving notice from the auditor		Where Council is the registration authority _____
594855	Food Act 1984	s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises		Where Council is the registration authority _____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
594856	Food Act 1984	s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed		
594857	Food Act 1984	s 39A (6)	Duty to comply with a direction of the Secretary		
594858	Food Act 1984	s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration		Where Council is the registration authority _____
594859	Food Act 1984	s 40E	Duty to comply with direction of the Secretary		
594860	Food Act 1984	s 43	Duty to maintain records of registration		Where Council is the registration authority _____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
594861	Food Act 1984	s 45AC	Power to bring proceedings		
594862	Planning and Environment Act 1987	s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes		
594863	Road Management Act 2004	s 96	Power to authorise a person for the purpose of instituting legal proceedings		

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CHANGED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285767	Cemeteries and Crematoria Act 2003_	s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment(sole holder)		Reference to 'sole holder' will no longer apply from 1 March 2022
285844	Food Act 1984		Power to register, or renew or transfer the registration of a food premises	HPTO, HPC, HPO1 , HPSO, HPO	Where Council is the registration authority refusal Refusal to grant/ renew/transfer or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285857	Food Act 1984	s 39A	Power to register, <u>or</u> renew or the transfer registration of a food premises despite minor defects	HPTO, HPC, HPO1 , HPSO, HPO	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c) _____
285861	Food Act 1984	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	HPTO, HPC, HPO1 , HPSO, HPO	Where Council is the registration authority _____
285886	Planning and Environment Act 1987	s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	MPBH, PBAC , PCofC, SPC, SPMPC, GMDCS	<u>Where Council is a planning authority</u> _____

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DELETED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
285875	Planning and Environment Act 1987	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)	MPBH, PCofC, GMDCS	
334650	Residential Tenancies Act 1997	s 91ZU(1)	Power to give a renter a notice to vacate rented premises	MFS, MPBH, MHAC, HPC, MAPD, CRS, All GMs	Where Council is a public statutory authority engaged in the provision of housing _____
334651	Residential Tenancies Act 1997	s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	MFS, MPBH, MHAC, HPC, MAPD, CRS, All GMs	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes _____

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
334652	Residential Tenancies Act 1997	s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	MFS, MPBH, MHAC, HPC, MAPD, CRS, All GMs	Where Council is a public statutory authority engaged in the provision of housing _____
334653	Residential Tenancies Act 1997	s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	MFS, MPBH, MHAC, HPC, MAPD, CRS, All GMs	Where Council is a public statutory authority engaged in the provision of housing _____
286119	Residential Tenancies Act 1997	s 142D	Function of receiving notice regarding an unregistered rooming house	HPC	
286120	Residential Tenancies Act 1997	s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	HPTO, HPC, HPSO, HPO	

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
286121	Residential Tenancies Act 1997	s 142G(2)	Power to enter certain information in the Rooming House Register	HPTO, HPC, HPSO, HPO	
286122	Residential Tenancies Act 1997	s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	HPTO, HPC, HPO	
334654	Residential Tenancies Act 1997	s 206AZA(2)	Function of receiving written notification	MFS, MPBH, MHAC, HPC, MAPD, CRS, All GMs	
334655	Residential Tenancies Act 1997	s 207ZE(2)	Function of receiving written notification	MFS, MPBH, MHAC, HPC, MAPD, CRS, All GMs	

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#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
334656	Residential Tenancies Act 1997	s 311A(2)	Function of receiving written notification	MFS, MPBH, MHAC, HPC, MAPD, CRS, All GMs	
334657	Residential Tenancies Act 1997	s 317ZDA(2)	Function of receiving written notification	MPBH, MHAC, HPC, MAPD, All GMs	
546481	Residential Tenancies Regulations 2021	sch 4 cl 3(a)(iii)	Power to approve any other toilet system	MPBH, HPTO, GMDCS, HPC, HPO	

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RELIANSYS® DELEGATIONS - EXPORT OF PROVISIONS AS ALLOCATED

S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

Note - Exported provisions are sorted by Delegation Source and Section.

02 MARCH 2022

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Delegation Sources

- Food Act 1984
- Planning and Environment Act 1987
- Road Management Act 2004

Positions

Abbreviation	Position
CEO	Chief Executive Officer
GMDCS	General Manager Development and Community Services
HPC	Health Protection Co-ordinator
HPSO	Health Protection Support Officer
HPTO	Health Protection Technical Officer
MPBH	Manager Planning, Building and Health
PCofC	Planning Committee of Council
SPC	Statutory Planning Co-ordinator
SPMPC	Strategic Planning and Major Projects Co-ordinator

Positions Groups

Positions Group	Position	Positions
HPO	Health Protection Officers	HPO2, HPO1

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NEW PROVISIONS AS ALLOCATED

March 2022

ID	Delegation Source	Section	Powers and Functions Delegated	Conditions and Limitations	Delegate or Sub-Delegate
594851	Food Act 1984	s 19EA(3)	Function of receiving copy of revised food safety program	Where Council is the registration authority	HPTO, HPC, HPSO, HPO
594852	Food Act 1984	s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	Where Council is the registration authority	HPTO, HPC, HPSO, HPO
594853	Food Act 1984	s 19IA(2)	Duty to give written notice to the proprietor of the premises	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))	HPTO, HPC, HPO
594854	Food Act 1984	s 19N(2)	Function of receiving notice from the auditor	Where Council is the registration authority	HPTO, HPC, HPSO, HPO
285844	Food Act 1984		Power to register or renew the registration of a food premises	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must	HPTO, HPC, HPSO, HPO

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ID	Delegation Source	Section	Powers and Functions Delegated	Conditions and Limitations	Delegate or Sub-Delegate
				be ratified by Council or the CEO (see s 58A(2))	
594855	Food Act 1984	s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	Where Council is the registration authority	HPTO, HPC, HPSO, HPO
594856	Food Act 1984	s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed		HPTO, HPC, HPSO, HPO
285857	Food Act 1984	s 39A	Power to register, or renew the registration of a food premises despite minor defects	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)	HPTO, HPC, HPSO, HPO
594857	Food Act 1984	s 39A (6)	Duty to comply with a direction of the Secretary		HPTO, HPC, HPSO, HPO
594858	Food Act 1984	s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	Where Council is the registration authority	HPTO, HPC, HPO
594859	Food Act 1984	s 40E	Duty to comply with direction of the Secretary		HPTO, HPC, HPSO, HPO

