

**OM162303-5 FESTIVAL AND EVENTS SUPPORT SCHEME 2016-2017 - APOLLO BAY
AUSTRALIA DAY COMMUNITY PICNIC, APOLLO BAY SEAFOOD FESTIVAL
AND GREAT OCEAN ROAD MARATHON**

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Purpose

The purpose of this report is to seek Council endorsement for proposed funding of \$9,500 to be made available to event organisers of the Apollo Bay Australia Day Community Picnic, Apollo Bay Seafood Festival and Great Ocean Road Marathon through the 2016-2017 Festival and Events Support Scheme (FESS).

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

The Festival and Event Support Scheme (FESS) was introduced in 2007 to provide an equitable funding allocation for events held within the shire via an agreed set of criteria.

Prior to the introduction of the FESS, only four events were supported by Council:

1. Birregurra Weekend Festival
2. Spirit of Christmas
3. KANA
4. Apollo Bay Music Festival.

In response to a number of new events being successfully implemented and funding requests from event organisers Council developed the FESS, a fair and transparent process for all events to be assessed for funding by Council. Since the introduction of the FESS, Council has funded over 65 different events.

Council Plan / Other Strategies / Policy

Good Governance

Means we care about and are responsive to the community, encourage democratic participation and involve people in decisions that affect them. We strive for excellence in financial management and council services, and always look for better ways to do things.

Our Goal:

Ensure transparency of governance practices, the capability of our organisation and effective resource management.

Issues / Options

The FESS has been operating for eight years and has been successful in developing and supporting existing and new events. However almost every year the FESS is oversubscribed, with the same events applying for and receiving funds. This results in limited scope for developing new events and there is no financial security for new and existing events to receive the same amount of funding each year. This can result in budgeting difficulties for the event organiser.

An internal review of the FESS Guidelines was conducted after the allocation of the 2014-2015 FESS and changes were made to the funding categories including providing funding for 2 years for events in the Sponsorship Category and Seed Funding Category. The One Off Event category remained with allocation for one year.

Council at its meeting on the 25 February 2015 supported the arrangement of 2 year funding.

In the 2015-2016 round of FESS funding the following events received funding for 2016-2017 via resolution of Council on 24 June 2015:

Seed Funding

- Apollo Bay Australia Day Community Picnic	\$2,000
- Eat Local Month	\$2,000
- Sustainable Living Day Gellibrand	\$1,000
- Youth Council Homelessness Awareness Sleepout	\$4,000
	\$9,000

Sponsorship

- Amy's Gran Fondo	\$1,000
- Apollo Bay Seafood Festival	\$5,000
- Birregurra Easter Arts at the Homestead	\$2,000
- Birregurra Festival and Art Show	\$5,000
- Birregurra School Choir at Birregurra Festival	\$1,500
- Chase the Dog	\$1,000
- Colac City Bands Carols by Candlelight	\$5,000
- Colac Garden & Lifestyle Expo	\$1,500
- Colac Kana Festival	\$5,000
- Colac Orchid Annual Show	\$500
- Colac Otway Wood Design Exhibition	\$2,500
- Forrest Festival	\$2,000
- Forrest SoupFest	\$4,000
- Gellibrand Blues and Blueberry Festival	\$4,000
- Good Friday Family Fun Day & Market	\$1,000
- Great Ocean Road Marathon	\$2,500
- Hunt for the Golden Gumboot	\$2,000
- Odyssey Mountain Bike Event	\$2,500
- Run Forrest	\$2,500
- Warm Winter Words	\$3,000
- Warrion Flower Show	\$1,000
	\$54,500
TOTAL	\$63,500

The allocation of funding was based on funding for 2 years (2015-2016 and 2016-2017) per the Advisory Committee minutes of 3 June 2015 and Council resolution of 25 February 2015.

The above events will receive funding for 2016-2017 provided they have submitted all the required paperwork for their event, including an acquittal form, and subject to budget endorsement by Council.

Funding requests for One Off Events will need to be sought for 2016-2017 following the relevant processes in the FESS Guidelines.

Proposal

Council support for the revised FESS process on 25 February 2015 allows for Sponsorship and Seed funding to be allocated for 2 years. The Sponsorship and Seed funding allocated in June 2015 allowed for 25 events to receive sponsorship and seed funding in 2015/2016 and 2016/2017. The allocated sponsorship and seed funding totals \$63,500 and allows \$11,500 to be available for One Off and new event funding based on a proposed total of \$75,000 as allocated in 2015/2016 and subject to budget approval.

It is recommended that the current FESS process should be commenced based on the above to allow for further funding allocations to be confirmed through Council by June 2016.

Financial and Other Resource Implications

The proposed funding allocation for the 2016-2017 FESS program is \$75,000, however this is subject to budget deliberations.

This program contributes significantly to many events across the Shire. Without this funding a number of the community events will cease to operate. It is important to offer this scheme, as limited funding opportunities exist at a State or Federal level.

Risk Management & Compliance Issues

Specific risk management and compliance issues embedded within each event application are assessed on their individual merit. The proposed guidelines and application forms ensure potential risk and compliance issues are identified.

Environmental and Climate Change Considerations

All events are assessed for their environmental and climate change considerations and external agencies are consulted where applicable.

Community Engagement

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be inform and include:

- Applications will open on Thursday 24 March 2016
- Direct database mail out to all event organisers and community groups
- Advertising in local media, all council publications and through the council Facebook page
- Community Information sessions will be held on Monday 11 April 2016 in Colac and Wednesday 13 April 2016 in Apollo Bay in conjunction with the Community Funding information sessions
- Council Officers will be available to meet with individual applicants as required to provide further assistance with applications

Implementation

The proposed timelines for the implementation of FESS are:

- | | |
|---|-------------------------|
| • FESS Applications open | Thursday 24 March 2016 |
| • Community Information Session – Colac | Monday 11 April 2016 |
| • Community Information Session – Apollo Bay | Wednesday 13 April 2016 |
| • FESS Applications close | Friday 29 April 2016 |
| • Applications assessed by council officers | May/June 2016 |
| • Council Assessment Meeting | June 2016 |
| • FESS Council Report endorsed at Council meeting | June 2016 |

- Civic Reception

July 2016

Conclusion

The annual FESS program is highly valued by the event organisers, evidenced by the number of applications received each year. The dedicated funding of festivals and events by Council has resulted in a broad range of community managed events that otherwise would not be staged within the Shire. Since 2007 the number of events funded by Council annually has increased from four (4) to over thirty five (35).

Attachments

1. Colac Otway Shire FESS Guidelines 2016 - 2017
2. Colac Otway Shire FESS Application Form 2016-2017

Recommendation(s)

That Council:

1. ***Confirms the second year allocation of Seed Funding for Apollo Bay Australia Day Community Picnic of \$2,000 in accordance with the allocation in 2015/2016.***
2. ***Confirms the second year allocation of Sponsorship Funding for Apollo Bay Seafood Festival of \$5,000 in accordance with the allocation in 2015/2016.***
3. ***Confirms the second year allocation of Sponsorship Funding for the Great Ocean Road Marathon for \$2,500 in accordance with the allocation in 2015/2016.***
4. ***Notes that if the events as listed above do not occur the funding will not be paid.***

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## **FESTIVAL AND EVENT SUPPORT SCHEME GUIDELINES 2016 – 2017**

### **1. WHAT IS THE FESTIVAL AND EVENTS SUPPORT SCHEME (FESS)**

The Colac Otway Shire (COS) recognises the importance of festival and events development in the municipality. The contribution of festivals and events to celebrating the region's diversity, cultural, economic and social development is highly valued. The Festival and Events Support Scheme (FESS) is council's funding program for events conducted within the Colac Otway Shire.

These guidelines outline FESS for individuals, groups and organisations seeking funding from Council for an event within the Shire. Funding is available for:

- Established and new events
- One off and repetitive events
- Not-for-profit
- Commercial events

There is one round of funding per year (opening 24 March 2016) for all event organisers conducting events in the 2016-2017 financial year.

This funding program provides seed funding to assist with the establishment of new event initiatives. The funding program also supports the development and growth of established events. An established event is defined as an event that has been conducted for more than 3 years.

These guidelines provide essential information for all applicants and outline the application process. They should be read in conjunction with Council's Event Policy.

The scope of the Colac Otway Shire, Festival and Events Support Scheme is broad and potential applicants are required to discuss their proposal with Council's Events Officer on 5232 9400 or [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)

### **2. AIMS AND OBJECTIVES**

The aims and objectives of the Festivals and Events Support Scheme are to:

- Provide financial assistance to conduct established professional and quality festival or event activities within Colac Otway Shire.
- Improve the quality of life experiences for communities within the municipality by increasing access to quality festivals and events.
- Promote cultural diversity and greater awareness, appreciation and participation in activities within the Colac Otway Shire area.
- Promote a sense of pride and community identity.
- Stimulate visitation and tourism to the Colac Otway Shire area and increase economic and social development opportunities.
- Contribute to the recognition of the Colac Otway Shire area as a region to host festivals and events.
- Create an environment for innovation and creativity within the municipality.
- Assist established Festivals and Events (where appropriate) to enable the Festival or Event to become as self-sufficient as possible.

**3. DEFINITION OF AN EVENT**

For the purposes of the Colac Otway Shire Festival and Support Scheme, the following definitions apply:

**“event”** means any planned activity open to the public held on Council owned or managed land where any structure (permanent or temporary), open area or road, (fenced or unfenced) will contain a number of persons greater than that normally found in that area or location at one time. This activity may affect the location surrounding the area prior to, during or after the activity, and includes:

- Sporting activities, whether conducted in an enclosed or unenclosed ground/venue (but does not include a regular, locally focussed and organised sporting competition at a venue built for that sport);
- One off or annual events such as religious meetings held in parks/sporting venues, rock concerts, promotional events and the like;
- Live performances and concerts; and
- Festivals.

**“event organiser”** means a commercial entity, community group or individual who undertakes the planning, control, management and/or implementation of an *event*.

**4. ELIGIBILITY CRITERIA**

You are eligible to apply for FESS if:

- Your event is held in the COS and is specifically designed to benefit residents and businesses of COS.
- You are an incorporated, not for profit or commercial organisation.
- You are an unincorporated, not-for-profit group with an auspice arrangement\* with an incorporated, not for profit group.
- Your event meets the criteria for funding.
- Funding preferences will be given to events not previously supported under this program, however notes that some events occur annually and rely on Council's funding support.
- Your event has a strong community focus.

You are not eligible to apply for FESS if:

- Your event that does not have a strong community base.
- Your event is conducted completely outside the boundaries of the Colac Otway Shire.
- Your event starts before 1 July 2016 or after 30 June 2017.
- Your event clashes with another major Colac Otway Shire Festival or Event.
- You are an individual without an auspice arrangement with a not-for-profit group.
- Organisations that have not completed an Acquittal Report for a previous COS Grant (FESS or Community Funding).
- Organisations that are accepting sponsorship from companies that Council deem are not suitable or align with the Council Plan 2013 – 2017.

The FESS supports new and established community events through the provision of financial assistance for costs associated with events. Examples of costs associated with events could include signage, promotional material, and professional project management and hire costs (eg. performers, PA equipment, staging, portable toilets etc).

Events can include but are not restricted to cultural, historical, artistic (music, theatre, visual) sporting, culinary, environmental or could include markets, festivals and exhibitions. (NB: Markets are not able to book Shire marquees). Events should enhance the region's profile, develop community co-operation and cohesion, build local skills or in other ways have a positive impact on the local community.

Applications should assist in establishing new or providing support to existing events and activities for the citizens and/or the promotion of the Colac Otway Shire. Preference is to be given to projects and groups making a significant financial or "in kind" contribution to the event.

Applications are to be for financial assistance for costs related to the delivery of new or established events, not for general ongoing administration costs. Applicants must demonstrate how their event contributes to the social, cultural and economic growth of the Colac Otway Shire.

Funding under this scheme is restricted. Applicants with proposals for funding valued in excess of \$5,000 are encouraged to discuss event/festival related proposals with the Colac Otway Shire Council's Events Officer with a view to exploring alternative funding sources. Preference will be given to events that are supported by plans detailing a vision for their event, that are organised co-operatively and where some profits will be distributed back into the community.

\*Auspicing allows not-for-profit, incorporated organisations to accept grant funding on behalf of individuals or groups who are not incorporated. The auspice organisation is responsible for accepting the grant, receiving the grant and paying the grant to the grant recipient and ensuring, to the best of their ability, that the funds are used for the purpose the grant is intended.

The auspice will also sign the Grant/Sponsorship Agreement and will be responsible for the grant acquittal. Auspice organisations will need to provide a letter of consent to the group stating that it is willing to take financial and legal responsibility for the grant.

## **5. HOW TO APPLY**

Applications must be submitted on the attached application form. Any application that is considered incomplete or not in the required format may **not** be accepted.

Electronic versions of guidelines and application forms, including a writeable pdf version are available on Council's web site: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) and can be downloaded. Email applications can be accepted only if a scanned signature is included on the final page. Email this application as an attachment to [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au) with Festival and Events Support Scheme in the subject line. All applications must be received by the closing date.

### **GST**

GST legislation will apply to the allocation of these funds. Organisations will be required to quote an Australian Business Number (ABN) or if an exemption applies to provide a written statement of entitlement to exemption (Supplier Statement). Supplier Statement forms are available on Council's web site: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) and can be downloaded.

Where an applicant organisation is GST registered, grant allocations will be calculated and assessed on income and expenditure excluding GST. In addition, organisations registered for GST will be required to submit a Tax Invoice to Council upon approval of their grant, including an additional 10% added to the approved grant amount.

### **Lodgement**

**The closing date for applications is 4.00pm Friday 29 April 2016.** All applications must be received by this time. Late applications will not be considered.

Hard copy applications should be sent to:

**Festival and Events Support Scheme 2015-2016  
Colac Otway Shire  
PO Box 283  
COLAC VIC 3250**

Email applications should be sent to [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au) with the completed application form attached.

All applicants will receive written advice acknowledging receipt of their application within 1 week of receipt.

#### **IMPLEMENTATION FOR 2016-2017**

|                               |                        |
|-------------------------------|------------------------|
| Applications open             | Thursday 24 March 2016 |
| Closing date for applications | Friday 29 April 2016   |
| Evaluation of applications    | May - June 2016        |
| Notification of funding       | July 2016              |

Reporting/Acquittal forms must be completed three months after your event.

## **6. SPONSORSHIP CATEGORIES**

The level of assistance recommended will be determined by the current or potential value of the festival/event to generate positive economic impacts and enhance the social and cultural benefits within the community.

There are three levels of funding categories specific to the Colac Otway Shire Festival and Events Support Scheme in relation to the sponsorship of events. They are Sponsorship, Seed Funding and One-off events funding which are defined as follows:

### **a. Sponsorship (Up to \$5,000 per event)**

- This level of sponsorship is available to existing events that have demonstrated that the event is sustainable (both financially and socially) and have run for over three years.
- Events within this category will provide significant benefits to the Colac Otway Shire in terms of economic, social and cultural growth to the region and contribution to the local community.
- Events within this category must demonstrate a significant community focus.

### **b. Seed Funding(Up to \$2,000 per event)**

- This funding is designed to encourage the development of new events.
- Events will need to show that the proposed event will provide strong benefits to the Colac Otway Shire in terms of economic, social and cultural contribution to the local community.
- Events within this category will demonstrate a strong community focus.

### **c. One Off Events (Up to \$1,000 per event)**

- This funding is for one off events for celebrations of significant local historical milestones or other important one-off events.
- Events within this category will demonstrate a strong community focus.
-



**7. THE SPONSORSHIP AGREEMENT**

Successful applicants will be required to enter into an agreement with the Colac Otway Shire Council.

Larger festivals and events may wish to select one or more aspects of their program to be sponsored by the Colac Otway Shire. The Colac Otway Shire would then be recognised as a sponsor of that event component or alternatively as a general sponsor of the overall festival or event. Acknowledgment will be commensurate with the nature of the project and level of support provided.

At a minimum, the Sponsorship Agreement includes:

- Colac Otway Shire signage at all activities and events related to the project, (or as mutually agreed with the event organisers).
- Recognition of Colac Otway Shire sponsorship in all advertising, promotional and social media.
- All printed material including invitations, fliers, posters and programs must include the Colac Otway Shire logo.
- An opportunity must be provided for a Colac Otway Shire representative to speak at key events and activities (or as mutually agreed with the event organisers).
- Inclusion of sponsor message in the festival or event program and related publications at no charge as mutually agreed.
- Colac Otway Shire flags or banners may be required by Council to be erected in designated positions, (or as mutually agreed with the event organisers.)
- The organisers must provide the Colac Otway Shire Events Officer with regular information updates on the project, i.e. minutes of meetings or two detailed summaries of arrangements prior to the event.
- Sponsor invitations to be provided for Colac Otway Shire to the Mayor, Councillors and key representatives.
- Agreement of Event/Festival organiser to ensure that all waste created by the event is appropriately managed.
- Access to the Colac Otway Shire Waste Trailer (where applicable for the event).

**8. PUBLIC LIABILITY AND INSURANCE**

A Public Liability Insurance Policy for at least ten million dollars (\$10 million) for the festival/event must be obtained by the organiser prior to the funds being released by Colac Otway Shire. Public Liability and Insurance to increase to a minimum of twenty million dollars (\$20 million) for major events only.

All event organisers conducting events on Council owned or managed land are required to complete and sign the Colac Otway Shire's Form of Indemnity. This means that you agree to indemnify, and to keep indemnified, the Colac Otway Shire, its servants and agents, and each of them from and against all actions, costs, claims, charges, expenses, penalties, demands and damages whatsoever, which may be brought or made or claimed against them, or any of them, in connection with the event organiser's performance.

The Events Officer will provide you with the Council's Indemnity form, to read, sign and return along with the Events Application forms.

**9. REPORTING/ACQUITTAL FORMS**

It is a condition of sponsorship that a written, detailed reporting/acquittal form be submitted within three months of the end of the event.

Evidence of all printed material is imperative. Printed material featuring the Council logo and clippings of media exposure should accompany the evaluation report. Colac Otway Shire will utilise promotional material for their own promotional purposes.

**10. ASSESSMENT**

Applications will be assessed to a Council Advisory Committee which will then provide recommendation for endorsement by Council. Your application will form part of Council's Budget process for the following financial year.

**Assessment Criteria**

Factors taken into account when assessing applications include:

| <b>Assessment Criteria</b>                                                                                                                                                                | <b>Weighting</b> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>Social opportunities</b><br>Detail the community benefits provided by the project both short and long term                                                                             | 25%              |
| <b>Economic Development opportunities</b><br>Describe how the event stimulates visitation/tourism and increases economic development opportunities for residents of the Colac Otway Shire | 25%              |
| <b>Cultural opportunities</b><br>Describe how the event contributes towards the development of community arts & culture, networks, programs and/or projects.                              | 25%              |
| Provision of <b>sufficient documentation</b> for the proposal including letters of support, quotes etc                                                                                    | 10%              |
| Marketing/promotional opportunity for the Colac Otway Shire                                                                                                                               | 15%              |

The Festival and Events Support Scheme is a competitive funding program. Applicants should note that the submission of an application **does not** necessarily guarantee funding of the proposal.

**11. AVAILABLE FUNDING**

The level of assistance available through the Festivals and Events Support Scheme is limited by Council's budget.

No applicant can be guaranteed sponsorship nor can any applicant be guaranteed funding to the level requested. Please note that Council cannot totally fund any festival or event, nor does it fund retrospectively. Council's ongoing support should not be relied upon as each year applications will be assessed in conjunction with other applications and will be determined on funding available.

An unsuccessful application does not necessarily mean that the project or activity is unworthy of support. An application could be rejected because of limited resources or the need to balance support given to a wide range of festivals and events after considering the assessment criteria.

**12. IMPLEMENTATION**

Upon notification of a successful application, the applicant organisation will negotiate the required services with the Events Officer. Events held on Council land will need to submit an Event Application and any relevant paperwork and plans, ie. traffic management plan, communications plan, etc. This may include participation in Council's Event approval process and attendance at Council "E Team" meetings as part of the Event Approval process. The Events Officer will notify you of the requirements.



**FESTIVAL & EVENT SUPPORT SCHEME  
APPLICATION FORM 2016-2017**

**EVENT DETAILS:**

|                                                                                                  |    |
|--------------------------------------------------------------------------------------------------|----|
| Event Name                                                                                       |    |
| Event Date                                                                                       |    |
| Total Amount Requested                                                                           | \$ |
| If we had to reduce the grant amount, what is the minimum needed to successfully run your event? |    |
|                                                                                                  | \$ |
| Total Event Cost                                                                                 | \$ |

|                                                                                                               |     |  |    |  |
|---------------------------------------------------------------------------------------------------------------|-----|--|----|--|
| Have you discussed your event with the Colac Otway Shire Events Officer? (tick which category is applicable). | YES |  | NO |  |
|---------------------------------------------------------------------------------------------------------------|-----|--|----|--|

|                                                                 |  |
|-----------------------------------------------------------------|--|
| Sponsorship Category (tick which category you are applying for) |  |
| Sponsorship                                                     |  |
| Seed Funding                                                    |  |
| One Off Events                                                  |  |

**APPLICANT DETAILS:**

Name of applicant organisation/group/club

|  |
|--|
|  |
|--|

Postal Address

|  |
|--|
|  |
|--|

|        |       |          |
|--------|-------|----------|
| Suburb | State | Postcode |
|        |       |          |

**Contact Details**

(Please ensure the nominated contact person/s are aware of all project details)

| Details    | Primary Contact Person | Secondary Contact Person |
|------------|------------------------|--------------------------|
| Name       |                        |                          |
| Position   |                        |                          |
| Work phone |                        |                          |
| Home phone |                        |                          |
| Mobile     |                        |                          |
| Email      |                        |                          |

**LEGAL AND FINANCIAL DETAILS:**

**Incorporation Number**

**ABN Number**

A Supplier Statement form must be completed if no ABN. Supplier Statement forms are available on Council's website [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au)

**GST Registration (tick where appropriate)**

| Yes                      | Number                   | No                       |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

If you are registered for GST you will be required to submit a tax invoice to COS upon approval of your grant, including an additional 10% added to the approved grant amount.

**AUSPICE DETAILS:**

If your organisation is being auspiced, please provide the details of the auspice organisation below. The auspice organisation will need to provide a letter of consent with this application stating they are willing to take financial and legal responsibility for the grant.

**Auspicing body if not incorporated**

|                     |  |               |
|---------------------|--|---------------|
| <b>Auspice body</b> |  |               |
| <b>Address</b>      |  |               |
| <b>Contact Name</b> |  |               |
| <b>Position</b>     |  |               |
| <b>BH phone</b>     |  | <b>Mobile</b> |
| <b>Email</b>        |  |               |

Does your organisation currently receive funding support from Federal or State Government sources (tick where appropriate)

|     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

Please provide details of any commercial source of income

| Source | Amount \$ |
|--------|-----------|
|        |           |
|        |           |
|        |           |

Has your organisation received ANY funding support from the Colac Otway Shire in the past 3 years? (tick where appropriate)

|     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

Please provide details of ALL funding support provided by the Colac Otway Shire in the past 3 years? (i.e. Community, Festival & Events Support Scheme or other)

| Council Department | Project | Amount \$ | Year |
|--------------------|---------|-----------|------|
|                    |         |           |      |
|                    |         |           |      |
|                    |         |           |      |

Has funding for this project been sought from any other body for this project?

|     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

If yes, please list

| Source | Amount \$ |
|--------|-----------|
|        |           |

**PAYMENT DETAILS:**

Successful grants will be paid preferably by Electronic Funds Transfer (EFT) to a nominated bank account (or cheque by arrangement). If you have not supplied your EFT details, please request an EFT Form and one will be emailed to you. **If your bank account details have changed in the past year, please complete the details below.**

Account Name

BSB No

Account Number

Bank/Financial Institution

**EVENT PROJECT DETAILS:**

1. **Description of event** - Please a description of the event you are running. Please include as much detail as possible. This information may be used on Council's website and in any media.

|  |
|--|
|  |
|--|

2. **Estimated number of visitors to event** – Please indicate the estimated number of visitors this event is likely to attract and the estimated number of participants from the community.

|                                |  |
|--------------------------------|--|
| <b>Number of Visitors:</b>     |  |
| <b>Number of Participants:</b> |  |

3. **Detail event component to be funded by Council** - (Please itemise the specific event component(s) that Council funding will be expended upon i.e. hire of stage, hire of performers, etc.

|  |
|--|
|  |
|--|

4. **Social opportunities** - Detail the community benefits provided by the project both short and long term.

|                                       |
|---------------------------------------|
| <b>Short term community benefits:</b> |
|                                       |

|                                      |
|--------------------------------------|
| <b>Long term community benefits:</b> |
|                                      |

- 5. Economic Development opportunities** - Describe how the event stimulates visitation/tourism and increases economic development opportunities for residents of the Colac Otway Shire.

- 6. Cultural opportunities** - Describe how the event contributes towards the development of community arts and culture development, networks, programs and/or projects.

- 7. Please provide details of community need for this proposal.** Please attach support letters and detail what discussions you have held with related groups in the area about this project.

- 8. Please list what marketing/promotional opportunities are available for the Colac Otway Shire at your event.** Please note that all successful applicants will be required to enter into a Sponsorship Agreement with the Colac Otway Shire. Details of the Sponsorship Agreement are in the FESS Guidelines.



**BUDGET FORM**

The budget should list the total income and expenditure and reflect all costs associated with the project.

Applicants are expected to make at least a matching contribution in cash and/or volunteer labour costed **\$25 per hour**. Other in-kind contribution such as donated goods or materials may also be included, as well as use of plant and equipment. Indicate in-kind on the expenditure column under the relevant headings as well as the income column. You may also have grants, financial support and sponsorship from other sources. This should be indicated in the budget.

Please ensure that total income **EQUALS** total expenditure i.e. the project must break even.

| <b>EXPECTED INCOME</b>                       | <b>\$ AMOUNT</b> | <b>EXPECTED EXPENDITURE</b>                    | <b>\$ AMOUNT</b> |
|----------------------------------------------|------------------|------------------------------------------------|------------------|
| <b>Earned Income</b>                         |                  | <b>Project Costs</b>                           |                  |
| Participant's Fees                           | \$               | Fees                                           | \$               |
| Ticket sales                                 | \$               | Travel                                         | \$               |
| Other (Describe)                             | \$               | Accommodation                                  | \$               |
|                                              |                  |                                                |                  |
| <b>Grants</b>                                |                  | <b>Materials/ Equipment</b>                    | <b>(itemise)</b> |
| Council Festival and Event Support Scheme    | \$               |                                                | \$               |
| Other (Describe)                             | \$               |                                                | \$               |
|                                              |                  |                                                | \$               |
| <b>Applicants contribution</b>               |                  |                                                |                  |
| Cash                                         | \$               | Other (Describe)                               | \$               |
| In-kind equipment (Describe)                 | \$               | Insurance                                      | \$               |
| Volunteer labour @ \$25 per hour. (Describe) | \$               | Volunteer labour @ \$25 per hour. (Describe)   | \$               |
|                                              |                  |                                                |                  |
| <b>Other Income</b>                          |                  | <b>Administration Costs</b>                    |                  |
| Donations                                    |                  | Telephone, fax, photocopying etc.              | \$               |
| Sponsorship                                  |                  | Marketing Costs e.g. publicity and advertising | \$               |
| Other (Describe)                             |                  | Documentation Costs e.g. photographs, videos   | \$               |
|                                              |                  | Contingency @ 3% of Sub Total                  | \$               |
| <b>Total Income</b>                          | <b>\$</b>        | <b>Final Total Expenditure</b>                 | <b>\$</b>        |

Please read and sign this Agreement.

**THIS AGREEMENT IS MADE BETWEEN COLAC OTWAY SHIRE COUNCIL** of 2-6 Rae Street Colac ("the Council") and the Applicant

### BACKGROUND

- A The Council makes available funds for festival and events funding each year for the benefit of residents of and for activities that take place in the Colac Otway Shire.
- B The Council has criteria which must be met by the Applicant before funding is provided as set out in this agreement.
- C The Council has agreed to fund the Applicant on the terms and conditions set out in the agreement.

### AGREEMENT

- 1. The Council may provide to the Applicant funds for the Applicant's activity. **Signing this Agreement does not commit Council to provide any funds unless the Applicant's submission is successful.**
- 2. The Applicant confirms and agrees that:
  - (a) it is a not for profit incorporated association or a natural person authorised by the incorporated association to enter into this agreement.
  - (b) activities arising from the grant allocation must take place within the Colac Otway Shire and/or benefit Colac Otway Shire residents and workers.
  - (c) if funds are granted by Council they must be spent on the approved activity. Any significant change to the activity must be approved by the Council.
  - (d) funds provided under this agreement must be spent by the Applicant on the activity of this agreement, unless otherwise agreed by the Council.
  - (e) the Applicant must return any funds not spent on the activity to Council.
  - (f) the Council is not responsible for any shortfall should the activity run over budget.
  - (g) the Applicant is required to recognise the Council as a funding source of the activity. Contact must be made with the appropriate Council officer to obtain the relevant logo and to ensure that the Council sights and approves proofs of all materials prior to production. Unauthorised use of the Council logo on other material will result in

the Applicant being ineligible to apply for further grants.

- (h) accurate financial records of the recipient organisation be maintained and made available to the staff of Council in the event of any further audit by Council into the use of the Grant. Council officers may request meetings with the Applicant to check on progress during the period of the activity.
  - (i) it will complete a reporting form for the grant. If the reporting form is incomplete the Applicant will be ineligible for further grants. A statement of the expenditure of the funds will be required within the reporting process.
- 3. The Council, its servants, agents and employees shall not be responsible at any time for any liability incurred or entered into by the Applicant as a result of or arising out of the Applicant's responsibilities under this agreement.
  - 4. The Applicant shall release and indemnify the Council, its servants, agents and employees against any claim, demand, liability, costs, expenses, actions arising out of or in any way connected with the activities of the Applicant, or the Applicant's agents in consequence of this agreement except where the claim, demand, liability, costs or action are caused by the Council or its servants or agents.
  - 5. Any variation of this agreement shall only be made in writing between the parties.
  - 6. Projects that commence prior to this application being received by Council will be ineligible.
  - 7. A "Tax Invoice" is required to be submitted prior to payment of the grant (only if the applicant is registered for GST).
  - 8. Note that Council will publicly report grants awarded.

Signature

**CHECK LIST Please confirm that you have included the following with your submission:**

|   |                                                                                          |
|---|------------------------------------------------------------------------------------------|
| X | Keep a copy of your application, including all attachments                               |
|   | Completed application form                                                               |
|   | Budget Table showing break even result                                                   |
|   | Detailed Financial Statement or Treasurer's Report for the previous 2 years.             |
|   | Attached Quotes (For items to be funded by Council)                                      |
|   | Details of previous grants provided by council to your organisation in the past 3 years. |
|   | Support Letters                                                                          |
|   | Supplier Statement (if applicable)                                                       |

**Privacy Notification**

Council is collecting the personal information on this form for the purposes of assessing your application and to maintain statistical information. The personal information will be used solely by the Council for that primary purpose or directly related purposes. The applicant understands that they may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to 5232 9516.

I/we acknowledge the above and confirm the above information is correct and approve the use of this data on the Colac Otway Shire applicants' data base.

Signed: .....

Name: .....

Date: ...../...../2016



**OM162303-6 FESTIVAL AND EVENTS SUPPORT SCHEME 2016-2017 - COLAC KANA  
FESTIVAL**

|             |                                  |           |             |
|-------------|----------------------------------|-----------|-------------|
| AUTHOR:     | Emma Clark                       | ENDORSED: | Brydon King |
| DEPARTMENT: | Development & Community Services | FILE REF: | F15/2147    |

**Purpose**

The purpose of this report is to seek Council endorsement for proposed funding of \$5,000 to be made available to event organisers of the Colac Kana Festival through the 2016-2017 Festival and Events Support Scheme (FESS).