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ID	Delegation Source	Section	Powers and Functions Delegated	Conditions and Limitations	Delegate or Sub-Delegate
594860	Food Act 1984	s 43	Duty to maintain records of registration	Where Council is the registration authority	HPTO, HPC, HPSO, HPO
285861	Food Act 1984	s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	Where Council is the registration authority	HPTO, HPC, HPSO, HPO
594861	Food Act 1984	s 45AC	Power to bring proceedings		HPC, HPO
285886	Planning and Environment Act 1987	s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	Where Council is a planning authority	MPBH, PCofC, SPC, SPMP, GMDCS
594862	Planning and Environment Act 1987	s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes		MPBH, GMDCS
594863	Road Management Act 2004	s 96	Power to authorise a person for the purpose of instituting legal proceedings		CEO



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INSTRUMENT OF DELEGATION

S6 Instrument of Delegation
Council – Members of Staff

SEPTEMBER 2021

Colac Otway Shire

S6 Instrument of Delegation – Council to Members of Staff

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. record that references in the Schedule are as follows:

Positions

CEO	Chief Executive Officer
CRS	Co-ordinator Revenue Services
CUC	Compliance Unit Co-ordinator
EHTO	Environmental Health Technical Officer
GMCS	General Manager Corporate Services
GMDCS	General Manager Development and Community Services
GMEI	General Manager Environment and Infrastructure
HPC	Health Protection Co-ordinator
HPSO	Health Protection Support Officer
MAPD	Manager Assets and Project Delivery
MECS	Manager Environment & Community Safety
MFS	Manager Financial Services
MHAC	Manager Healthy Active Communities
MPC	Manager People and Culture
MPBH	Manager Planning, Building and Health
MSO	Manager Services and Operations
MEMC	Municipal Emergency Management Co-ordinator
N/A	Not Applicable – Item not delegated
PBAC	Planning and Building Administration Co-ordinator
PCofC	Planning Committee of Council
SPC	Statutory Planning Co-ordinator
SPMPC	Strategic Planning and Major Projects Co-ordinator

Positions Groups

CAO	Compliance Administration Officers
All GMs	All General Managers
CO	Compliance Officers
CSO	Customer Services Officers
HPO	Health Protection Officers
PA	Planning Administrators
PLO	Planning Officers

3. declares that:
 - 3.1 this Instrument of Delegation is authorised by resolution of Council passed on 22 September 2021; and

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- 3.2 the delegation:
 - 3.2.1 comes into force immediately the common seal of Council is affixed to 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.

This Delegation was amended by resolution of the Colac Otway Shire Council on 22 September 2021.

THE COMMON SEAL of the)
 COLAC OTWAY SHIRE COUNCIL was)
 Hereunto affixed in the presence of:)



Anne Howard
 Anne Howard
 Chief Executive Officer

27 / 9 / 21
 Date

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Delegation Sources

- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020
- Residential Tenancies Regulations 2021
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

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S6 Instrument of Delegation - Members of Staff

Domestic Animals Act 1994			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	CUC, CO	Council may delegate this power to a Council authorised officer

Food Act 1984			
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	EHTO, HPC, HPSO, HPO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	EHTO, HPC, HPSO, HPO	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	EHTO, HPC, HPO	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	EHTO, HPC, HPSO, HPO	If s 19(1) applies

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	EHTO, HPC, HPSO, HPO	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	EHTO, HPC, HPSO, HPO	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).	EHTO, HPC, HPSO, HPO	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	EHTO, HPC, HPSO, HPO	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	EHTO, HPC, HPSO, HPO	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	EHTO, HPC, HPSO, HPO	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	EHTO, HPC, HPO	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19NA(1)	Power to request food safety audit reports	EHTO, HPC, HPSO, HPO	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	EHTO, HPC, HPO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	EHTO, HPC, HPSO, HPO	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	EHTO, HPC, HPSO, HPO	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	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
	Power to register, renew or transfer registration	EHTO, HPC, HPSO, HPO	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	HPC, HPO	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 36B	Duty to pay the charge for use of online portal	HPC, MPBH	Where Council is the registration authority
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	EHTO, HPC, HPSO, HPO	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)	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	EHTO, HPC, HPSO, HPO	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	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHTO, HPC, HPSO, HPO	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	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	EHTO, HPC, HPSO, HPO	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 38E(4)	Duty to register the food premises when conditions are satisfied	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHTO, HPC, HPSO, HPO	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	HPC, HPO	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	HPC, HPO	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	EHTO, HPC, HPSO, HPO	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	EHTO, HPC, HPSO, HPO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	EHTO, HPC, HPSO, HPO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	HPC	Where Council is the registration authority
s 40F	Power to cancel registration of food premises	HPC, MPBH	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	EHTO, HPC, HPSO, HPO	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	EHTO, HPC, HPO	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	EHTO, HPC, HPO	Where Council is the registration authority

Heritage Act 2017			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	GMDCS	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

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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	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	GMDCS, MPBH, PCofC, SPC, SPMP	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	GMDCS, MPBH, SPC, SPMP	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 4I	Duty to keep Victorian Planning Provisions and other documents available in accordance with public availability requirements	GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	MPBH	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	GMDCS, MPBH, PBAC, PCofC, SPC, SPMP	
s 8A(5)	Function of receiving notice of the Minister's decision	GMDCS, MPBH, PBAC, SPC, SPMP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	GMDCS, MPBH, PCofC, SPC, SPMP	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	GMDCS, MPBH, PCofC	
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	GMDCS, MPBH, PCofC, SPC, SPMP	
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)	GMDCS, MPBH, PCofC	
s 12B(1)	Duty to review planning scheme	GMDCS, MPBH, PCofC, SPC, SPMP	
s 12B(2)	Duty to review planning scheme at direction of Minister	GMDCS, MPBH, PCofC, SPC, SPMP	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	GMDCS, MPBH, PCofC, SPC, SPMP	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	GMDCS, MPBH, PBAC, PCofC, SPC, SPMP, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 17(1)	Duty of giving copy amendment to the planning scheme	GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 17(2)	Duty of giving copy s 173 agreement	GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
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	GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	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.

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	GMDCS, MPBH, PCofC, SPC, SPMP	
s 21(2)	Duty to make submissions available in accordance with public availability requirements	GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA	
s 21A(4)	Duty to publish notice	GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 22	Duty to consider all submissions	GMDCS, MPBH, PCofC, SPC, SPMP	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	GMDCS, MPBH, PCofC, SPC, SPMP	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	GMDCS, MPBH, PCofC, SPC, SPMP	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	GMDCS, MPBH, SPC, SPMP, PLO	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 27(2)	Power to apply for exemption if panel's report not received	GMDCS, MPBH, PCofC, SPC, SPMPC	
s 28(1)	Duty to notify the Minister if abandoning an amendment	GMDCS, MPBH, SPC, SPMPC	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 30(4)(a)	Duty to say if amendment has lapsed	GMDCS, MPBH, PBAC, SPC, SPMPC	
s 30(4)(b)	Duty to provide information in writing upon request	GMDCS, MPBH, PBAC, SPC, SPMPC	
s 32(2)	Duty to give more notice if required	GMDCS, MPBH, PBAC, SPC, SPMPC	
s 33(1)	Duty to give more notice of changes to an amendment	GMDCS, MPBH, PBAC, SPC, SPMPC	
s 36(2)	Duty to give notice of approval of amendment	GMDCS, MPBH, PBAC, SPC, SPMPC	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 38(5)	Duty to give notice of revocation of an amendment	GMDCS, MPBH, PBAC, SPC, SPMP	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	GMDCS, MPBH, SPC, SPMP	
s 40(1)	Function of lodging copy of approved amendment	GMDCS, MPBH, PBAC, SPC, SPMP	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
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	GMDCS, MPBH, PBAC, SPC, SPMP, CAO, PA, PLO	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 46AW	Function of being consulted by the Minister	CEO, GMDCS, MPBH	Where Council is a responsible public entity

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	CEO, GMDCS, MPBH, SPC, SPMP	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	CEO, GMDCS, MPBH, SPC, SPMP	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CEO, GMDCS, MPBH, SPC, SPMP	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	CEO, GMCS, GMDCS, MFS, MPBH	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	CEO, GMCS, GMDCS, MFS, MPBH	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CEO, GMCS, GMDCS, MFS, MPBH	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CEO, GMCS, MFS	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	
s 46GP	Function of receiving a notice under s 46GO	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	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	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	
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	CEO, GMCS, GMDCS, MFS, MPBH	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CEO, GMCS, GMDCS, MFS, MPBH	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CEO, GMCS, MFS	
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	CEO, GMCS, MFS	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CEO, GMCS, MFS	
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	CEO, GMCS, GMDCS, MPBH, SPC, SPMP	
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	CEO, GMCS, GMDCS, MPBH, SPC, SPMP	Where Council is the collecting agency

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CEO, GMCS, GMDCS, MPBH, SPC, SPMP	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, GMDCS, MPBH, SPC, SPMP	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)	CEO, GMDCS, MPBH, SPC, SPMP	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	CEO, GMDCS, MPBH, SPC, SPMP	
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	CEO, GMDCS, MPBH, SPC, SPMP	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	CEO, GMCS, GMDCS, GMEI, MFS, MPBH, SPC, SPMP	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	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GY(1)	Duty to keep proper and separate accounts and records	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	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	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	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	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	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

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(2)(b)	Function of receiving the monetary component	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	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)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	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	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	<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>

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(9)	Function of receiving the fee simple in the land	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	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 46GZA(1)	Duty to keep proper and separate accounts and records	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	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	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	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)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	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

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	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)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	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	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	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	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	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	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	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)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	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)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	CEO, MFS, MHAC	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	CEO, GMCS, GMDCS, MHAC, MPBH	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	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	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)	CEO, GMCS, GMDCS, MFS, MPBH, SPC, SPMP	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	GMDCS, MPBH, PCofC, SPC, SPMP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	GMDCS, MPBH, PCofC, SPC, SPMP	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	GMDCS, MPBH	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	GMDCS, MPBH	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	GMDCS, MPBH, SPC, SPMPC	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	GMDCS, MPBH, SPC, SPMPC	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, GMDCS, MPBH, SPC, SPMPC	
s 46Q(1)	Duty to keep proper accounts of levies paid	GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	
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	GMCS, GMDCS, MFS, MPBH, SPC, SPMPC	
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, GMDCS, MPBH, SPC, SPMPC	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	GMDCS, MPBH, SPC, SPMPC	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	CEO, GMDCS, MPBH, SPC, SPMPC	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	CEO, GMDCS, MPBH, SPC, SPMPC	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	CEO, GMDCS, MPBH, SPC, SPMPC	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	GMDCS, MFS, MPBH, SPC, SPMPC	
s 46QD	Duty to prepare report and give a report to the Minister	GMDCS, MFS, MPBH, SPC, SPMPC	Where Council is a collecting agency or development agency
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, GMDCS, MPBH, SPC, SPMPC	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 50(4)	Duty to amend application	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 50(5)	Power to refuse to amend application	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 50(6)	Duty to make note of amendment to application in register	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 50A(1)	Power to make amendment to application	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 50A(4)	Duty to note amendment to application in register	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
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	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	
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	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	
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	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CEO, GMDCS, MPBH, PBAC, PCofC, SPC, SPMPC	
s 52(3)	Power to give any further notice of an application where appropriate	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	

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Planning and Environment Act 1987			
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)	CEO, GMDCS, MPBH, PBAC, PCofC, SPC, SPMP, PLO	
s 54(1)	Power to require the applicant to provide more information	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 54(1B)	Duty to specify the lapse date for an application	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, GMDCS, MPBH, SPC, SPMP	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 57A(5)	Power to refuse to amend application	CEO, GMDCS, MPBH, SPC, SPMPC	
s 57A(6)	Duty to note amendments to application in register	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 57C(1)	Duty to give copy of amended application to referral authority	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 58	Duty to consider every application for a permit	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
s 58A	Power to request advice from the Planning Application Committee	CEO, GMDCS, MPBH, SPC, SPMPC	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 60	Duty to consider certain matters	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PA, PLO	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			determining referral authority under the planning scheme has recommended refusal of the application).
s 60(1A)	Duty to consider certain matters	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
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	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	<p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</p> <hr/> <p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			<p>under a lawful planning permit, where:</p> <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application). <p>Save where the application may have an affect on the broader community. The permit must not be inconsistent with a cultural heritage management</p>

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			plan under the Aboriginal Heritage Act 2006.
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, GMDCS, MPBH, PCofC, SPC, SPMP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, GMDCS, MPBH, PCofC, SPC, SPMP	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	CEO, GMDCS, MPBH, PCofC, SPC, SPMP	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, GMDCS, MPBH, PCofC, SPC, SPMP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, GMDCS, MPBH, PCofC, SPC, SPMP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, GMDCS, MPBH, PCofC, SPC, SPMP, PLO	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community.