**Declaration of Interests**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Background**

The Festival and Event Support Scheme (FESS) was introduced in 2007 to provide an equitable funding allocation for events held within the shire via an agreed set of criteria.

Prior to the introduction of the FESS, only four events were supported by Council:

1. Birregurra Weekend Festival
2. Spirit of Christmas
3. KANA
4. Apollo Bay Music Festival.

In response to a number of new events being successfully implemented and funding requests from event organisers Council developed the FESS, a fair and transparent process for all events to be assessed for funding by Council.

Since the introduction of the FESS, Council has funded over 65 different events.

**Council Plan / Other Strategies / Policy****Good Governance**

Means we care about and are responsive to the community, encourage democratic participation and involve people in decisions that affect them. We strive for excellence in financial management and council services, and always look for better ways to do things.

*Our Goal:*

Ensure transparency of governance practices, the capability of our organisation and effective resource management.

**Issues / Options**

The FESS has been operating for eight years and has been successful in developing and supporting existing and new events. However almost every year the FESS is oversubscribed, with the same events applying for and receiving funds. This results in limited scope for developing new events and there is no financial security for new and existing events to receive the same amount of funding each year. This can result in budgeting difficulties for the event organiser.

An internal review of the FESS Guidelines was conducted after the allocation of the 2014-2015 FESS and changes were made to the funding categories including providing funding for 2 years for events in the Sponsorship Category and Seed Funding Category. The One Off Event category remained with allocation for one year.

Council at its meeting on the 25 February 2015 supported the arrangement of 2 year funding.

In the 2015-2016 round of FESS funding the following events received funding for 2016-2017 via resolution of Council on 24 June 2015:

### Seed Funding

|                                                 |                |
|-------------------------------------------------|----------------|
| - Apollo Bay Australia Day Community Picnic     | \$2,000        |
| - Eat Local Month                               | \$2,000        |
| - Sustainable Living Day Gellibrand             | \$1,000        |
| - Youth Council Homelessness Awareness Sleepout | \$4,000        |
|                                                 | <b>\$9,000</b> |

### Sponsorship

|                                                  |                 |
|--------------------------------------------------|-----------------|
| - Amy's Gran Fondo                               | \$1,000         |
| - Apollo Bay Seafood Festival                    | \$5,000         |
| - Birregurra Easter Arts at the Homestead        | \$2,000         |
| - Birregurra Festival and Art Show               | \$5,000         |
| - Birregurra School Choir at Birregurra Festival | \$1,500         |
| - Chase the Dog                                  | \$1,000         |
| - Colac City Bands Carols by Candlelight         | \$5,000         |
| - Colac Garden & Lifestyle Expo                  | \$1,500         |
| - Colac Kana Festival                            | \$5,000         |
| - Colac Orchid Annual Show                       | \$500           |
| - Colac Otway Wood Design Exhibition             | \$2,500         |
| - Forrest Festival                               | \$2,000         |
| - Forrest SoupFest                               | \$4,000         |
| - Gellibrand Blues and Blueberry Festival        | \$4,000         |
| - Good Friday Family Fun Day & Market            | \$1,000         |
| - Great Ocean Road Marathon                      | \$2,500         |
| - Hunt for the Golden Gumboot                    | \$2,000         |
| - Odyssey Mountain Bike Event                    | \$2,500         |
| - Run Forrest                                    | \$2,500         |
| - Warm Winter Words                              | \$3,000         |
| - Warrion Flower Show                            | \$1,000         |
|                                                  | <b>\$54,500</b> |

**TOTAL** **\$63,500**

The allocation of funding was based on funding for 2 years (2015-2016 and 2016-2017) per the Advisory Committee minutes of 3 June 2015 and Council resolution of 25 February 2015.

The above events will receive funding for 2016-2017 provided they have submitted all the required paperwork for their event, including an acquittal form, and subject to budget endorsement by Council.

Funding requests for One Off Events will need to be sought for 2016-2017 following the relevant processes in the FESS Guidelines.

### Proposal

Council support for the revised FESS process on 25 February 2015 allows for Sponsorship and Seed funding to be allocated for 2 years. The Sponsorship and Seed funding allocated in June 2015 allowed for 25 events to receive sponsorship and seed funding in 2015/2016 and 2016/2017. The allocated sponsorship and seed funding totals \$63,500 and allows \$11,500 to be available for One

Off and new event funding based on a proposed total of \$75,000 as allocated in 2015/2016 and subject to budget approval.

It is recommended that the current FESS process should be commenced based on the above to allow for further funding allocations to be confirmed through Council by June 2016.

### **Financial and Other Resource Implications**

The proposed funding allocation for the 2016-2017 FESS program is \$75,000, however this is subject to budget deliberations.

This program contributes significantly to many events across the Shire. Without this funding a number of the community events will cease to operate. It is important to offer this scheme, as limited funding opportunities exist at a State or Federal level.

### **Risk Management & Compliance Issues**

Specific risk management and compliance issues embedded within each event application are assessed on their individual merit. The proposed guidelines and application forms ensure potential risk and compliance issues are identified.

### **Environmental and Climate Change Considerations**

All events are assessed for their environmental and climate change considerations and external agencies are consulted where applicable.

### **Community Engagement**

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be inform and include:

- Applications will open on Thursday 24 March 2016
- Direct database mail out to all event organisers and community groups
- Advertising in local media, all council publications and through the council Facebook page
- Community Information sessions will be held on Monday 11 April 2016 in Colac and Wednesday 13 April 2016 in Apollo Bay in conjunction with the Community Funding information sessions
- Council Officers will be available to meet with individual applicants as required to provide further assistance with applications

### **Implementation**

The proposed timelines for the implementation of FESS are:

- |                                                   |                         |
|---------------------------------------------------|-------------------------|
| • FESS Applications open                          | Thursday 24 March 2016  |
| • Community Information Session – Colac           | Monday 11 April 2016    |
| • Community Information Session – Apollo Bay      | Wednesday 13 April 2016 |
| • FESS Applications close                         | Friday 29 April 2016    |
| • Applications assessed by council officers       | May/June 2016           |
| • Council Assessment Meeting                      | June 2016               |
| • FESS Council Report endorsed at Council meeting | June 2016               |
| • Civic Reception                                 | July 2016               |

### **Conclusion**

The annual FESS program is highly valued by the event organisers, evidenced by the number of applications received each year. The dedicated funding of festivals and events by Council has resulted in a broad range of community managed events that otherwise would not be staged within

the Shire. Since 2007 the number of events funded by Council annually has increased from four (4) to over thirty five (35).