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			<ul style="list-style-type: none"> • Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 62(2)	Power to include other conditions	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			determining referral authority under the planning scheme has recommended refusal of the application).
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, GMDCS, MPBH, PCofC, SPC, SPMP, PLO	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, GMDCS, MPBH, PCofC, SPC, SPMP, PLO	
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	CEO, GMDCS, MPBH, PCofC, SPC, SPMP, PLO	Save where the proposed use and/or development: <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where:

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			<ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
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)	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	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	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	This provision applies also to a decision to grant an amendment to a permit - see s 75A

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	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	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA	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

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 69(1)	Function of receiving application for extension of time of permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 69(1A)	Function of receiving application for extension of time to complete development	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 69(2)	Power to extend time	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	Delegation to officers applies save where the development has commenced lawfully under the planning permit and: <ul style="list-style-type: none"> o the application seeks approval for an extension of time to complete the works; and o the officer recommendation is for refusal, unless that recommendation is made due to the recommendation of a referral authority under Section 55 of the Act.
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 71(1)	Power to correct certain mistakes	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 71(2)	Duty to note corrections in register	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 73	Power to decide to grant amendment subject to conditions	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
s 74	Duty to issue amended permit to applicant if no objectors	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, PA, PLO	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	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 83	Function of being respondent to an appeal	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
s 83B	Duty to give or publish notice of application for review	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • the officer recommendation is for refusal, unless that recommendation is made due to the response of a referral authority under Section 55 of the Act • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			determining referral authority under the planning scheme has recommended refusal of the application).
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	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
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	CEO, GMDCS, MPBH, SPC, SPMP	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 84AB	Power to agree to confining a review by the Tribunal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, GMDCS, MPBH, SPC, SPMP	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CEO, GMDCS, MPBH, SPC, SPMP, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 91(2)	Duty to comply with the directions of VCAT	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 93(2)	Duty to give notice of VCAT order to stop development	CEO, CUC, GMDCS, MPBH, SPC, SPMP, CO, PLO	
s 95(3)	Function of referring certain applications to the Minister	CEO, GMDCS, MPBH, SPC, SPMP	
s 95(4)	Duty to comply with an order or direction	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, GMDCS, MPBH, SPC, SPMP	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, GMDCS, MPBH, SPC, SPMP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, GMDCS, MPBH, SPC, SPMP, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, GMDCS, MPBH, SPC, SPMP	
s 96F	Duty to consider the panel's report under s 96E	CEO, GMDCS, MPBH, SPC, SPMP	
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)	CEO, GMDCS, MPBH, PCofC, SPC, SPMP	<p>Save where the proposed use and/or development:</p> <ul style="list-style-type: none"> • Results in four (4) or more objections having been lodged against the grant of a permit. • Or where the application may have an affect on the broader community. • Or if the application seeks approval for works which had commenced under a lawful planning permit, where: <ul style="list-style-type: none"> • the works had not been completed prior to the expiry of the permit; and • the officer recommendation is for refusal, unless that recommendation is made due to the

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			response of a referral authority under Section 55 of the Act • Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).
s 96H(3)	Power to give notice in compliance with Minister's direction	CEO, GMDCS, MPBH, SPC, SPMPCC	
s 96J	Power to issue permit as directed by the Minister	CEO, GMDCS, MPBH, SPC, SPMPCC, PLO	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CEO, GMDCS, MPBH, SPC, SPMPCC, PLO	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	CEO, GMDCS, MPBH, SPC, SPMPCC, PLO	
s 97C	Power to request Minister to decide the application	CEO, GMDCS, MPBH, SPC, SPMPCC	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
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	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	GMDCS, MPBH, SPC, SPMP	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, GMDCS, MPBH, SPC, SPMP, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 97Q(4)	Duty to comply with directions of VCAT	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PA, PLO	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, GMDCS, MPBH	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, GMDCS, MPBH	
s 101	Function of receiving claim for expenses in conjunction with claim	CEO, GMDCS, MPBH	
s 103	Power to reject a claim for compensation in certain circumstances	CEO, GMDCS, MPBH	
s.107(1)	function of receiving claim for compensation	CEO, GMDCS, MPBH	
s 107(3)	Power to agree to extend time for making claim	CEO, GMDCS, MPBH	
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMP, CO	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMP, CO, PLO	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMP, CO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 123(1)	Power to carry out work required by enforcement order and recover costs	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMPC, CO	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, CUC, GMDCS, MECS, MPBH	Except Crown Land
s 129	Function of recovering penalties	CEO, CUC, GMDCS, MECS, MFS, MPBH, CO	
s 130(5)	Power to allow person served with an infringement notice further time	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMPC, CO, PLO	
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMPC, CO	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CEO, CUC, GMDCS, MECS, MPBH, SPC, SPMPC, CO	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	CEO, GMDCS, MPBH, SPC, SPMPC	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	CEO, GMDCS, MPBH, SPC, SPMPC	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 171(2)(g)	Power to grant and reserve easements	CEO, GMDCS, MPBH, PCofC, SPC, SPMP	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO, GMCS, GMDCS	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	CEO, GMCS, GMDCS	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)	CEO, GMCS, GMDCS	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, GMDCS, GMEI, MPBH, SPC, SPMP	
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	CEO, GMCS, GMDCS, GMEI, MPBH	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	CEO, GMDCS, MPBH, SPC, SPMP, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	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	CEO, GMDCS, MPBH, SPC, SPMP	
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	CEO, GMDCS, MPBH, SPC, SPMP	
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, GMDCS, MPBH, PCofC, SPC, SPMP	
s 178A(1)	Function of receiving application to amend or end an agreement	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, PLO	
s 178A(5)	Power to propose to amend or end an agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
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	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178C(4)	Function of determining how to give notice under s 178C(2)	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	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	CEO, GMDCS, MPBH, SPC, SPMP, PLO	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	CEO, GMDCS, MPBH, SPC, SPMP, PLO	If no objections are made under s 178D Must consider matters in s 178B

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	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	CEO, GMDCS, MPBH, SPC, SPMP, PLO	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
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	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 182	Power to enforce an agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	CEO, GMDCS, MPBH, SPC, SPMP, PLO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
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	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
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	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
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	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 184G(2)	Duty to comply with a direction of the Tribunal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 184G(3)	Duty to give notice as directed by the Tribunal	CEO, GMDCS, MPBH, SPC, SPMP, PLO	
s 198(1)	Function to receive application for planning certificate	N/A	Certificates not issued by Council
s 199(1)	Duty to give planning certificate to applicant	N/A	Certificates not issued by Council

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 201(1)	Function of receiving application for declaration of underlying zoning	CEO, GMDCS, MPBH, PBAC, SPC, SPMPC, CSO, PA, PLO	
s 201(3)	Duty to make declaration	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
	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	CEO, CUC, GMDCS, MECS, MPBH, PCofC, SPC, SPMPC, CO, PLO	
	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	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
	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	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	
	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, GMDCS, MPBH, PCofC, SPC, SPMPC, PLO	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CEO, GMDCS, MPBH, SPC, SPMPC	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CEO, GMDCS, MPBH, SPC, SPMPC	

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Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	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	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	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	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	Where Council is a public statutory authority engaged in the provision of housing
s 142D	Function of receiving notice regarding an unregistered rooming house	HPC	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	EHTO, HPC, HPSO, HPO	
s 142G(2)	Power to enter certain information in the Rooming House Register	EHTO, HPC, HPSO, HPO	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	EHTO, HPC, HPO	