**Attachments**

1. Colac Otway Shire FESS Guidelines 2016 - 2017
2. Colac Otway Shire FESS Application Form 2016-2017

**Recommendation(s)**

***That Council:***

1. ***Confirms the second year allocation of Sponsorship Funding for Colac Kana Festival of \$5,000 in accordance with the allocation in 2015/2016.***
2. ***Notes that if the event as listed above does not occur the funding will not be paid.***

~~~~~




FESTIVAL AND EVENT SUPPORT SCHEME GUIDELINES 2016 – 2017

1. WHAT IS THE FESTIVAL AND EVENTS SUPPORT SCHEME (FESS)

The Colac Otway Shire (COS) recognises the importance of festival and events development in the municipality. The contribution of festivals and events to celebrating the region's diversity, cultural, economic and social development is highly valued. The Festival and Events Support Scheme (FESS) is council's funding program for events conducted within the Colac Otway Shire.

These guidelines outline FESS for individuals, groups and organisations seeking funding from Council for an event within the Shire. Funding is available for:

- Established and new events
- One off and repetitive events
- Not-for-profit
- Commercial events

There is one round of funding per year (opening 24 March 2016) for all event organisers conducting events in the 2016-2017 financial year.

This funding program provides seed funding to assist with the establishment of new event initiatives. The funding program also supports the development and growth of established events. An established event is defined as an event that has been conducted for more than 3 years.

These guidelines provide essential information for all applicants and outline the application process. They should be read in conjunction with Council's Event Policy.

The scope of the Colac Otway Shire, Festival and Events Support Scheme is broad and potential applicants are required to discuss their proposal with Council's Events Officer on 5232 9400 or ing@colacotway.vic.gov.au

2. AIMS AND OBJECTIVES

The aims and objectives of the Festivals and Events Support Scheme are to:

- Provide financial assistance to conduct established professional and quality festival or event activities within Colac Otway Shire.
- Improve the quality of life experiences for communities within the municipality by increasing access to quality festivals and events.
- Promote cultural diversity and greater awareness, appreciation and participation in activities within the Colac Otway Shire area.
- Promote a sense of pride and community identity.
- Stimulate visitation and tourism to the Colac Otway Shire area and increase economic and social development opportunities.
- Contribute to the recognition of the Colac Otway Shire area as a region to host festivals and events.
- Create an environment for innovation and creativity within the municipality.
- Assist established Festivals and Events (where appropriate) to enable the Festival or Event to become as self-sufficient as possible.

3. DEFINITION OF AN EVENT

For the purposes of the Colac Otway Shire Festival and Support Scheme, the following definitions apply:

“event” means any planned activity open to the public held on Council owned or managed land where any structure (permanent or temporary), open area or road, (fenced or unfenced) will contain a number of persons greater than that normally found in that area or location at one time. This activity may affect the location surrounding the area prior to, during or after the activity, and includes:

- Sporting activities, whether conducted in an enclosed or unenclosed ground/venue (but does not include a regular, locally focussed and organised sporting competition at a venue built for that sport);
- One off or annual events such as religious meetings held in parks/sporting venues, rock concerts, promotional events and the like;
- Live performances and concerts; and
- Festivals.

“event organiser” means a commercial entity, community group or individual who undertakes the planning, control, management and/or implementation of an *event*.

4. ELIGIBILITY CRITERIA

You are eligible to apply for FESS if:

- Your event is held in the COS and is specifically designed to benefit residents and businesses of COS.
- You are an incorporated, not for profit or commercial organisation.
- You are an unincorporated, not-for-profit group with an auspice arrangement* with an incorporated, not for profit group.
- Your event meets the criteria for funding.
- Funding preferences will be given to events not previously supported under this program, however notes that some events occur annually and rely on Council's funding support.
- Your event has a strong community focus.

You are not eligible to apply for FESS if:

- Your event that does not have a strong community base.
- Your event is conducted completely outside the boundaries of the Colac Otway Shire.
- Your event starts before 1 July 2016 or after 30 June 2017.
- Your event clashes with another major Colac Otway Shire Festival or Event.
- You are an individual without an auspice arrangement with a not-for-profit group.
- Organisations that have not completed an Acquittal Report for a previous COS Grant (FESS or Community Funding).
- Organisations that are accepting sponsorship from companies that Council deem are not suitable or align with the Council Plan 2013 – 2017.

The FESS supports new and established community events through the provision of financial assistance for costs associated with events. Examples of costs associated with events could include signage, promotional material, and professional project management and hire costs (eg. performers, PA equipment, staging, portable toilets etc).

Events can include but are not restricted to cultural, historical, artistic (music, theatre, visual) sporting, culinary, environmental or could include markets, festivals and exhibitions. (NB: Markets are not able to book Shire marquees). Events should enhance the region's profile, develop community co-operation and cohesion, build local skills or in other ways have a positive impact on the local community.

Applications should assist in establishing new or providing support to existing events and activities for the citizens and/or the promotion of the Colac Otway Shire. Preference is to be given to projects and groups making a significant financial or "in kind" contribution to the event.

Applications are to be for financial assistance for costs related to the delivery of new or established events, not for general ongoing administration costs. Applicants must demonstrate how their event contributes to the social, cultural and economic growth of the Colac Otway Shire.

Funding under this scheme is restricted. Applicants with proposals for funding valued in excess of \$5,000 are encouraged to discuss event/festival related proposals with the Colac Otway Shire Council's Events Officer with a view to exploring alternative funding sources. Preference will be given to events that are supported by plans detailing a vision for their event, that are organised co-operatively and where some profits will be distributed back into the community.

*Auspicing allows not-for-profit, incorporated organisations to accept grant funding on behalf of individuals or groups who are not incorporated. The auspice organisation is responsible for accepting the grant, receiving the grant and paying the grant to the grant recipient and ensuring, to the best of their ability, that the funds are used for the purpose the grant is intended.

The auspice will also sign the Grant/Sponsorship Agreement and will be responsible for the grant acquittal. Auspice organisations will need to provide a letter of consent to the group stating that it is willing to take financial and legal responsibility for the grant.

5. HOW TO APPLY

Applications must be submitted on the attached application form. Any application that is considered incomplete or not in the required format may **not** be accepted.

Electronic versions of guidelines and application forms, including a writeable pdf version are available on Council's web site: www.colacotway.vic.gov.au and can be downloaded. Email applications can be accepted only if a scanned signature is included on the final page. Email this application as an attachment to inq@colacotway.vic.gov.au with Festival and Events Support Scheme in the subject line. All applications must be received by the closing date.

GST

GST legislation will apply to the allocation of these funds. Organisations will be required to quote an Australian Business Number (ABN) or if an exemption applies to provide a written statement of entitlement to exemption (Supplier Statement). Supplier Statement forms are available on Council's web site: www.colacotway.vic.gov.au and can be downloaded.

Where an applicant organisation is GST registered, grant allocations will be calculated and assessed on income and expenditure excluding GST. In addition, organisations registered for GST will be required to submit a Tax Invoice to Council upon approval of their grant, including an additional 10% added to the approved grant amount.

Lodgement

The closing date for applications is 4.00pm Friday 29 April 2016. All applications must be received by this time. Late applications will not be considered.

Hard copy applications should be sent to:

Festival and Events Support Scheme 2015-2016
Colac Otway Shire
PO Box 283
COLAC VIC 3250

Email applications should be sent to inq@colacotway.vic.gov.au with the completed application form attached.

All applicants will receive written advice acknowledging receipt of their application within 1 week of receipt.

IMPLEMENTATION FOR 2016-2017

Applications open	Thursday 24 March 2016
Closing date for applications	Friday 29 April 2016
Evaluation of applications	May - June 2016
Notification of funding	July 2016

Reporting/Acquittal forms must be completed three months after your event.

6. SPONSORSHIP CATEGORIES

The level of assistance recommended will be determined by the current or potential value of the festival/event to generate positive economic impacts and enhance the social and cultural benefits within the community.

There are three levels of funding categories specific to the Colac Otway Shire Festival and Events Support Scheme in relation to the sponsorship of events. They are Sponsorship, Seed Funding and One-off events funding which are defined as follows:

a. Sponsorship (Up to \$5,000 per event)

- This level of sponsorship is available to existing events that have demonstrated that the event is sustainable (both financially and socially) and have run for over three years.
- Events within this category will provide significant benefits to the Colac Otway Shire in terms of economic, social and cultural growth to the region and contribution to the local community.
- Events within this category must demonstrate a significant community focus.

b. Seed Funding (Up to \$2,000 per event)

- This funding is designed to encourage the development of new events.
- Events will need to show that the proposed event will provide strong benefits to the Colac Otway Shire in terms of economic, social and cultural contribution to the local community.
- Events within this category will demonstrate a strong community focus.

c. One Off Events (Up to \$1,000 per event)

- This funding is for one off events for celebrations of significant local historical milestones or other important one-off events.
- Events within this category will demonstrate a strong community focus.
-

7. THE SPONSORSHIP AGREEMENT

Successful applicants will be required to enter into an agreement with the Colac Otway Shire Council.

Larger festivals and events may wish to select one or more aspects of their program to be sponsored by the Colac Otway Shire. The Colac Otway Shire would then be recognised as a sponsor of that event component or alternatively as a general sponsor of the overall festival or event. Acknowledgment will be commensurate with the nature of the project and level of support provided.

At a minimum, the Sponsorship Agreement includes:

- Colac Otway Shire signage at all activities and events related to the project, (or as mutually agreed with the event organisers).
- Recognition of Colac Otway Shire sponsorship in all advertising, promotional and social media.
- All printed material including invitations, fliers, posters and programs must include the Colac Otway Shire logo.
- An opportunity must be provided for a Colac Otway Shire representative to speak at key events and activities (or as mutually agreed with the event organisers).
- Inclusion of sponsor message in the festival or event program and related publications at no charge as mutually agreed.
- Colac Otway Shire flags or banners may be required by Council to be erected in designated positions, (or as mutually agreed with the event organisers.)
- The organisers must provide the Colac Otway Shire Events Officer with regular information updates on the project, i.e. minutes of meetings or two detailed summaries of arrangements prior to the event.
- Sponsor invitations to be provided for Colac Otway Shire to the Mayor, Councillors and key representatives.
- Agreement of Event/Festival organiser to ensure that all waste created by the event is appropriately managed.
- Access to the Colac Otway Shire Waste Trailer (where applicable for the event).

8. PUBLIC LIABILITY AND INSURANCE

A Public Liability Insurance Policy for at least ten million dollars (\$10 million) for the festival/event must be obtained by the organiser prior to the funds being released by Colac Otway Shire. Public Liability and Insurance to increase to a minimum of twenty million dollars (\$20 million) for major events only.

All event organisers conducting events on Council owned or managed land are required to complete and sign the Colac Otway Shire's Form of Indemnity. This means that you agree to indemnify, and to keep indemnified, the Colac Otway Shire, its servants and agents, and each of them from and against all actions, costs, claims, charges, expenses, penalties, demands and damages whatsoever, which may be brought or made or claimed against them, or any of them, in connection with the event organiser's performance.

The Events Officer will provide you with the Council's Indemnity form, to read, sign and return along with the Events Application forms.

9. REPORTING/ACQUITTAL FORMS

It is a condition of sponsorship that a written, detailed reporting/acquittal form be submitted within three months of the end of the event.

Evidence of all printed material is imperative. Printed material featuring the Council logo and clippings of media exposure should accompany the evaluation report. Colac Otway Shire will utilise promotional material for their own promotional purposes.

10. ASSESSMENT

Applications will be assessed to a Council Advisory Committee which will then provide recommendation for endorsement by Council. Your application will form part of Council's Budget process for the following financial year.

Assessment Criteria

Factors taken into account when assessing applications include:

Assessment Criteria	Weighting
Social opportunities Detail the community benefits provided by the project both short and long term	25%
Economic Development opportunities Describe how the event stimulates visitation/tourism and increases economic development opportunities for residents of the Colac Otway Shire	25%
Cultural opportunities Describe how the event contributes towards the development of community arts & culture, networks, programs and/or projects.	25%
Provision of sufficient documentation for the proposal including letters of support, quotes etc	10%
Marketing/promotional opportunity for the Colac Otway Shire	15%

The Festival and Events Support Scheme is a competitive funding program. Applicants should note that the submission of an application **does not** necessarily guarantee funding of the proposal.

11. AVAILABLE FUNDING

The level of assistance available through the Festivals and Events Support Scheme is limited by Council's budget.

No applicant can be guaranteed sponsorship nor can any applicant be guaranteed funding to the level requested. Please note that Council cannot totally fund any festival or event, nor does it fund retrospectively. Council's ongoing support should not be relied upon as each year applications will be assessed in conjunction with other applications and will be determined on funding available.

An unsuccessful application does not necessarily mean that the project or activity is unworthy of support. An application could be rejected because of limited resources or the need to balance support given to a wide range of festivals and events after considering the assessment criteria.

12. IMPLEMENTATION

Upon notification of a successful application, the applicant organisation will negotiate the required services with the Events Officer. Events held on Council land will need to submit an Event Application and any relevant paperwork and plans, ie. traffic management plan, communications plan, etc. This may include participation in Council's Event approval process and attendance at Council "E Team" meetings as part of the Event Approval process. The Events Officer will notify you of the requirements.



**FESTIVAL & EVENT SUPPORT SCHEME
APPLICATION FORM 2016-2017**

EVENT DETAILS:

Event Name	
Event Date	
Total Amount Requested	\$
If we had to reduce the grant amount, what is the minimum needed to successfully run your event?	
	\$
Total Event Cost	\$

Have you discussed your event with the Colac Otway Shire Events Officer? (tick which category is applicable).	YES		NO	
---	-----	--	----	--

Sponsorship Category (tick which category you are applying for)	
Sponsorship	
Seed Funding	
One Off Events	

APPLICANT DETAILS:

Name of applicant organisation/group/club

--

Postal Address

--

Suburb	State	Postcode

Contact Details

(Please ensure the nominated contact person/s are aware of all project details)

Details	Primary Contact Person	Secondary Contact Person
Name		
Position		
Work phone		
Home phone		
Mobile		
Email		

LEGAL AND FINANCIAL DETAILS:

Incorporation Number

ABN Number

A Supplier Statement form must be completed if no ABN. Supplier Statement forms are available on Council's website www.colacotway.vic.gov.au

GST Registration (tick where appropriate)

Yes	Number	No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you are registered for GST you will be required to submit a tax invoice to COS upon approval of your grant, including an additional 10% added to the approved grant amount.

AUSPICE DETAILS:

If your organisation is being auspiced, please provide the details of the auspice organisation below. The auspice organisation will need to provide a letter of consent with this application stating they are willing to take financial and legal responsibility for the grant.

Auspicing body if not incorporated

Auspice body		
Address		
Contact Name		
Position		
BH phone		Mobile
Email		

Does your organisation currently receive funding support from Federal or State Government sources (tick where appropriate)

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

Please provide details of any commercial source of income

Source	Amount \$

Has your organisation received ANY funding support from the Colac Otway Shire in the past 3 years? (tick where appropriate)

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

Please provide details of ALL funding support provided by the Colac Otway Shire in the past 3 years? (i.e. Community, Festival & Events Support Scheme or other)

Council Department	Project	Amount \$	Year

Has funding for this project been sought from any other body for this project?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

If yes, please list

Source	Amount \$

PAYMENT DETAILS:

Successful grants will be paid preferably by Electronic Funds Transfer (EFT) to a nominated bank account (or cheque by arrangement). If you have not supplied your EFT details, please request an EFT Form and one will be emailed to you. **If your bank account details have changed in the past year, please complete the details below.**

Account Name

BSB No

Account Number

Bank/Financial Institution

EVENT PROJECT DETAILS:

1. **Description of event** - Please a description of the event you are running. Please include as much detail as possible. This information may be used on Council's website and in any media.

2. **Estimated number of visitors to event** – Please indicate the estimated number of visitors this event is likely to attract and the estimated number of participants from the community.

Number of Visitors:	
Number of Participants:	

3. **Detail event component to be funded by Council** - (Please itemise the specific event component(s) that Council funding will be expended upon i.e. hire of stage, hire of performers, etc.

4. **Social opportunities** - Detail the community benefits provided by the project both short and long term.

Short term community benefits:

Long term community benefits:

5. **Economic Development opportunities** - Describe how the event stimulates visitation/tourism and increases economic development opportunities for residents of the Colac Otway Shire.

6. **Cultural opportunities** - Describe how the event contributes towards the development of community arts and culture development, networks, programs and/or projects.

7. **Please provide details of community need for this proposal.** Please attach support letters and detail what discussions you have held with related groups in the area about this project.

8. **Please list what marketing/promotional opportunities are available for the Colac Otway Shire at your event.** Please note that all successful applicants will be required to enter into a Sponsorship Agreement with the Colac Otway Shire. Details of the Sponsorship Agreement are in the FESS Guidelines.

BUDGET FORM

The budget should list the total income and expenditure and reflect all costs associated with the project.

Applicants are expected to make at least a matching contribution in cash and/or volunteer labour costed **\$25 per hour**. Other in-kind contribution such as donated goods or materials may also be included, as well as use of plant and equipment. Indicate in-kind on the expenditure column under the relevant headings as well as the income column. You may also have grants, financial support and sponsorship from other sources. This should be indicated in the budget.

Please ensure that total income **EQUALS** total expenditure i.e. the project must break even.

EXPECTED INCOME	\$ AMOUNT	EXPECTED EXPENDITURE	\$ AMOUNT
Earned Income		Project Costs	
Participant's Fees	\$	Fees	\$
Ticket sales	\$	Travel	\$
Other (Describe)	\$	Accommodation	\$
Grants		Materials/ Equipment	(itemise)
Council Festival and Event Support Scheme	\$		\$
Other (Describe)	\$		\$
			\$
Applicants contribution			
Cash	\$	Other (Describe)	\$
In-kind equipment (Describe)	\$	Insurance	\$
Volunteer labour @ \$25 per hour. (Describe)	\$	Volunteer labour @ \$25 per hour. (Describe)	\$
Other Income		Administration Costs	
Donations		Telephone, fax, photocopying etc.	\$