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Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 206AZA(2)	Function of receiving written notification	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	
s 207ZE(2)	Function of receiving written notification	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	
s 311A(2)	Function of receiving written notification	CRS, HPC, MAPD, MFS, MHAC, MPBH, All GMs	
s 317ZDA(2)	Function of receiving written notification	HPC, MAPD, MHAC, MPBH, All GMs	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	HPC, MECS, MPBH	
s 522(1)	Power to give a compliance notice to a person	CRS, CUC, MECS, MFS, MPBH, CO	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	All GMs	
s 525(4)	Duty to issue identity card to authorised officers	All GMs	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CRS, CUC, MFS	

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Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 526A(3)	Function of receiving report of inspection	CRS, CUC, MFS	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CUC, MECS, CO	

Road Management Act 2004			
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	GMEI, MAPD	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	CRS, GMCS, GMEI, MAPD	
s 11(9)(b)	Duty to advise Registrar	CRS, GMCS, GMEI, MAPD	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CRS, GMEI, MAPD	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	GMEI, MAPD, MSO	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	GMEI, MAPD	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	GMEI, MAPD	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	GMEI, MAPD	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	GMEI, MAPD	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	GMEI, MAPD	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 12(10)	Duty to notify of decision made	GMEI, MAPD	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	GMEI, MAPD	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	GMEI, MAPD	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	GMEI	
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	GMEI	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMEI, MAPD	
s 15(2)	Duty to include details of arrangement in public roads register	GMEI, MAPD	
s 16(7)	Power to enter into an arrangement under s 15	GMEI	

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 16(8)	Duty to enter details of determination in public roads register	GMEI, MAPD	
s 17(2)	Duty to register public road in public roads register	GMEI, MAPD	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	GMEI, MAPD	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	GMEI, MAPD	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	GMEI	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	GMEI, MAPD	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	GMEI	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	GMEI, MAPD	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	GMEI, MAPD	
s 19(4)	Duty to specify details of discontinuance in public roads register	GMEI, MAPD	
s 19(5)	Duty to ensure public roads register is available for public inspection	GMEI, MAPD	
s 21	Function of replying to request for information or advice	GMEI, MAPD	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	GMEI, MAPD	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	GMEI, MAPD	
s 22(5)	Duty to give effect to a direction under s 22	GMEI, MAPD	
s 40(1)	Duty to inspect, maintain and repair a public road.	GMEI, MAPD, MSO	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	GMEI, MAPD	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	GMEI, MAPD, MSO	
s 42(1)	Power to declare a public road as a controlled access road	GMEI	Power of coordinating road authority and sch 2 also applies

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	GMEI	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	GMEI	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	GMEI, MAPD	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)	GMEI, MAPD	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	GMEI, MAPD	
s 49	Power to develop and publish a road management plan	GMEI, MAPD	

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 51	Power to determine standards by incorporating the standards in a road management plan	GMEI, MAPD	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMEI, MAPD	
s 54(2)	Duty to give notice of proposal to make a road management plan	GMEI, MAPD	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	GMEI, MAPD	
s 54(6)	Power to amend road management plan	GMEI, MAPD	
s 54(7)	Duty to incorporate the amendments into the road management plan	GMEI, MAPD	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMEI, MAPD	
s 63(1)	Power to consent to conduct of works on road	GMEI, MAPD, MSO	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	GMEI, MAPD, MECS, MEMC, MSO	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	GMEI, MAPD, MSO	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	CUC, MECS, CO	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	CUC, MECS, CO	Where Council is the coordinating road authority
s 67(3)	Power to request information	CUC, MECS, CO	Where Council is the coordinating road authority
s 68(2)	Power to request information	CUC, MECS, CO	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	GMCS, GMDCS, GMEI	
s 72	Duty to issue an identity card to each authorised officer	GMCS, MPC	
s 85	Function of receiving report from authorised officer	GMEI, MAPD, MSO	
s 86	Duty to keep register re s 85 matters	GMEI	
s 87(1)	Function of receiving complaints	GMEI, MAPD, MSO	
s 87(2)	Duty to investigate complaint and provide report	GMEI	
s 112(2)	Power to recover damages in court	GMEI, MAPD, MSO	
s 116	Power to cause or carry out inspection	GMEI, MAPD, MSO	
s 119(2)	Function of consulting with the Head, Transport for Victoria	GMEI, MAPD, MSO	

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Road Management Act 2004			
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)	GMEI, MAPD, MSO	
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)	GMEI	
s 121(1)	Power to enter into an agreement in respect of works	GMEI	
s 122(1)	Power to charge and recover fees	GMEI, MAPD	
s 123(1)	Power to charge for any service	GMEI, MAPD	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	GMEI	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	GMEI	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	GMEI	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	GMEI, MAPD	
sch 2 cl 5	Duty to publish notice of declaration	GMEI	
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	GMEI, MAPD	Where Council is the infrastructure manager or works manager

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	GMEI, MAPD, MSO	Where Council is the infrastructure manager or works manager
sch 7 cla 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	GMEI, MAPD	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	GMEI, MAPD, MSO	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	GMEI, MAPD	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	GMEI	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	GMEI, MAPD	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 12(5)	Power to recover costs	GMEI, MAPD, MFS	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)	GMEI, MAPD, MSO	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	GMEI, MAPD, MSO	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	GMEI	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	GMEI, MAPD, MSO	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	GMEI, MAPD, MSO	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	GMEI, MAPD	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	GMEI, MAPD	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	GMEI	Where Council is the coordinating road authority
sch 7 cl18(1)	Power to enter into an agreement	GMEI, MAPD	Where Council is the coordinating road authority
sch7 cl 19(1)	Power to give notice requiring rectification of works	GMEI, MAPD	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	GMEI, MAPD	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	CUC, GMEI, MAPD, CO	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	GMEI, MAPD	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	GMEI, MAPD	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	GMEI, MAPD	Where Council is the responsible road authority

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Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	GMEI, MAPD	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Planning and Environment Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	GMDCS, MPBH, SPC, SPMPC	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	CEO, GMDCS, MPBH, SPC, SPMPC, PLO	

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Planning and Environment Regulations 2015			
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	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	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	CEO, GMDCS, MPBH, PBAC, SPC, SPMP, CSO, PA, PLO	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	CEO, GMDCS, MPBH, SPC, SPMP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016			
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	CEO, GMDCS, MPBH, SPC, SPMP	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, GMDCS, MPBH, SPC, SPMP	

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Planning and Environment (Fees) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	CEO, GMDCS, MPBH, SPC, SPMP	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	EHTO, HPC, HPO	
r 10	Function of receiving application for registration	EHTO, HPC, HPSO, HPO	
r 11	Function of receiving application for renewal of registration	EHTO, HPC, HPO	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHTO, HPC, HPSO, HPO	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHTO, HPC, HPO	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHTO, HPC, HPSO, HPO	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHTO, HPC, HPO	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EHTO, HPC, HPO	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 12(4) & (5)	Duty to issue certificate of registration	EHTO, HPC, HPSO, HPO	
r 14(1)	Function of receiving notice of transfer of ownership	EHTO, HPC, HPSO, HPO	
r 14(3)	Power to determine where notice of transfer is displayed	EHTO, HPC, HPSO, HPO	
r 15(1)	Duty to transfer registration to new caravan park owner	EHTO, HPC, HPSO, HPO	
r 15(2)	Duty to issue a certificate of transfer of registration	EHTO, HPC, HPSO, HPO	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	EHTO, HPC, HPO	
r 17	Duty to keep register of caravan parks	EHTO, HPC, HPSO, HPO	
r 18(4)	Power to determine where the emergency contact person's details are displayed	EHTO, HPC, HPSO, HPO	
r 18(6)	Power to determine where certain information is displayed	EHTO, HPC, HPSO, HPO	
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	EHTO, HPC, HPSO, HPO	
r 22(2)	Duty to consult with relevant emergency services agencies	EHTO, HPC, HPO	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHTO, HPC, HPSO, HPO	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	EHTO, HPC, HPSO, HPO	
r 25(3)	Duty to consult with relevant floodplain management authority	EHTO, HPC, HPO	
r 26	Duty to have regard to any report of the relevant fire authority	EHTO, HPC, HPO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHTO, HPC, HPSO, HPO	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHTO, HPC, HPSO, HPO	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHTO, HPC, HPSO, HPO	
r 41(4)	Function of receiving installation certificate	EHTO, HPC, HPSO, HPO	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	EHTO, HPC, HPSO, HPO	
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	EHTO, HPC, HPSO, HPO	

Residential Tenancies Regulations 2021			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 4 cl 3(a)(iii)	Power to approve any other toilet system	EHTO, GMDCS, HPC, MPBH, HPO	

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Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	GMEI	
r 9(2)	Duty to produce written report of review of road management plan and make report available	GMEI	
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)	GMEI	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	GMEI	
r 13(1)	Duty to publish notice of amendments to road management plan	GMEI	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	GMEI	
r 16(3)	Power to issue permit	GMEI	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	GMEI	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	GMEI	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	GMEI	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	GMEI	Where Council is the responsible road authority

Colac Otway Shire

Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	GMEI	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	GMEI	

Road Management (Works and Infrastructure) Regulations 2015			
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	GMEI	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	GMEI	Where Council is the coordinating road authority

Item: 10.7

Report of Informal Meetings of Councillors

OFFICER	Lyndal Redford
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"> 1. Informal Meeting of Councillors - Councillor Briefing - 9 February 2022 - CB 20220209 [10.7.1 - 2 pages] 2. Informal Meeting of Councillors - Planning Committee Meeting Preparation - 9 February 2022 - PCM 202 [10.7.2 - 2 pages] 3. Informal Meeting of Councillors Record - Central Reserve Advisory Committee Meeting - 2022 February [10.7.3 - 1 page] 4. Informal Meeting of Councillors - Councillor Briefing - 16 February 2022 - CB 20220216 [10.7.4 - 3 pages] 5. Informal Meeting of Councillors - Council Meeting Preparation - 23 February 2022 - CM 20220223 [10.7.5 - 2 pages] 6. Informal Meeting of Councillors - Councillor Briefing - 2 March 2022 - CB 20220302 [10.7.6 - 2 pages] 7. Informal Meeting of Councillors Record - City Deals Executive Steering Committee - 20220308 [10.7.7 - 1 page] 8. Informal Meeting of Councillors - Councillor Briefing - 9 March 2022 - CB 20220309 [10.7.8 - 2 pages]
PURPOSE	To report the Informal Meetings of Councillors

1. EXECUTIVE SUMMARY

INFORMAL MEETINGS OF COUNCILLORS

The Colac Otway Shire Governance Rules require that records of informal meetings of Councillors which meet the following criteria:

If there is a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting

be tabled at the next convenient meeting of Council and recorded in the minutes of that Council meeting.

All relevant meetings have been recorded and documented, as attached.

2. REPORTING

The Informal Meetings of Councillors are reported herewith.

1. Councillor Briefing	9 February 2022
2. Planning Committee Meeting Preparation	9 February 2022
3. Central Reserve Advisory Committee Meeting	16 February 2022
4. Councillor Briefing	16 February 2022
5. Council Meeting Preparation	23 February 2022
6. Councillor Briefing	2 March 2022
7. City Deals Executive Steering Committee Meeting	8 March 2022
8. Councillor Briefing	9 March 2022

3. KEY INFORMATION

The following Informal Meetings of Councillors have been held and are attached to this report:

1. Councillor Briefing	9 February 2022
2. Planning Committee Meeting Preparation	9 February 2022
3. Central Reserve Advisory Committee Meeting	16 February 2022
4. Councillor Briefing	16 February 2022
5. Council Meeting Preparation	23 February 2022
6. Councillor Briefing	2 March 2022
7. City Deals Executive Steering Committee Meeting	8 March 2022
8. Councillor Briefing	9 March 2022

4. OFFICER DIRECT OR INDIRECT INTEREST

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



Informal Meeting of Councillors Record

Councillor Briefing

Date: 9 February 2022

Time: 1.30pm

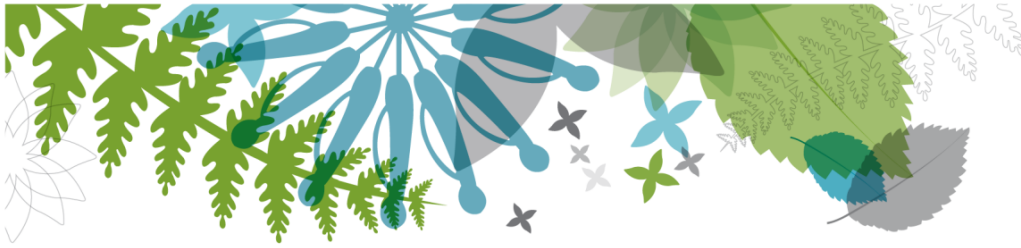
Meeting Location: By videoconference

Invitees:
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Anne Howard, Errol Lawrence, Jo Grainger, Tony McGann, Ian Seuren, Marlo Emmitt
Attendees:
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Anne Howard, Tony McGann, Ian Seuren, Jo Grainger, Marlo Emmitt, Madeleine Bisits, Mark McLennan, Paula Gardiner, Louise Harvey
External attendees:
Nil
Apologies:
Cr Joe McCracken, Errol Lawrence
Absent:
Nil