Sponsorship		Marketing Costs e.g. publicity and advertising	\$
Other (Describe)		Documentation Costs e.g. photographs, videos	\$
		Contingency @ 3% of Sub Total	\$
Total Income	\$	Final Total Expenditure	\$

Please read and sign this Agreement.

THIS AGREEMENT IS MADE BETWEEN COLAC OTWAY SHIRE COUNCIL of 2-6 Rae Street Colac ("the Council") and the Applicant

BACKGROUND

- A The Council makes available funds for festival and events funding each year for the benefit of residents of and for activities that take place in the Colac Otway Shire.
- B The Council has criteria which must be met by the Applicant before funding is provided as set out in this agreement.
- C The Council has agreed to fund the Applicant on the terms and conditions set out in the agreement.

AGREEMENT

- 1. The Council may provide to the Applicant funds for the Applicant's activity. **Signing this Agreement does not commit Council to provide any funds unless the Applicant's submission is successful.**
- 2. The Applicant confirms and agrees that:
 - (a) it is a not for profit incorporated association or a natural person authorised by the incorporated association to enter into this agreement.
 - (b) activities arising from the grant allocation must take place within the Colac Otway Shire and/or benefit Colac Otway Shire residents and workers.
 - (c) if funds are granted by Council they must be spent on the approved activity. Any significant change to the activity must be approved by the Council.
 - (d) funds provided under this agreement must be spent by the Applicant on the activity of this agreement, unless otherwise agreed by the Council.
 - (e) the Applicant must return any funds not spent on the activity to Council.
 - (f) the Council is not responsible for any shortfall should the activity run over budget.
 - (g) the Applicant is required to recognise the Council as a funding source of the activity. Contact must be made with the appropriate Council officer to obtain the relevant logo and to ensure that the Council sights and approves proofs of all materials prior to production. Unauthorised use of the Council logo on other material will result in

the Applicant being ineligible to apply for further grants.

- (h) accurate financial records of the recipient organisation be maintained and made available to the staff of Council in the event of any further audit by Council into the use of the Grant. Council officers may request meetings with the Applicant to check on progress during the period of the activity.
 - (i) it will complete a reporting form for the grant. If the reporting form is incomplete the Applicant will be ineligible for further grants. A statement of the expenditure of the funds will be required within the reporting process.
- 3. The Council, its servants, agents and employees shall not be responsible at any time for any liability incurred or entered into by the Applicant as a result of or arising out of the Applicant's responsibilities under this agreement.
 - 4. The Applicant shall release and indemnify the Council, its servants, agents and employees against any claim, demand, liability, costs, expenses, actions arising out of or in any way connected with the activities of the Applicant, or the Applicant's agents in consequence of this agreement except where the claim, demand, liability, costs or action are caused by the Council or its servants or agents.
 - 5. Any variation of this agreement shall only be made in writing between the parties.
 - 6. Projects that commence prior to this application being received by Council will be ineligible.
 - 7. A "Tax Invoice" is required to be submitted prior to payment of the grant (only if the applicant is registered for GST).
 - 8. Note that Council will publicly report grants awarded.

Signature

CHECK LIST Please confirm that you have included the following with your submission:

X	Keep a copy of your application, including all attachments
	Completed application form
	Budget Table showing break even result
	Detailed Financial Statement or Treasurer's Report for the previous 2 years.
	Attached Quotes (For items to be funded by Council)
	Details of previous grants provided by council to your organisation in the past 3 years.
	Support Letters
	Supplier Statement (if applicable)

Privacy Notification

Council is collecting the personal information on this form for the purposes of assessing your application and to maintain statistical information. The personal information will be used solely by the Council for that primary purpose or directly related purposes. The applicant understands that they may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to 5232 9516.

I/we acknowledge the above and confirm the above information is correct and approve the use of this data on the Colac Otway Shire applicants' data base.

Signed:

Name:

Date:/...../2016

**OM162303-7 FESTIVAL AND EVENTS SUPPORT SCHEME 2016-2017 - GELLIBRAND
BLUES & BLUEBERRY FESTIVAL**

AUTHOR:	Emma Clark	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F15/2147

Purpose

The purpose of this report is to seek Council endorsement for proposed funding of \$4,000 to be made available to event organisers of the Gellibrand Blues and Blueberry Festival through the 2016-2017 Festival and Events Support Scheme (FESS).

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

The Festival and Event Support Scheme (FESS) was introduced in 2007 to provide an equitable funding allocation for events held within the shire via an agreed set of criteria.

Prior to the introduction of the FESS, only four events were supported by Council:

1. Birregurra Weekend Festival
2. Spirit of Christmas
3. KANA
4. Apollo Bay Music Festival.

In response to a number of new events being successfully implemented and funding requests from event organisers Council developed the FESS, a fair and transparent process for all events to be assessed for funding by Council.

Since the introduction of the FESS, Council has funded over 65 different events.

Council Plan / Other Strategies / Policy**Good Governance**

Means we care about and are responsive to the community, encourage democratic participation and involve people in decisions that affect them. We strive for excellence in financial management and council services, and always look for better ways to do things.

Our Goal:

Ensure transparency of governance practices, the capability of our organisation and effective resource management.

Issues / Options

The FESS has been operating for eight years and has been successful in developing and supporting existing and new events. However almost every year the FESS is oversubscribed, with the same events applying for and receiving funds. This results in limited scope for developing new events and there is no financial security for new and existing events to receive the same amount of funding each year. This can result in budgeting difficulties for the event organiser.

An internal review of the FESS Guidelines was conducted after the allocation of the 2014-2015 FESS and changes were made to the funding categories including providing funding for 2 years for events in the Sponsorship Category and Seed Funding Category. The One Off Event category remained with allocation for one year.

Council at its meeting on the 25 February 2015 supported the arrangement of 2 year funding.

In the 2015-2016 round of FESS funding the following events received funding for 2016-2017 via resolution of Council on 24 June 2015:

Seed Funding

- Apollo Bay Australia Day Community Picnic	\$2,000
- Eat Local Month	\$2,000
- Sustainable Living Day Gellibrand	\$1,000
- Youth Council Homelessness Awareness Sleepout	\$4,000
	\$9,000

Sponsorship

- Amy's Gran Fondo	\$1,000
- Apollo Bay Seafood Festival	\$5,000
- Birregurra Easter Arts at the Homestead	\$2,000
- Birregurra Festival and Art Show	\$5,000
- Birregurra School Choir at Birregurra Festival	\$1,500
- Chase the Dog	\$1,000
- Colac City Bands Carols by Candlelight	\$5,000
- Colac Garden & Lifestyle Expo	\$1,500
- Colac Kana Festival	\$5,000
- Colac Orchid Annual Show	\$500
- Colac Otway Wood Design Exhibition	\$2,500
- Forrest Festival	\$2,000
- Forrest SoupFest	\$4,000
- Gellibrand Blues and Blueberry Festival	\$4,000
- Good Friday Family Fun Day & Market	\$1,000
- Great Ocean Road Marathon	\$2,500
- Hunt for the Golden Gumboot	\$2,000
- Odyssey Mountain Bike Event	\$2,500
- Run Forrest	\$2,500
- Warm Winter Words	\$3,000
- Warrion Flower Show	\$1,000
	\$54,500

TOTAL **\$63,500**

The allocation of funding was based on funding for 2 years (2015-2016 and 2016-2017) per the Advisory Committee minutes of 3 June 2015 and Council resolution of 25 February 2015.

The above events will receive funding for 2016-2017 provided they have submitted all the required paperwork for their event, including an acquittal form, and subject to budget endorsement by Council.

Funding requests for One Off Events will need to be sought for 2016-2017 following the relevant processes in the FESS Guidelines.

Proposal

Council support for the revised FESS process on 25 February 2015 allows for Sponsorship and Seed funding to be allocated for 2 years. The Sponsorship and Seed funding allocated in June 2015 allowed for 25 events to receive sponsorship and seed funding in 2015/2016 and 2016/2017. The allocated sponsorship and seed funding totals \$63,500 and allows \$11,500 to be available for One

Off and new event funding based on a proposed total of \$75,000 as allocated in 2015/2016 and subject to budget approval.

It is recommended that the current FESS process should be commenced based on the above to allow for further funding allocations to be confirmed through Council by June 2016.

Financial and Other Resource Implications

The proposed funding allocation for the 2016-2017 FESS program is \$75,000, however this is subject to budget deliberations.

This program contributes significantly to many events across the Shire. Without this funding a number of the community events will cease to operate. It is important to offer this scheme, as limited funding opportunities exist at a State or Federal level.

Risk Management & Compliance Issues

Specific risk management and compliance issues embedded within each event application are assessed on their individual merit. The proposed guidelines and application forms ensure potential risk and compliance issues are identified.

Environmental and Climate Change Considerations

All events are assessed for their environmental and climate change considerations and external agencies are consulted where applicable.

Community Engagement

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be inform and include:

- Applications will open on Thursday 24 March 2016
- Direct database mail out to all event organisers and community groups
- Advertising in local media, all council publications and through the council Facebook page
- Community Information sessions will be held on Monday 11 April 2016 in Colac and Wednesday 13 April 2016 in Apollo Bay in conjunction with the Community Funding information sessions
- Council Officers will be available to meet with individual applicants as required to provide further assistance with applications

Implementation

The proposed timelines for the implementation of FESS are:

- | | |
|---|-------------------------|
| • FESS Applications open | Thursday 24 March 2016 |
| • Community Information Session – Colac | Monday 11 April 2016 |
| • Community Information Session – Apollo Bay | Wednesday 13 April 2016 |
| • FESS Applications close | Friday 29 April 2016 |
| • Applications assessed by council officers | May/June 2016 |
| • Council Assessment Meeting | June 2016 |
| • FESS Council Report endorsed at Council meeting | June 2016 |
| • Civic Reception | July 2016 |

Conclusion

The annual FESS program is highly valued by the event organisers, evidenced by the number of applications received each year. The dedicated funding of festivals and events by Council has resulted in a broad range of community managed events that otherwise would not be staged within

the Shire. Since 2007 the number of events funded by Council annually has increased from four (4) to over thirty five (35).

Attachments

1. Colac Otway Shire FESS Guidelines 2016 - 2017
2. Colac Otway Shire FESS Application Form 2016-2017

Recommendation(s)

That Council:

1. ***Confirms the second year allocation of Sponsorship Funding for Gellibrand Blues and Blueberry Festival of \$4,000 in accordance with the allocation in 2015/2016.***
2. ***Notes that if the event as listed above does not occur the funding will not be paid.***

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## FESTIVAL AND EVENT SUPPORT SCHEME GUIDELINES 2016 – 2017

### 1. WHAT IS THE FESTIVAL AND EVENTS SUPPORT SCHEME (FESS)

The Colac Otway Shire (COS) recognises the importance of festival and events development in the municipality. The contribution of festivals and events to celebrating the region's diversity, cultural, economic and social development is highly valued. The Festival and Events Support Scheme (FESS) is council's funding program for events conducted within the Colac Otway Shire.

These guidelines outline FESS for individuals, groups and organisations seeking funding from Council for an event within the Shire. Funding is available for:

- Established and new events
- One off and repetitive events
- Not-for-profit
- Commercial events

There is one round of funding per year (opening 24 March 2016) for all event organisers conducting events in the 2016-2017 financial year.

This funding program provides seed funding to assist with the establishment of new event initiatives. The funding program also supports the development and growth of established events. An established event is defined as an event that has been conducted for more than 3 years.

These guidelines provide essential information for all applicants and outline the application process. They should be read in conjunction with Council's Event Policy.

The scope of the Colac Otway Shire, Festival and Events Support Scheme is broad and potential applicants are required to discuss their proposal with Council's Events Officer on 5232 9400 or [ing@colacotway.vic.gov.au](mailto:ing@colacotway.vic.gov.au)

### 2. AIMS AND OBJECTIVES

The aims and objectives of the Festivals and Events Support Scheme are to:

- Provide financial assistance to conduct established professional and quality festival or event activities within Colac Otway Shire.
- Improve the quality of life experiences for communities within the municipality by increasing access to quality festivals and events.
- Promote cultural diversity and greater awareness, appreciation and participation in activities within the Colac Otway Shire area.
- Promote a sense of pride and community identity.
- Stimulate visitation and tourism to the Colac Otway Shire area and increase economic and social development opportunities.
- Contribute to the recognition of the Colac Otway Shire area as a region to host festivals and events.
- Create an environment for innovation and creativity within the municipality.
- Assist established Festivals and Events (where appropriate) to enable the Festival or Event to become as self-sufficient as possible.

**3. DEFINITION OF AN EVENT**

For the purposes of the Colac Otway Shire Festival and Support Scheme, the following definitions apply:

**“event”** means any planned activity open to the public held on Council owned or managed land where any structure (permanent or temporary), open area or road, (fenced or unfenced) will contain a number of persons greater than that normally found in that area or location at one time. This activity may affect the location surrounding the area prior to, during or after the activity, and includes:

- Sporting activities, whether conducted in an enclosed or unenclosed ground/venue (but does not include a regular, locally focussed and organised sporting competition at a venue built for that sport);
- One off or annual events such as religious meetings held in parks/sporting venues, rock concerts, promotional events and the like;
- Live performances and concerts; and
- Festivals.

**“event organiser”** means a commercial entity, community group or individual who undertakes the planning, control, management and/or implementation of an *event*.

**4. ELIGIBILITY CRITERIA**

You are eligible to apply for FESS if:

- Your event is held in the COS and is specifically designed to benefit residents and businesses of COS.
- You are an incorporated, not for profit or commercial organisation.
- You are an unincorporated, not-for-profit group with an auspice arrangement\* with an incorporated, not for profit group.
- Your event meets the criteria for funding.
- Funding preferences will be given to events not previously supported under this program, however notes that some events occur annually and rely on Council's funding support.
- Your event has a strong community focus.

You are not eligible to apply for FESS if:

- Your event that does not have a strong community base.
- Your event is conducted completely outside the boundaries of the Colac Otway Shire.
- Your event starts before 1 July 2016 or after 30 June 2017.
- Your event clashes with another major Colac Otway Shire Festival or Event.
- You are an individual without an auspice arrangement with a not-for-profit group.
- Organisations that have not completed an Acquittal Report for a previous COS Grant (FESS or Community Funding).
- Organisations that are accepting sponsorship from companies that Council deem are not suitable or align with the Council Plan 2013 – 2017.

The FESS supports new and established community events through the provision of financial assistance for costs associated with events. Examples of costs associated with events could include signage, promotional material, and professional project management and hire costs (eg. performers, PA equipment, staging, portable toilets etc).

Events can include but are not restricted to cultural, historical, artistic (music, theatre, visual) sporting, culinary, environmental or could include markets, festivals and exhibitions. (NB: Markets are not able to book Shire marquees). Events should enhance the region's profile, develop community co-operation and cohesion, build local skills or in other ways have a positive impact on the local community.

Applications should assist in establishing new or providing support to existing events and activities for the citizens and/or the promotion of the Colac Otway Shire. Preference is to be given to projects and groups making a significant financial or "in kind" contribution to the event.

Applications are to be for financial assistance for costs related to the delivery of new or established events, not for general ongoing administration costs. Applicants must demonstrate how their event contributes to the social, cultural and economic growth of the Colac Otway Shire.

Funding under this scheme is restricted. Applicants with proposals for funding valued in excess of \$5,000 are encouraged to discuss event/festival related proposals with the Colac Otway Shire Council's Events Officer with a view to exploring alternative funding sources. Preference will be given to events that are supported by plans detailing a vision for their event, that are organised co-operatively and where some profits will be distributed back into the community.

\*Auspicing allows not-for-profit, incorporated organisations to accept grant funding on behalf of individuals or groups who are not incorporated. The auspice organisation is responsible for accepting the grant, receiving the grant and paying the grant to the grant recipient and ensuring, to the best of their ability, that the funds are used for the purpose the grant is intended.

The auspice will also sign the Grant/Sponsorship Agreement and will be responsible for the grant acquittal. Auspice organisations will need to provide a letter of consent to the group stating that it is willing to take financial and legal responsibility for the grant.

## **5. HOW TO APPLY**

Applications must be submitted on the attached application form. Any application that is considered incomplete or not in the required format may **not** be accepted.

Electronic versions of guidelines and application forms, including a writeable pdf version are available on Council's web site: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) and can be downloaded. Email applications can be accepted only if a scanned signature is included on the final page. Email this application as an attachment to [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au) with Festival and Events Support Scheme in the subject line. All applications must be received by the closing date.

### **GST**

GST legislation will apply to the allocation of these funds. Organisations will be required to quote an Australian Business Number (ABN) or if an exemption applies to provide a written statement of entitlement to exemption (Supplier Statement). Supplier Statement forms are available on Council's web site: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) and can be downloaded.

Where an applicant organisation is GST registered, grant allocations will be calculated and assessed on income and expenditure excluding GST. In addition, organisations registered for GST will be required to submit a Tax Invoice to Council upon approval of their grant, including an additional 10% added to the approved grant amount.

### Lodgement

The closing date for applications is 4.00pm Friday 29 April 2016. All applications must be received by this time. Late applications will not be considered.

Hard copy applications should be sent to:

**Festival and Events Support Scheme 2015-2016**  
**Colac Otway Shire**  
**PO Box 283**  
**COLAC VIC 3250**

Email applications should be sent to [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au) with the completed application form attached.

All applicants will receive written advice acknowledging receipt of their application within 1 week of receipt.

#### **IMPLEMENTATION FOR 2016-2017**

|                               |                        |
|-------------------------------|------------------------|
| Applications open             | Thursday 24 March 2016 |
| Closing date for applications | Friday 29 April 2016   |
| Evaluation of applications    | May - June 2016        |
| Notification of funding       | July 2016              |

Reporting/Acquittal forms must be completed three months after your event.

## **6. SPONSORSHIP CATEGORIES**

The level of assistance recommended will be determined by the current or potential value of the festival/event to generate positive economic impacts and enhance the social and cultural benefits within the community.

There are three levels of funding categories specific to the Colac Otway Shire Festival and Events Support Scheme in relation to the sponsorship of events. They are Sponsorship, Seed Funding and One-off events funding which are defined as follows:

### **a. Sponsorship (Up to \$5,000 per event)**

- This level of sponsorship is available to existing events that have demonstrated that the event is sustainable (both financially and socially) and have run for over three years.
- Events within this category will provide significant benefits to the Colac Otway Shire in terms of economic, social and cultural growth to the region and contribution to the local community.
- Events within this category must demonstrate a significant community focus.

### **b. Seed Funding(Up to \$2,000 per event)**

- This funding is designed to encourage the development of new events.
- Events will need to show that the proposed event will provide strong benefits to the Colac Otway Shire in terms of economic, social and cultural contribution to the local community.
- Events within this category will demonstrate a strong community focus.

### **c. One Off Events (Up to \$1,000 per event)**

- This funding is for one off events for celebrations of significant local historical milestones or other important one-off events.
- Events within this category will demonstrate a strong community focus.
-



**7. THE SPONSORSHIP AGREEMENT**

Successful applicants will be required to enter into an agreement with the Colac Otway Shire Council.

Larger festivals and events may wish to select one or more aspects of their program to be sponsored by the Colac Otway Shire. The Colac Otway Shire would then be recognised as a sponsor of that event component or alternatively as a general sponsor of the overall festival or event. Acknowledgment will be commensurate with the nature of the project and level of support provided.

At a minimum, the Sponsorship Agreement includes:

- Colac Otway Shire signage at all activities and events related to the project, (or as mutually agreed with the event organisers).
- Recognition of Colac Otway Shire sponsorship in all advertising, promotional and social media.
- All printed material including invitations, fliers, posters and programs must include the Colac Otway Shire logo.
- An opportunity must be provided for a Colac Otway Shire representative to speak at key events and activities (or as mutually agreed with the event organisers).
- Inclusion of sponsor message in the festival or event program and related publications at no charge as mutually agreed.
- Colac Otway Shire flags or banners may be required by Council to be erected in designated positions, (or as mutually agreed with the event organisers.)
- The organisers must provide the Colac Otway Shire Events Officer with regular information updates on the project, i.e. minutes of meetings or two detailed summaries of arrangements prior to the event.
- Sponsor invitations to be provided for Colac Otway Shire to the Mayor, Councillors and key representatives.
- Agreement of Event/Festival organiser to ensure that all waste created by the event is appropriately managed.
- Access to the Colac Otway Shire Waste Trailer (where applicable for the event).

**8. PUBLIC LIABILITY AND INSURANCE**

A Public Liability Insurance Policy for at least ten million dollars (\$10 million) for the festival/event must be obtained by the organiser prior to the funds being released by Colac Otway Shire. Public Liability and Insurance to increase to a minimum of twenty million dollars (\$20 million) for major events only.

All event organisers conducting events on Council owned or managed land are required to complete and sign the Colac Otway Shire's Form of Indemnity. This means that you agree to indemnify, and to keep indemnified, the Colac Otway Shire, its servants and agents, and each of them from and against all actions, costs, claims, charges, expenses, penalties, demands and damages whatsoever, which may be brought or made or claimed against them, or any of them, in connection with the event organiser's performance.

The Events Officer will provide you with the Council's Indemnity form, to read, sign and return along with the Events Application forms.

**9. REPORTING/ACQUITTAL FORMS**

It is a condition of sponsorship that a written, detailed reporting/acquittal form be submitted within three months of the end of the event.

Evidence of all printed material is imperative. Printed material featuring the Council logo and clippings of media exposure should accompany the evaluation report. Colac Otway Shire will utilise promotional material for their own promotional purposes.

**10. ASSESSMENT**

Applications will be assessed to a Council Advisory Committee which will then provide recommendation for endorsement by Council. Your application will form part of Council's Budget process for the following financial year.

**Assessment Criteria**

Factors taken into account when assessing applications include:

| Assessment Criteria                                                                                                                                                                       | Weighting |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>Social opportunities</b><br>Detail the community benefits provided by the project both short and long term                                                                             | 25%       |
| <b>Economic Development opportunities</b><br>Describe how the event stimulates visitation/tourism and increases economic development opportunities for residents of the Colac Otway Shire | 25%       |
| <b>Cultural opportunities</b><br>Describe how the event contributes towards the development of community arts & culture, networks, programs and/or projects.                              | 25%       |
| Provision of <b>sufficient documentation</b> for the proposal including letters of support, quotes etc                                                                                    | 10%       |
| Marketing/promotional opportunity for the Colac Otway Shire                                                                                                                               | 15%       |

The Festival and Events Support Scheme is a competitive funding program. Applicants should note that the submission of an application **does not** necessarily guarantee funding of the proposal.

**11. AVAILABLE FUNDING**

The level of assistance available through the Festivals and Events Support Scheme is limited by Council's budget.

No applicant can be guaranteed sponsorship nor can any applicant be guaranteed funding to the level requested. Please note that Council cannot totally fund any festival or event, nor does it fund retrospectively. Council's ongoing support should not be relied upon as each year applications will be assessed in conjunction with other applications and will be determined on funding available.

An unsuccessful application does not necessarily mean that the project or activity is unworthy of support. An application could be rejected because of limited resources or the need to balance support given to a wide range of festivals and events after considering the assessment criteria.

**12. IMPLEMENTATION**

Upon notification of a successful application, the applicant organisation will negotiate the required services with the Events Officer. Events held on Council land will need to submit an Event Application and any relevant paperwork and plans, ie. traffic management plan, communications plan, etc. This may include participation in Council's Event approval process and attendance at Council "E Team" meetings as part of the Event Approval process. The Events Officer will notify you of the requirements.



**FESTIVAL & EVENT SUPPORT SCHEME  
APPLICATION FORM 2016-2017**

**EVENT DETAILS:**

|                                                                                                  |    |
|--------------------------------------------------------------------------------------------------|----|
| Event Name                                                                                       |    |
| Event Date                                                                                       |    |
| Total Amount Requested                                                                           | \$ |
| If we had to reduce the grant amount, what is the minimum needed to successfully run your event? |    |
|                                                                                                  | \$ |
| Total Event Cost                                                                                 | \$ |

|                                                                                                               |     |  |    |  |
|---------------------------------------------------------------------------------------------------------------|-----|--|----|--|
| Have you discussed your event with the Colac Otway Shire Events Officer? (tick which category is applicable). | YES |  | NO |  |
|---------------------------------------------------------------------------------------------------------------|-----|--|----|--|

|                                                                 |  |
|-----------------------------------------------------------------|--|
| Sponsorship Category (tick which category you are applying for) |  |
| Sponsorship                                                     |  |
| Seed Funding                                                    |  |
| One Off Events                                                  |  |

**APPLICANT DETAILS:**

Name of applicant organisation/group/club

|  |
|--|
|  |
|--|

Postal Address

|  |
|--|
|  |
|--|

|        |       |          |
|--------|-------|----------|
| Suburb | State | Postcode |
|        |       |          |

**Contact Details**

(Please ensure the nominated contact person/s are aware of all project details)

| Details    | Primary Contact Person | Secondary Contact Person |
|------------|------------------------|--------------------------|
| Name       |                        |                          |
| Position   |                        |                          |
| Work phone |                        |                          |
| Home phone |                        |                          |
| Mobile     |                        |                          |
| Email      |                        |                          |

**LEGAL AND FINANCIAL DETAILS:**

**Incorporation Number**

**ABN Number**

A Supplier Statement form must be completed if no ABN. Supplier Statement forms are available on Council's website [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au)

**GST Registration (tick where appropriate)**

| Yes                      | Number                   | No                       |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

If you are registered for GST you will be required to submit a tax invoice to COS upon approval of your grant, including an additional 10% added to the approved grant amount.

**AUSPICE DETAILS:**

If your organisation is being auspiced, please provide the details of the auspice organisation below. The auspice organisation will need to provide a letter of consent with this application stating they are willing to take financial and legal responsibility for the grant.

**Auspicing body if not incorporated**

|                     |  |               |
|---------------------|--|---------------|
| <b>Auspice body</b> |  |               |
| <b>Address</b>      |  |               |
| <b>Contact Name</b> |  |               |
| <b>Position</b>     |  |               |
| <b>BH phone</b>     |  | <b>Mobile</b> |
| <b>Email</b>        |  |               |

Does your organisation currently receive funding support from Federal or State Government sources (tick where appropriate)

|     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

Please provide details of any commercial source of income

| Source | Amount \$ |
|--------|-----------|
|        |           |
|        |           |
|        |           |

Has your organisation received ANY funding support from the Colac Otway Shire in the past 3 years? (tick where appropriate)

|     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

Please provide details of ALL funding support provided by the Colac Otway Shire in the past 3 years? (i.e. Community, Festival & Events Support Scheme or other)

| Council Department | Project | Amount \$ | Year |
|--------------------|---------|-----------|------|
|                    |         |           |      |
|                    |         |           |      |
|                    |         |           |      |

Has funding for this project been sought from any other body for this project?

|     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

If yes, please list

| Source | Amount \$ |
|--------|-----------|
|        |           |

**PAYMENT DETAILS:**

Successful grants will be paid preferably by Electronic Funds Transfer (EFT) to a nominated bank account (or cheque by arrangement). If you have not supplied your EFT details, please request an EFT Form and one will be emailed to you. **If your bank account details have changed in the past year, please complete the details below.**

Account Name

BSB No

Account Number

Bank/Financial Institution

**EVENT PROJECT DETAILS:**

1. **Description of event** - Please a description of the event you are running. Please include as much detail as possible. This information may be used on Council's website and in any media.

|  |
|--|
|  |
|--|

2. **Estimated number of visitors to event** – Please indicate the estimated number of visitors this event is likely to attract and the estimated number of participants from the community.

|                                |  |
|--------------------------------|--|
| <b>Number of Visitors:</b>     |  |
| <b>Number of Participants:</b> |  |

3. **Detail event component to be funded by Council** - (Please itemise the specific event component(s) that Council funding will be expended upon i.e. hire of stage, hire of performers, etc.

|  |
|--|
|  |
|--|

4. **Social opportunities** - Detail the community benefits provided by the project both short and long term.

|                                       |
|---------------------------------------|
| <b>Short term community benefits:</b> |
|                                       |

|                                      |
|--------------------------------------|
| <b>Long term community benefits:</b> |
|                                      |

5. **Economic Development opportunities** - Describe how the event stimulates visitation/tourism and increases economic development opportunities for residents of the Colac Otway Shire.

6. **Cultural opportunities** - Describe how the event contributes towards the development of community arts and culture development, networks, programs and/or projects.

7. **Please provide details of community need for this proposal.** Please attach support letters and detail what discussions you have held with related groups in the area about this project.

8. **Please list what marketing/promotional opportunities are available for the Colac Otway Shire at your event.** Please note that all successful applicants will be required to enter into a Sponsorship Agreement with the Colac Otway Shire. Details of the Sponsorship Agreement are in the FESS Guidelines.



**BUDGET FORM**

The budget should list the total income and expenditure and reflect all costs associated with the project.

Applicants are expected to make at least a matching contribution in cash and/or volunteer labour costed **\$25 per hour**. Other in-kind contribution such as donated goods or materials may also be included, as well as use of plant and equipment. Indicate in-kind on the expenditure column under the relevant headings as well as the income column. You may also have grants, financial support and sponsorship from other sources. This should be indicated in the budget.

Please ensure that total income **EQUALS** total expenditure i.e. the project must break even.

| EXPECTED INCOME                              | \$ AMOUNT | EXPECTED EXPENDITURE                           | \$ AMOUNT        |
|----------------------------------------------|-----------|------------------------------------------------|------------------|
| <b>Earned Income</b>                         |           | <b>Project Costs</b>                           |                  |
| Participant's Fees                           | \$        | Fees                                           | \$               |
| Ticket sales                                 | \$        | Travel                                         | \$               |
| Other (Describe)                             | \$        | Accommodation                                  | \$               |
|                                              |           |                                                |                  |
| <b>Grants</b>                                |           | <b>Materials/ Equipment</b>                    | <b>(itemise)</b> |
| Council Festival and Event Support Scheme    | \$        |                                                | \$               |
| Other (Describe)                             | \$        |                                                | \$               |
|                                              |           |                                                | \$               |
| <b>Applicants contribution</b>               |           |                                                |                  |
| Cash                                         | \$        | Other (Describe)                               | \$               |
| In-kind equipment (Describe)                 | \$        | Insurance                                      | \$               |
| Volunteer labour @ \$25 per hour. (Describe) | \$        | Volunteer labour @ \$25 per hour. (Describe)   | \$               |
|                                              |           |                                                |                  |
| <b>Other Income</b>                          |           | <b>Administration Costs</b>                    |                  |
| Donations                                    |           | Telephone, fax, photocopying etc.              | \$               |
| Sponsorship                                  |           | Marketing Costs e.g. publicity and advertising | \$               |
| Other (Describe)                             |           | Documentation Costs e.g. photographs, videos   | \$               |
|                                              |           | Contingency @ 3% of Sub Total                  | \$               |
| <b>Total Income</b>                          | <b>\$</b> | <b>Final Total Expenditure</b>                 | <b>\$</b>        |

Please read and sign this Agreement.

**THIS AGREEMENT IS MADE BETWEEN COLAC OTWAY SHIRE COUNCIL** of 2-6 Rae Street Colac ("the Council") and the Applicant

### BACKGROUND

- A The Council makes available funds for festival and events funding each year for the benefit of residents of and for activities that take place in the Colac Otway Shire.
- B The Council has criteria which must be met by the Applicant before funding is provided as set out in this agreement.
- C The Council has agreed to fund the Applicant on the terms and conditions set out in the agreement.

### AGREEMENT

- 1. The Council may provide to the Applicant funds for the Applicant's activity. **Signing this Agreement does not commit Council to provide any funds unless the Applicant's submission is successful.**
- 2. The Applicant confirms and agrees that:
  - (a) it is a not for profit incorporated association or a natural person authorised by the incorporated association to enter into this agreement.
  - (b) activities arising from the grant allocation must take place within the Colac Otway Shire and/or benefit Colac Otway Shire residents and workers.
  - (c) if funds are granted by Council they must be spent on the approved activity. Any significant change to the activity must be approved by the Council.
  - (d) funds provided under this agreement must be spent by the Applicant on the activity of this agreement, unless otherwise agreed by the Council.
  - (e) the Applicant must return any funds not spent on the activity to Council.
  - (f) the Council is not responsible for any shortfall should the activity run over budget.
  - (g) the Applicant is required to recognise the Council as a funding source of the activity. Contact must be made with the appropriate Council officer to obtain the relevant logo and to ensure that the Council sights and approves proofs of all materials prior to production. Unauthorised use of the Council logo on other material will result in

the Applicant being ineligible to apply for further grants.

- (h) accurate financial records of the recipient organisation be maintained and made available to the staff of Council in the event of any further audit by Council into the use of the Grant. Council officers may request meetings with the Applicant to check on progress during the period of the activity.
  - (i) it will complete a reporting form for the grant. If the reporting form is incomplete the Applicant will be ineligible for further grants. A statement of the expenditure of the funds will be required within the reporting process.
- 3. The Council, its servants, agents and employees shall not be responsible at any time for any liability incurred or entered into by the Applicant as a result of or arising out of the Applicant's responsibilities under this agreement.
  - 4. The Applicant shall release and indemnify the Council, its servants, agents and employees against any claim, demand, liability, costs, expenses, actions arising out of or in any way connected with the activities of the Applicant, or the Applicant's agents in consequence of this agreement except where the claim, demand, liability, costs or action are caused by the Council or its servants or agents.
  - 5. Any variation of this agreement shall only be made in writing between the parties.
  - 6. Projects that commence prior to this application being received by Council will be ineligible.
  - 7. A "Tax Invoice" is required to be submitted prior to payment of the grant (only if the applicant is registered for GST).
  - 8. Note that Council will publicly report grants awarded.

Signature

**CHECK LIST Please confirm that you have included the following with your submission:**

|   |                                                                                          |
|---|------------------------------------------------------------------------------------------|
| X | Keep a copy of your application, including all attachments                               |
|   | Completed application form                                                               |
|   | Budget Table showing break even result                                                   |
|   | Detailed Financial Statement or Treasurer's Report for the previous 2 years.             |
|   | Attached Quotes (For items to be funded by Council)                                      |