Meeting Commenced at: 1.34pm

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



Councillor Briefing – 9 February 2022		
Time	Item	Attendees
1.34pm- 2.15pm	Notice of Intention to Sell - 69 McLachlan Street, Apollo Bay Cr Bell left the meeting at 1.57pm; returned to the meeting at 1.58pm.	Madeleine Bisits Mark McLennan
2.15pm- 2.38pm	Great South Coast Group	Anne Howard
2.38pm- 2.47pm	Asset Management	Tony McGann
2.47pm- 3.05pm	Traffic Management in Old Coach Road, Skenes Creek	Madeleine Bisits Paula Gardiner
3.05pm- 3.06pm	Councillor and EA to CEO, Mayor and Councillors catch up	Louise Harvey
3.06pm	General Business	
3.06pm	Meeting closed	



Informal Meeting of Councillors Record

Planning Committee Meeting Preparation

Date: 9 February 2022

Time: 3:00pm

Meeting Location: By videoconference

Invitees:
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Anne Howard, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt, Lyndal Redford
Attendees:
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Anne Howard, Tony McGann, Ian Seuren, Jo Grainger, Marlo Emmitt, Lyndal Redford, Doug McNeill, Bláithín Butler, Julia Repusic, Madeleine Bisits
External attendees:
Nil
Apologies:
Errol Lawrence
Absent:
Nil

Meeting Commenced at: 3.24pm

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



Planning Committee Meeting Preparation – 9 February 2022		
Time	Item	Attendees
3.24pm – 3.45pm	Planning Committee meeting preparation Cr Bell left the meeting at 3.24pm: returned at 3.31pm.	Doug McNeill Bláithín Butler Julia Repusic Madeleine Bisits
3.45pm	Meeting closed	



Informal Meeting of Councillors Record

This form must be completed by the attending Council Officer and the completed form must be provided to governance@colacotway.vic.gov.au for reporting at the next practicable Council Meeting.

Please refer to Chapter 5 (Disclosure of Conflict of Interest) and Chapter 6 (Informal Meetings of Councillors) of the Governance Rules and the guidelines over page.

Meeting Details

Meeting name: Central Reserve Advisory Committee

Date: 16/02/2022 **Time:** 5:15pm

Meeting Location: Central Reserve – Upstairs Pavilion

Matter/s Discussed:

- Facilities and Grounds Maintenance Reports;
- Central Reserve Master Plan implementation – Central Reserve Lighting Upgrades and Netball Courts Redevelopment Project – update official opening;
- City Reserves Planning Project (Central Reserve Master Plan) – project update;
- Update from User Groups;
- Central Reserve Bookings – upcoming and proposed ground and facility use – regular users and casual bookings;
- Central Reserve Advisory Committee – Terms of Reference and Committee member appointment update;
- AFL Pre-season Match – possibility of 2022 match – update of discussion.
- 2022 booking requests for feature matches to be held at reserve – VFL, Geelong Falcons, Women’s matches, etc.

In Attendance:

Councillors:
Cr Chris Potter
Officers:
Nicole Frampton – Recreation and Open Space Coordinator – via phone.

Conflict of Interest Disclosures for Councillors and Officers: (refer to over page for guidelines)

Name	Type of interest	Left meeting at	Returned to meeting at
Nil			

Completed by: Nicole Frampton – Recreation and Open Space Coordinator



Informal Meeting of Councillors Record

Councillor Briefing

Date: 16 February 2022

Time: 11.30am

Meeting Location: COPACC Meeting Rooms 1 and 2, and by videoconference

Invitees:
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Anne Howard, Errol Lawrence, Jo Grainger, Tony McGann, Ian Seuren, Marlo Emmitt
Attendees:
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken (by videoconference), Cr Chris Potter, Cr Margaret White, Anne Howard, Jo Grainger, Tony McGann, Ian Seuren, Marlo Emmitt, Doug McNeill, James Myatt, Fiona Maw (by videoconference), Robert Uebergang (by videoconference), Frank Castles (by videoconference), Amanda Barber, Doug McNeill, Erin Sonogo, Louise Harvey
External attendees:
GovernWith CEO and Founder (by videoconference)
Apologies:
Errol Lawrence
Absent:
Nil

Meeting Commenced at: 11.35am

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



Councillor Briefing – 16 February 2022		
Time	Item	Attendees
11.35am - 11.52am	Social and Affordable Housing Update	Doug McNeill James Myatt
11.52am - 12.24pm	Community Award Nominations 2022 Cr Bell attended the meeting at 12:03pm. Cr McCracken attended the meeting at 12:13pm	James Myatt Fiona Maw
12.24pm - 12.29pm	Councillor update from Committee Meetings	
12.29pm - 12.33pm	Councillor and EA to CEO, Mayor and Councillors catch up	Louise Harvey
12.33pm - 12.45pm	City Deal Projects - Quarterly Briefing (1)	Frank Castles
12.45pm - 1.04pm	Break	
1.04pm- 1.18pm	GovernWith - Board Evaluation and Action Plan	GovernWith CEO and Founder Marlo Emmitt
1.18pm – 1.29pm	General Business Cr Potter left the meeting at 1.25pm; returned at 1.27pm. Cr Potter left the meeting at 1.28pm.	
1.29pm – 1.33pm	Break	
1.33pm – 2.20pm	Draft Asset Plan Cr Kate Hanson left the meeting at 2.07pm; returned at 2.09pm.	Robert Uebergang Amanda Barber
2.20pm – 2.29pm	Break	
2.29pm – 3.11pm	General Business <ul style="list-style-type: none"> Advocacy framework Cr Potter returned to the meeting at 2.44pm.	