|   | Details of previous grants provided by council to your organisation in the past 3 years. |
|   | Support Letters                                                                          |
|   | Supplier Statement (if applicable)                                                       |

**Privacy Notification**

Council is collecting the personal information on this form for the purposes of assessing your application and to maintain statistical information. The personal information will be used solely by the Council for that primary purpose or directly related purposes. The applicant understands that they may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to 5232 9516.

I/we acknowledge the above and confirm the above information is correct and approve the use of this data on the Colac Otway Shire applicants' data base.

Signed: .....

Name: .....

Date: ...../...../2016



**OM162303-8 FESTIVAL AND EVENTS SUPPORT SCHEME 2016-2017 - HUNT FOR THE GOLDEN GUMBOOT**

|             |                                  |           |             |
|-------------|----------------------------------|-----------|-------------|
| AUTHOR:     | Emma Clark                       | ENDORSED: | Brydon King |
| DEPARTMENT: | Development & Community Services | FILE REF: | F15/2147    |

**Purpose**

The purpose of this report is to seek Council endorsement for proposed funding of \$2,000 to be made available to event organisers through the 2016-2017 Festival and Events Support Scheme (FESS).

**Declaration of Interests**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Background**

The Festival and Event Support Scheme (FESS) was introduced in 2007 to provide an equitable funding allocation for events held within the shire via an agreed set of criteria.

Prior to the introduction of the FESS, only four events were supported by Council:

1. Birregurra Weekend Festival
2. Spirit of Christmas
3. KANA
4. Apollo Bay Music Festival.

In response to a number of new events being successfully implemented and funding requests from event organisers Council developed the FESS, a fair and transparent process for all events to be assessed for funding by Council.

Since the introduction of the FESS, Council has funded over 65 different events.

**Council Plan / Other Strategies / Policy****Good Governance**

Means we care about and are responsive to the community, encourage democratic participation and involve people in decisions that affect them. We strive for excellence in financial management and council services, and always look for better ways to do things.

*Our Goal:*

Ensure transparency of governance practices, the capability of our organisation and effective resource management.

**Issues / Options**

The FESS has been operating for eight years and has been successful in developing and supporting existing and new events. However almost every year the FESS is oversubscribed, with the same events applying for and receiving funds. This results in limited scope for developing new events and there is no financial security for new and existing events to receive the same amount of funding each year. This can result in budgeting difficulties for the event organiser.

An internal review of the FESS Guidelines was conducted after the allocation of the 2014-2015 FESS and changes were made to the funding categories including providing funding for 2 years for events in the Sponsorship Category and Seed Funding Category. The One Off Event category remained with allocation for one year.

Council at its meeting on the 25 February 2015 supported the arrangement of 2 year funding.

In the 2015-2016 round of FESS funding the following events received funding for 2016-2017 via resolution of Council on 24 June 2015:

### Seed Funding

|                                                 |                |
|-------------------------------------------------|----------------|
| - Apollo Bay Australia Day Community Picnic     | \$2,000        |
| - Eat Local Month                               | \$2,000        |
| - Sustainable Living Day Gellibrand             | \$1,000        |
| - Youth Council Homelessness Awareness Sleepout | \$4,000        |
|                                                 | <b>\$9,000</b> |

### Sponsorship

|                                                  |                 |
|--------------------------------------------------|-----------------|
| - Amy's Gran Fondo                               | \$1,000         |
| - Apollo Bay Seafood Festival                    | \$5,000         |
| - Birregurra Easter Arts at the Homestead        | \$2,000         |
| - Birregurra Festival and Art Show               | \$5,000         |
| - Birregurra School Choir at Birregurra Festival | \$1,500         |
| - Chase the Dog                                  | \$1,000         |
| - Colac City Bands Carols by Candlelight         | \$5,000         |
| - Colac Garden & Lifestyle Expo                  | \$1,500         |
| - Colac Kana Festival                            | \$5,000         |
| - Colac Orchid Annual Show                       | \$500           |
| - Colac Otway Wood Design Exhibition             | \$2,500         |
| - Forrest Festival                               | \$2,000         |
| - Forrest SoupFest                               | \$4,000         |
| - Gellibrand Blues and Blueberry Festival        | \$4,000         |
| - Good Friday Family Fun Day & Market            | \$1,000         |
| - Great Ocean Road Marathon                      | \$2,500         |
| - Hunt for the Golden Gumboot                    | \$2,000         |
| - Odyssey Mountain Bike Event                    | \$2,500         |
| - Run Forrest                                    | \$2,500         |
| - Warm Winter Words                              | \$3,000         |
| - Warrion Flower Show                            | \$1,000         |
|                                                  | <b>\$54,500</b> |

**TOTAL** **\$63,500**

The allocation of funding was based on funding for 2 years (2015-2016 and 2016-2017) per the Advisory Committee minutes of 3 June 2015 and Council resolution of 25 February 2015.

The above events will receive funding for 2016-2017 provided they have submitted all the required paperwork for their event, including an acquittal form, and subject to budget endorsement by Council.

Funding requests for One Off Events will need to be sought for 2016-2017 following the relevant processes in the FESS Guidelines.

### Proposal

Council support for the revised FESS process on 25 February 2015 allows for Sponsorship and Seed funding to be allocated for 2 years. The Sponsorship and Seed funding allocated in June 2015 allowed for 25 events to receive sponsorship and seed funding in 2015/2016 and 2016/2017. The allocated sponsorship and seed funding totals \$63,500 and allows \$11,500 to be available for One

Off and new event funding based on a proposed total of \$75,000 as allocated in 2015/2016 and subject to budget approval.

It is recommended that the current FESS process should be commenced based on the above to allow for further funding allocations to be confirmed through Council by June 2016.

### **Financial and Other Resource Implications**

The proposed funding allocation for the 2016-2017 FESS program is \$75,000, however this is subject to budget deliberations.

This program contributes significantly to many events across the Shire. Without this funding a number of the community events will cease to operate. It is important to offer this scheme, as limited funding opportunities exist at a State or Federal level.

### **Risk Management & Compliance Issues**

Specific risk management and compliance issues embedded within each event application are assessed on their individual merit. The proposed guidelines and application forms ensure potential risk and compliance issues are identified.

### **Environmental and Climate Change Considerations**

All events are assessed for their environmental and climate change considerations and external agencies are consulted where applicable.

### **Community Engagement**

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be inform and include:

- Applications will open on Thursday 24 March 2016
- Direct database mail out to all event organisers and community groups
- Advertising in local media, all council publications and through the council Facebook page
- Community Information sessions will be held on Monday 11 April 2016 in Colac and Wednesday 13 April 2016 in Apollo Bay in conjunction with the Community Funding information sessions
- Council Officers will be available to meet with individual applicants as required to provide further assistance with applications

### **Implementation**

The proposed timelines for the implementation of FESS are:

- |                                                   |                         |
|---------------------------------------------------|-------------------------|
| • FESS Applications open                          | Thursday 24 March 2016  |
| • Community Information Session – Colac           | Monday 11 April 2016    |
| • Community Information Session – Apollo Bay      | Wednesday 13 April 2016 |
| • FESS Applications close                         | Friday 29 April 2016    |
| • Applications assessed by council officers       | May/June 2016           |
| • Council Assessment Meeting                      | June 2016               |
| • FESS Council Report endorsed at Council meeting | June 2016               |
| • Civic Reception                                 | July 2016               |

### **Conclusion**

The annual FESS program is highly valued by the event organisers, evidenced by the number of applications received each year. The dedicated funding of festivals and events by Council has resulted in a broad range of community managed events that otherwise would not be staged within

the Shire. Since 2007 the number of events funded by Council annually has increased from four (4) to over thirty five (35).

**Attachments**

1. Colac Otway Shire FESS Guidelines 2016 - 2017
2. Colac Otway Shire FESS Application Form 2016-2017

**Recommendation(s)**

***That Council:***

1. ***Confirms the second year allocation of Sponsorship Funding for Hunt for the Golden Gumboot of \$2,000 in accordance with the allocation in 2015/2016.***
2. ***Notes that if the event as listed above does not occur the funding will not be paid.***

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FESTIVAL AND EVENT SUPPORT SCHEME GUIDELINES 2016 – 2017

1. WHAT IS THE FESTIVAL AND EVENTS SUPPORT SCHEME (FESS)

The Colac Otway Shire (COS) recognises the importance of festival and events development in the municipality. The contribution of festivals and events to celebrating the region's diversity, cultural, economic and social development is highly valued. The Festival and Events Support Scheme (FESS) is council's funding program for events conducted within the Colac Otway Shire.

These guidelines outline FESS for individuals, groups and organisations seeking funding from Council for an event within the Shire. Funding is available for:

- Established and new events
- One off and repetitive events
- Not-for-profit
- Commercial events

There is one round of funding per year (opening 24 March 2016) for all event organisers conducting events in the 2016-2017 financial year.

This funding program provides seed funding to assist with the establishment of new event initiatives. The funding program also supports the development and growth of established events. An established event is defined as an event that has been conducted for more than 3 years.

These guidelines provide essential information for all applicants and outline the application process. They should be read in conjunction with Council's Event Policy.

The scope of the Colac Otway Shire, Festival and Events Support Scheme is broad and potential applicants are required to discuss their proposal with Council's Events Officer on 5232 9400 or ing@colacotway.vic.gov.au

2. AIMS AND OBJECTIVES

The aims and objectives of the Festivals and Events Support Scheme are to:

- Provide financial assistance to conduct established professional and quality festival or event activities within Colac Otway Shire.
- Improve the quality of life experiences for communities within the municipality by increasing access to quality festivals and events.
- Promote cultural diversity and greater awareness, appreciation and participation in activities within the Colac Otway Shire area.
- Promote a sense of pride and community identity.
- Stimulate visitation and tourism to the Colac Otway Shire area and increase economic and social development opportunities.
- Contribute to the recognition of the Colac Otway Shire area as a region to host festivals and events.
- Create an environment for innovation and creativity within the municipality.
- Assist established Festivals and Events (where appropriate) to enable the Festival or Event to become as self-sufficient as possible.

3. DEFINITION OF AN EVENT

For the purposes of the Colac Otway Shire Festival and Support Scheme, the following definitions apply:

“event” means any planned activity open to the public held on Council owned or managed land where any structure (permanent or temporary), open area or road, (fenced or unfenced) will contain a number of persons greater than that normally found in that area or location at one time. This activity may affect the location surrounding the area prior to, during or after the activity, and includes:

- Sporting activities, whether conducted in an enclosed or unenclosed ground/venue (but does not include a regular, locally focussed and organised sporting competition at a venue built for that sport);
- One off or annual events such as religious meetings held in parks/sporting venues, rock concerts, promotional events and the like;
- Live performances and concerts; and
- Festivals.

“event organiser” means a commercial entity, community group or individual who undertakes the planning, control, management and/or implementation of an *event*.

4. ELIGIBILITY CRITERIA

You are eligible to apply for FESS if:

- Your event is held in the COS and is specifically designed to benefit residents and businesses of COS.
- You are an incorporated, not for profit or commercial organisation.
- You are an unincorporated, not-for-profit group with an auspice arrangement* with an incorporated, not for profit group.
- Your event meets the criteria for funding.
- Funding preferences will be given to events not previously supported under this program, however notes that some events occur annually and rely on Council's funding support.
- Your event has a strong community focus.

You are not eligible to apply for FESS if:

- Your event that does not have a strong community base.
- Your event is conducted completely outside the boundaries of the Colac Otway Shire.
- Your event starts before 1 July 2016 or after 30 June 2017.
- Your event clashes with another major Colac Otway Shire Festival or Event.
- You are an individual without an auspice arrangement with a not-for-profit group.
- Organisations that have not completed an Acquittal Report for a previous COS Grant (FESS or Community Funding).
- Organisations that are accepting sponsorship from companies that Council deem are not suitable or align with the Council Plan 2013 – 2017.

The FESS supports new and established community events through the provision of financial assistance for costs associated with events. Examples of costs associated with events could include signage, promotional material, and professional project management and hire costs (eg. performers, PA equipment, staging, portable toilets etc).

Events can include but are not restricted to cultural, historical, artistic (music, theatre, visual) sporting, culinary, environmental or could include markets, festivals and exhibitions. (NB: Markets are not able to book Shire marquees). Events should enhance the region's profile, develop community co-operation and cohesion, build local skills or in other ways have a positive impact on the local community.

Applications should assist in establishing new or providing support to existing events and activities for the citizens and/or the promotion of the Colac Otway Shire. Preference is to be given to projects and groups making a significant financial or "in kind" contribution to the event.

Applications are to be for financial assistance for costs related to the delivery of new or established events, not for general ongoing administration costs. Applicants must demonstrate how their event contributes to the social, cultural and economic growth of the Colac Otway Shire.

Funding under this scheme is restricted. Applicants with proposals for funding valued in excess of \$5,000 are encouraged to discuss event/festival related proposals with the Colac Otway Shire Council's Events Officer with a view to exploring alternative funding sources. Preference will be given to events that are supported by plans detailing a vision for their event, that are organised co-operatively and where some profits will be distributed back into the community.

*Auspicing allows not-for-profit, incorporated organisations to accept grant funding on behalf of individuals or groups who are not incorporated. The auspice organisation is responsible for accepting the grant, receiving the grant and paying the grant to the grant recipient and ensuring, to the best of their ability, that the funds are used for the purpose the grant is intended.

The auspice will also sign the Grant/Sponsorship Agreement and will be responsible for the grant acquittal. Auspice organisations will need to provide a letter of consent to the group stating that it is willing to take financial and legal responsibility for the grant.

5. HOW TO APPLY

Applications must be submitted on the attached application form. Any application that is considered incomplete or not in the required format may **not** be accepted.

Electronic versions of guidelines and application forms, including a writeable pdf version are available on Council's web site: www.colacotway.vic.gov.au and can be downloaded. Email applications can be accepted only if a scanned signature is included on the final page. Email this application as an attachment to inq@colacotway.vic.gov.au with Festival and Events Support Scheme in the subject line. All applications must be received by the closing date.

GST

GST legislation will apply to the allocation of these funds. Organisations will be required to quote an Australian Business Number (ABN) or if an exemption applies to provide a written statement of entitlement to exemption (Supplier Statement). Supplier Statement forms are available on Council's web site: www.colacotway.vic.gov.au and can be downloaded.

Where an applicant organisation is GST registered, grant allocations will be calculated and assessed on income and expenditure excluding GST. In addition, organisations registered for GST will be required to submit a Tax Invoice to Council upon approval of their grant, including an additional 10% added to the approved grant amount.

Lodgement

The closing date for applications is 4.00pm Friday 29 April 2016. All applications must be received by this time. Late applications will not be considered.

Hard copy applications should be sent to:

Festival and Events Support Scheme 2015-2016
Colac Otway Shire
PO Box 283
COLAC VIC 3250

Email applications should be sent to inq@colacotway.vic.gov.au with the completed application form attached.

All applicants will receive written advice acknowledging receipt of their application within 1 week of receipt.

IMPLEMENTATION FOR 2016-2017

Applications open	Thursday 24 March 2016
Closing date for applications	Friday 29 April 2016
Evaluation of applications	May - June 2016
Notification of funding	July 2016

Reporting/Acquittal forms must be completed three months after your event.

6. SPONSORSHIP CATEGORIES

The level of assistance recommended will be determined by the current or potential value of the festival/event to generate positive economic impacts and enhance the social and cultural benefits within the community.

There are three levels of funding categories specific to the Colac Otway Shire Festival and Events Support Scheme in relation to the sponsorship of events. They are Sponsorship, Seed Funding and One-off events funding which are defined as follows:

a. Sponsorship (Up to \$5,000 per event)

- This level of sponsorship is available to existing events that have demonstrated that the event is sustainable (both financially and socially) and have run for over three years.
- Events within this category will provide significant benefits to the Colac Otway Shire in terms of economic, social and cultural growth to the region and contribution to the local community.
- Events within this category must demonstrate a significant community focus.

b. Seed Funding (Up to \$2,000 per event)

- This funding is designed to encourage the development of new events.
- Events will need to show that the proposed event will provide strong benefits to the Colac Otway Shire in terms of economic, social and cultural contribution to the local community.
- Events within this category will demonstrate a strong community focus.

c. One Off Events (Up to \$1,000 per event)

- This funding is for one off events for celebrations of significant local historical milestones or other important one-off events.
- Events within this category will demonstrate a strong community focus.
-

7. THE SPONSORSHIP AGREEMENT

Successful applicants will be required to enter into an agreement with the Colac Otway Shire Council.

Larger festivals and events may wish to select one or more aspects of their program to be sponsored by the Colac Otway Shire. The Colac Otway Shire would then be recognised as a sponsor of that event component or alternatively as a general sponsor of the overall festival or event. Acknowledgment will be commensurate with the nature of the project and level of support provided.

At a minimum, the Sponsorship Agreement includes:

- Colac Otway Shire signage at all activities and events related to the project, (or as mutually agreed with the event organisers).
- Recognition of Colac Otway Shire sponsorship in all advertising, promotional and social media.
- All printed material including invitations, fliers, posters and programs must include the Colac Otway Shire logo.
- An opportunity must be provided for a Colac Otway Shire representative to speak at key events and activities (or as mutually agreed with the event organisers).
- Inclusion of sponsor message in the festival or event program and related publications at no charge as mutually agreed.
- Colac Otway Shire flags or banners may be required by Council to be erected in designated positions, (or as mutually agreed with the event organisers.)
- The organisers must provide the Colac Otway Shire Events Officer with regular information updates on the project, i.e. minutes of meetings or two detailed summaries of arrangements prior to the event.