Councillor Briefing – 16 February 2022		
Time	Item	Attendees
3.11pm – 3.24pm	Hillview Planning Scheme Amendment Request	Doug McNeill Erin Sonogo
3.24pm	Meeting closed	



Informal Meeting of Councillors Record

Council Meeting Preparation

Date: 23 February 2022

Time: 1.30pm

Meeting Location: Meeting Rooms 1 and 2 COPACC, and by videoconference

Invitees:

Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Anne Howard, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt, Lyndal McLean

Attendees:

Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Anne Howard, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt, Lyndal McLean, Dani Wright, Erin Sonogo, Sean O'Keeffe, Doug McNeill, James Myatt, Paul Carmichael, Amanda Barber, Tamzin McLennan, Madeleine Bisits, Paula Gardiner, Mark McLennan (by videoconference), Peter Macdonald (by videoconference), Kristy Cochrane, Simon Clarke (by videoconference), Timothy Brain (by videoconference)

External attendees:

Project Officer – Floodplains, Corangamite Catchment Management Authority (CCMA)

Apologies:

Nil

Absent:

Nil

Meeting Commenced at: 1.30pm

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



Council Meeting Preparation - 23 February 2022		
Time	Item	Attendees
1.30pm – 3:40pm	<p>Council Meeting preparation</p> <p>Cr Bell left the meeting at 3.35pm; return at 3.37pm.</p>	<p>Project Officer – CCMA</p> <p>Dani Wright Erin Sonogo Sean O’Keeffe Doug McNeill James Myatt Paul Carmichael, Amanda Barber Tamzin McLennan Madeleine Bisits Paula Gardiner Mark McLennan Peter Macdonald Kristy Cochrane Simon Clarke Timothy Brain</p>
3:40pm	Meeting closed	



Informal Meeting of Councillors Record

Councillor Briefing

Date: 2 March 2022

Time: 12.00pm

Meeting Location: Meeting Rooms 1 and 2 COPACC and by videoconference

Invitees:
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Anne Howard, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt
Attendees:
Cr Jamie Bell, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Anne Howard, Tony McGann, Ian Seuren, Errol Lawrence (by videoconference), Marlo Emmitt, Doug McNeill, Erin Sonogo (by videoconference), Simon Clarke (by videoconference), Madeleine Bisits, Paula Gardiner, Tim Brain, Louise Harvey, Amanda Barber, Toni Uphill, Cameron Duthie, Chris Saw (by videoconference), Steven Baker (by videoconference)
External attendees:
Nil
Apologies:
Cr Graham Costin
Absent:
Nil

Meeting Commenced at: 12.05pm

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



Councillor Briefing – 2 March 2022		
Time	Item	Attendees
12.05pm – 12.31pm	<p>Combined Planning Scheme Amendment C111 and Planning Permit PP219/2020-1 – 520 Corangamite Road and 30 Factory Road Cororooke – Hearing of Submissions</p> <p>Tony McGann attended the meeting at 12.29pm.</p>	<p>Doug McNeill Erin Sonogo Simon Clarke</p>
12.31pm – 12.45pm	Update on Landslips Resulting from Storm Events in September and October 2021	<p>Madeleine Bisits Paula Gardiner Tim Brain</p>
12.45pm – 12.46pm	Councillor and EA to CEO, Mayor and Councillors catch up	Louise Harvey
12.46pm – 1.14pm	<p>General Business</p> <p>Councillor update from Committee Meetings</p>	
1.14pm – 1.45pm	Break	
1.45pm – 3.49pm	<p>Council Workshop - 22/23 Budget V1.2</p> <p>Cr Hart left the meeting at 1.59pm; returned at 3.31pm.</p>	<p>Amanda Barber Toni Uphill Cameron Duthie Chris Saw Steven Baker</p>
3.49pm	Meeting closed	



Informal Meeting of Councillors Record

This form must be completed by the attending Council Officer and the completed form must be provided to governance@colacotway.vic.gov.au for reporting at the next practicable Council Meeting.

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Meeting Details

Meeting name: City Deal Projects COS Executive Steering Committee Meeting

Date: 8/03/2022 **Time:** 11:15am

Meeting Location: Online – Microsoft Teams

(eg. COPACC; Colac Otway Shire Offices – 2-6 Rae Street, Colac; Shire Offices – Nelson Street, Apollo Bay)

Matter/s Discussed: Kennett River Tourism Infrastructure Improvements City Deal, Apollo Bay to Skenes Creek Coastal Trail City Deal, Apollo Bay Harbour Redevelopment City Deal and Geelong City Deal

(eg. Discussions with property owners and/or residents; Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay; Council Plan steering committee with Councillors and officers.)

In Attendance:

Councillors:
Cr Stephen Hart
Officers:
Tony McGann (COS GM Environment & Infrastructure), Errol Lawrence (COS GM Corporate Services), Frank Castles (City Deals - Project Director), Lisa Healey (City Deals - Administrator & Projects), Ian Seuren (COS GM Development & Community)
Apology: Anne Howard (COS CE), Marlo Emmit (Manager COS Governance)

Conflict of Interest Disclosures for Councillors and Officers: (refer to over page for guidelines)

Name	Type of interest	Left meeting at	Returned to meeting at
Nil			

Completed by: Lisa Healey

Updated 24 October 2020



Informal Meeting of Councillors Record

Councillor Briefing

Date: 9 March 2022

Time: 11.15am

Meeting Location: Meeting Rooms 1 and 2 COPACC and by videoconference

Invitees:
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Margaret White, Anne Howard, Errol Lawrence, Tony McGann, Ian Seuren, Marlo Emmitt
Attendees:
Cr Jamie Bell, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Anne Howard, Errol Lawrence (by videoconference), Tony McGann (by videoconference), Ian Seuren, Marlo Emmitt, Doug McNeill, Simon Clarke, Robert Uebergang, James McDonald (by videoconference), Louise Harvey, Lyndal McLean, Amanda Barber, Toni Uphill, Chris Saw (by videoconference), Steven Baker (by videoconference), Amila Wijekoon
External attendees:
Nil
Apologies:
Cr Joe McCracken
Absent:
Nil

Meeting Commenced at: 11.20am

Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



Councillor Briefing – 9 March 2022		
Time	Item	Attendees
11.20am – 11.42am	Combined Planning Scheme Amendment and Planning Permit Application for Subdivision at 19 Park Avenue and 86-92 Montrose Avenue, Apollo Bay	Doug McNeill Simon Clarke
11.42am – 11.45am	Planning Reform Update	Doug McNeill
11.45am – 12.11pm	Draft Asset Plan Cr Bell attended the meeting 12.02pm	Robert Uebergang Amila Wijekoon
12.11pm – 12.39pm	General Business	
12.39pm – 12.41pm	Councillor and EA to CEO, Mayor and Councillors catch up	Louise Harvey
12.41pm – 1.12pm	Break	
1.12pm – 1.39pm	Domestic Wastewater Management Plan Review	James McDonald Doug McNeill
1.39pm – 1.50pm	Committees Policy Cr Hanson left the meeting at 1.42pm; returned at 1.45pm	Lyndal McLean
1.50pm – 1.58pm	Break	
1.58pm – 3.45pm	Council Workshop - 22/23 Budget V1.2 Cr Bell left the meeting at 2.13pm; returned at 2.41pm. Cr Hanson left the meeting 2.21pm; returned at 2.23pm. Cr Bell left the meeting at 3.31pm; returned at 3.42pm.	Amanda Barber Toni Uphill Chris Saw Steven Baker
3.45pm	Meeting closed	