- Sponsor invitations to be provided for Colac Otway Shire to the Mayor, Councillors and key representatives.
- Agreement of Event/Festival organiser to ensure that all waste created by the event is appropriately managed.
- Access to the Colac Otway Shire Waste Trailer (where applicable for the event).

8. PUBLIC LIABILITY AND INSURANCE

A Public Liability Insurance Policy for at least ten million dollars (\$10 million) for the festival/event must be obtained by the organiser prior to the funds being released by Colac Otway Shire. Public Liability and Insurance to increase to a minimum of twenty million dollars (\$20 million) for major events only.

All event organisers conducting events on Council owned or managed land are required to complete and sign the Colac Otway Shire's Form of Indemnity. This means that you agree to indemnify, and to keep indemnified, the Colac Otway Shire, its servants and agents, and each of them from and against all actions, costs, claims, charges, expenses, penalties, demands and damages whatsoever, which may be brought or made or claimed against them, or any of them, in connection with the event organiser's performance.

The Events Officer will provide you with the Council's Indemnity form, to read, sign and return along with the Events Application forms.

9. REPORTING/ACQUITTAL FORMS

It is a condition of sponsorship that a written, detailed reporting/acquittal form be submitted within three months of the end of the event.

Evidence of all printed material is imperative. Printed material featuring the Council logo and clippings of media exposure should accompany the evaluation report. Colac Otway Shire will utilise promotional material for their own promotional purposes.

10. ASSESSMENT

Applications will be assessed to a Council Advisory Committee which will then provide recommendation for endorsement by Council. Your application will form part of Council's Budget process for the following financial year.

Assessment Criteria

Factors taken into account when assessing applications include:

Assessment Criteria	Weighting
Social opportunities Detail the community benefits provided by the project both short and long term	25%
Economic Development opportunities Describe how the event stimulates visitation/tourism and increases economic development opportunities for residents of the Colac Otway Shire	25%
Cultural opportunities Describe how the event contributes towards the development of community arts & culture, networks, programs and/or projects.	25%
Provision of sufficient documentation for the proposal including letters of support, quotes etc	10%
Marketing/promotional opportunity for the Colac Otway Shire	15%

The Festival and Events Support Scheme is a competitive funding program. Applicants should note that the submission of an application **does not** necessarily guarantee funding of the proposal.

11. AVAILABLE FUNDING

The level of assistance available through the Festivals and Events Support Scheme is limited by Council's budget.

No applicant can be guaranteed sponsorship nor can any applicant be guaranteed funding to the level requested. Please note that Council cannot totally fund any festival or event, nor does it fund retrospectively. Council's ongoing support should not be relied upon as each year applications will be assessed in conjunction with other applications and will be determined on funding available.

An unsuccessful application does not necessarily mean that the project or activity is unworthy of support. An application could be rejected because of limited resources or the need to balance support given to a wide range of festivals and events after considering the assessment criteria.

12. IMPLEMENTATION

Upon notification of a successful application, the applicant organisation will negotiate the required services with the Events Officer. Events held on Council land will need to submit an Event Application and any relevant paperwork and plans, ie. traffic management plan, communications plan, etc. This may include participation in Council's Event approval process and attendance at Council "E Team" meetings as part of the Event Approval process. The Events Officer will notify you of the requirements.



**FESTIVAL & EVENT SUPPORT SCHEME
APPLICATION FORM 2016-2017**

EVENT DETAILS:

Event Name	
Event Date	
Total Amount Requested	\$
If we had to reduce the grant amount, what is the minimum needed to successfully run your event?	
	\$
Total Event Cost	\$

Have you discussed your event with the Colac Otway Shire Events Officer? (tick which category is applicable).	YES		NO	
---	-----	--	----	--

Sponsorship Category (tick which category you are applying for)	
Sponsorship	
Seed Funding	
One Off Events	

APPLICANT DETAILS:

Name of applicant organisation/group/club

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Postal Address

--

Suburb	State	Postcode

Contact Details

(Please ensure the nominated contact person/s are aware of all project details)

Details	Primary Contact Person	Secondary Contact Person
Name		
Position		
Work phone		
Home phone		
Mobile		
Email		

LEGAL AND FINANCIAL DETAILS:

Incorporation Number

ABN Number

A Supplier Statement form must be completed if no ABN. Supplier Statement forms are available on Council's website www.colacotway.vic.gov.au

GST Registration (tick where appropriate)

Yes	Number	No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you are registered for GST you will be required to submit a tax invoice to COS upon approval of your grant, including an additional 10% added to the approved grant amount.

AUSPICE DETAILS:

If your organisation is being auspiced, please provide the details of the auspice organisation below. The auspice organisation will need to provide a letter of consent with this application stating they are willing to take financial and legal responsibility for the grant.

Auspicing body if not incorporated

Auspice body		
Address		
Contact Name		
Position		
BH phone		Mobile
Email		

Does your organisation currently receive funding support from Federal or State Government sources (tick where appropriate)

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

Please provide details of any commercial source of income

Source	Amount \$

Has your organisation received ANY funding support from the Colac Otway Shire in the past 3 years? (tick where appropriate)

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

Please provide details of ALL funding support provided by the Colac Otway Shire in the past 3 years? (i.e. Community, Festival & Events Support Scheme or other)

Council Department	Project	Amount \$	Year

Has funding for this project been sought from any other body for this project?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

If yes, please list

Source	Amount \$

PAYMENT DETAILS:

Successful grants will be paid preferably by Electronic Funds Transfer (EFT) to a nominated bank account (or cheque by arrangement). If you have not supplied your EFT details, please request an EFT Form and one will be emailed to you. **If your bank account details have changed in the past year, please complete the details below.**

Account Name

BSB No

Account Number

Bank/Financial Institution

EVENT PROJECT DETAILS:

1. **Description of event** - Please a description of the event you are running. Please include as much detail as possible. This information may be used on Council's website and in any media.

--

2. **Estimated number of visitors to event** – Please indicate the estimated number of visitors this event is likely to attract and the estimated number of participants from the community.

Number of Visitors:	
Number of Participants:	

3. **Detail event component to be funded by Council** - (Please itemise the specific event component(s) that Council funding will be expended upon i.e. hire of stage, hire of performers, etc.

--

4. **Social opportunities** - Detail the community benefits provided by the project both short and long term.

Short term community benefits:

Long term community benefits:

5. **Economic Development opportunities** - Describe how the event stimulates visitation/tourism and increases economic development opportunities for residents of the Colac Otway Shire.

6. **Cultural opportunities** - Describe how the event contributes towards the development of community arts and culture development, networks, programs and/or projects.

7. **Please provide details of community need for this proposal.** Please attach support letters and detail what discussions you have held with related groups in the area about this project.

8. **Please list what marketing/promotional opportunities are available for the Colac Otway Shire at your event.** Please note that all successful applicants will be required to enter into a Sponsorship Agreement with the Colac Otway Shire. Details of the Sponsorship Agreement are in the FESS Guidelines.

BUDGET FORM

The budget should list the total income and expenditure and reflect all costs associated with the project.

Applicants are expected to make at least a matching contribution in cash and/or volunteer labour costed **\$25 per hour**. Other in-kind contribution such as donated goods or materials may also be included, as well as use of plant and equipment. Indicate in-kind on the expenditure column under the relevant headings as well as the income column. You may also have grants, financial support and sponsorship from other sources. This should be indicated in the budget.

Please ensure that total income **EQUALS** total expenditure i.e. the project must break even.

EXPECTED INCOME	\$ AMOUNT	EXPECTED EXPENDITURE	\$ AMOUNT
Earned Income		Project Costs	
Participant's Fees	\$	Fees	\$
Ticket sales	\$	Travel	\$
Other (Describe)	\$	Accommodation	\$
Grants		Materials/ Equipment	(itemise)
Council Festival and Event Support Scheme	\$		\$
Other (Describe)	\$		\$
			\$
Applicants contribution			
Cash	\$	Other (Describe)	\$
In-kind equipment (Describe)	\$	Insurance	\$
Volunteer labour @ \$25 per hour. (Describe)	\$	Volunteer labour @ \$25 per hour. (Describe)	\$
Other Income		Administration Costs	
Donations		Telephone, fax, photocopying etc.	\$
Sponsorship		Marketing Costs e.g. publicity and advertising	\$
Other (Describe)		Documentation Costs e.g. photographs, videos	\$
		Contingency @ 3% of Sub Total	\$
Total Income	\$	Final Total Expenditure	\$

Please read and sign this Agreement.

THIS AGREEMENT IS MADE BETWEEN COLAC OTWAY SHIRE COUNCIL of 2-6 Rae Street Colac ("the Council") and the Applicant

BACKGROUND

- A The Council makes available funds for festival and events funding each year for the benefit of residents of and for activities that take place in the Colac Otway Shire.
- B The Council has criteria which must be met by the Applicant before funding is provided as set out in this agreement.
- C The Council has agreed to fund the Applicant on the terms and conditions set out in the agreement.

AGREEMENT

- 1. The Council may provide to the Applicant funds for the Applicant's activity. **Signing this Agreement does not commit Council to provide any funds unless the Applicant's submission is successful.**
- 2. The Applicant confirms and agrees that:
 - (a) it is a not for profit incorporated association or a natural person authorised by the incorporated association to enter into this agreement.
 - (b) activities arising from the grant allocation must take place within the Colac Otway Shire and/or benefit Colac Otway Shire residents and workers.
 - (c) if funds are granted by Council they must be spent on the approved activity. Any significant change to the activity must be approved by the Council.
 - (d) funds provided under this agreement must be spent by the Applicant on the activity of this agreement, unless otherwise agreed by the Council.
 - (e) the Applicant must return any funds not spent on the activity to Council.
 - (f) the Council is not responsible for any shortfall should the activity run over budget.
 - (g) the Applicant is required to recognise the Council as a funding source of the activity. Contact must be made with the appropriate Council officer to obtain the relevant logo and to ensure that the Council sights and approves proofs of all materials prior to production. Unauthorised use of the Council logo on other material will result in

the Applicant being ineligible to apply for further grants.

- (h) accurate financial records of the recipient organisation be maintained and made available to the staff of Council in the event of any further audit by Council into the use of the Grant. Council officers may request meetings with the Applicant to check on progress during the period of the activity.
 - (i) it will complete a reporting form for the grant. If the reporting form is incomplete the Applicant will be ineligible for further grants. A statement of the expenditure of the funds will be required within the reporting process.
- 3. The Council, its servants, agents and employees shall not be responsible at any time for any liability incurred or entered into by the Applicant as a result of or arising out of the Applicant's responsibilities under this agreement.
 - 4. The Applicant shall release and indemnify the Council, its servants, agents and employees against any claim, demand, liability, costs, expenses, actions arising out of or in any way connected with the activities of the Applicant, or the Applicant's agents in consequence of this agreement except where the claim, demand, liability, costs or action are caused by the Council or its servants or agents.
 - 5. Any variation of this agreement shall only be made in writing between the parties.
 - 6. Projects that commence prior to this application being received by Council will be ineligible.
 - 7. A "Tax Invoice" is required to be submitted prior to payment of the grant (only if the applicant is registered for GST).
 - 8. Note that Council will publicly report grants awarded.

Signature

CHECK LIST Please confirm that you have included the following with your submission:

X	Keep a copy of your application, including all attachments
	Completed application form
	Budget Table showing break even result
	Detailed Financial Statement or Treasurer's Report for the previous 2 years.
	Attached Quotes (For items to be funded by Council)
	Details of previous grants provided by council to your organisation in the past 3 years.
	Support Letters
	Supplier Statement (if applicable)

Privacy Notification

Council is collecting the personal information on this form for the purposes of assessing your application and to maintain statistical information. The personal information will be used solely by the Council for that primary purpose or directly related purposes. The applicant understands that they may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to 5232 9516.

I/we acknowledge the above and confirm the above information is correct and approve the use of this data on the Colac Otway Shire applicants' data base.

Signed:

Name:

Date:/...../2016

OM162303-9 FESTIVAL AND EVENTS SUPPORT SCHEME 2016-2017 - OTHER EVENTS

AUTHOR:	Emma Clark	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F15/2147

Purpose

The purpose of this report is to seek Council endorsement for proposed funding of \$,000 to be made available to event organisers through the 2016-2017 Festival and Events Support Scheme (FESS).

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

The Festival and Event Support Scheme (FESS) was introduced in 2007 to provide an equitable funding allocation for events held within the shire via an agreed set of criteria.

Prior to the introduction of the FESS, only four events were supported by Council:

1. Birregurra Weekend Festival
2. Spirit of Christmas
3. KANA
4. Apollo Bay Music Festival.

In response to a number of new events being successfully implemented and funding requests from event organisers Council developed the FESS, a fair and transparent process for all events to be assessed for funding by Council.

Since the introduction of the FESS, Council has funded over 65 different events.

Council Plan / Other Strategies / Policy**Good Governance**

Means we care about and are responsive to the community, encourage democratic participation and involve people in decisions that affect them. We strive for excellence in financial management and council services, and always look for better ways to do things.

Our Goal:

Ensure transparency of governance practices, the capability of our organisation and effective resource management.

Issues / Options

The FESS has been operating for eight years and has been successful in developing and supporting existing and new events. However almost every year the FESS is oversubscribed, with the same events applying for and receiving funds. This results in limited scope for developing new events and there is no financial security for new and existing events to receive the same amount of funding each year. This can result in budgeting difficulties for the event organiser.

An internal review of the FESS Guidelines was conducted after the allocation of the 2014-2015 FESS and changes were made to the funding categories including providing funding for 2 years for events in the Sponsorship Category and Seed Funding Category. The One Off Event category remained with allocation for one year.

Council at its meeting on the 25 February 2015 supported the arrangement of 2 year funding.

In the 2015-2016 round of FESS funding the following events received funding for 2016-2017 via resolution of Council on 24 June 2015:

Seed Funding

- Apollo Bay Australia Day Community Picnic	\$2,000
- Eat Local Month	\$2,000
- Sustainable Living Day Gellibrand	\$1,000
- Youth Council Homelessness Awareness Sleepout	\$4,000
	\$9,000

Sponsorship

- Amy's Gran Fondo	\$1,000
- Apollo Bay Seafood Festival	\$5,000
- Birregurra Easter Arts at the Homestead	\$2,000
- Birregurra Festival and Art Show	\$5,000
- Birregurra School Choir at Birregurra Festival	\$1,500
- Chase the Dog	\$1,000
- Colac City Bands Carols by Candlelight	\$5,000
- Colac Garden & Lifestyle Expo	\$1,500
- Colac Kana Festival	\$5,000
- Colac Orchid Annual Show	\$500
- Colac Otway Wood Design Exhibition	\$2,500
- Forrest Festival	\$2,000
- Forrest SoupFest	\$4,000
- Gellibrand Blues and Blueberry Festival	\$4,000
- Good Friday Family Fun Day & Market	\$1,000
- Great Ocean Road Marathon	\$2,500
- Hunt for the Golden Gumboot	\$2,000
- Odyssey Mountain Bike Event	\$2,500
- Run Forrest	\$2,500
- Warm Winter Words	\$3,000
- Warrion Flower Show	\$1,000
	\$54,500

TOTAL **\$63,500**

The allocation of funding was based on funding for 2 years (2015-2016 and 2016-2017) per the Advisory Committee minutes of 3 June 2015 and Council resolution of 25 February 2015.

The above events will receive funding for 2016-2017 provided they have submitted all the required paperwork for their event, including an acquittal form, and subject to budget endorsement by Council.

Funding requests for One Off Events will need to be sought for 2016-2017 following the relevant processes in the FESS Guidelines.

Proposal

Council support for the revised FESS process on 25 February 2015 allows for Sponsorship and Seed funding to be allocated for 2 years. The Sponsorship and Seed funding allocated in June 2015 allowed for 25 events to receive sponsorship and seed funding in 2015/2016 and 2016/2017. The allocated sponsorship and seed funding totals \$63,500 and allows \$11,500 to be available for One Off and new event funding based on a proposed total of \$75,000 as allocated in 2015/2016 and subject to budget approval.

It is recommended that the current FESS process should be commenced based on the above to allow for further funding allocations to be confirmed through Council by June 2016.

Financial and Other Resource Implications

The proposed funding allocation for the 2016-2017 FESS program is \$75,000, however this is subject to budget deliberations.

This program contributes significantly to many events across the Shire. Without this funding a number of the community events will cease to operate. It is important to offer this scheme, as limited funding opportunities exist at a State or Federal level.

Risk Management & Compliance Issues

Specific risk management and compliance issues embedded within each event application are assessed on their individual merit. The proposed guidelines and application forms ensure potential risk and compliance issues are identified.

Environmental and Climate Change Considerations

All events are assessed for their environmental and climate change considerations and external agencies are consulted where applicable.

Community Engagement

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be inform and include:

- Applications will open on Thursday 24 March 2016
- Direct database mail out to all event organisers and community groups
- Advertising in local media, all council publications and through the council Facebook page
- Community Information sessions will be held on Monday 11 April 2016 in Colac and Wednesday 13 April 2016 in Apollo Bay in conjunction with the Community Funding information sessions
- Council Officers will be available to meet with individual applicants as required to provide further assistance with applications

Implementation

The proposed timelines for the implementation of FESS are:

- | | |
|---|-------------------------|
| • FESS Applications open | Thursday 24 March 2016 |
| • Community Information Session – Colac | Monday 11 April 2016 |
| • Community Information Session – Apollo Bay | Wednesday 13 April 2016 |
| • FESS Applications close | Friday 29 April 2016 |
| • Applications assessed by council officers | May/June 2016 |
| • Council Assessment Meeting | June 2016 |
| • FESS Council Report endorsed at Council meeting | June 2016 |
| • Civic Reception | July 2016 |

Conclusion

The annual FESS program is highly valued by the event organisers, evidenced by the number of applications received each year. The dedicated funding of festivals and events by Council has resulted in a broad range of community managed events that otherwise would not be staged within

the Shire. Since 2007 the number of events funded by Council annually has increased from four (4) to over thirty five (35).

Attachments

1. Colac Otway Shire FESS Guidelines 2016 - 2017
2. Colac Otway Shire FESS Application Form 2016-2017

Recommendation(s)

That Council:

1. ***Confirms the second year allocation of Seed Funding for:***

<i>Eat Local Month</i>	<i>\$2,000</i>
<i>Sustainable Living Day Gellibrand</i>	<i>\$1,000</i>
<i>Youth Council Homelessness Awareness Sleepout</i>	<i>\$4,000</i>
<i>in accordance with the allocation in 2015/2016 which totals</i>	<i>\$7,000</i>

2. ***Confirms the second year allocation of Sponsorship Funding for:***

<i>Amy's Gran Fondo</i>	<i>\$1,000</i>
<i>Birregurra Easter Arts at the Homestead</i>	<i>\$2,000</i>
<i>Birregurra Festival and Art Show</i>	<i>\$5,000</i>
<i>Birregurra School Choir at Birregurra Festival</i>	<i>\$1,500</i>
<i>Chase the Dog</i>	<i>\$1,000</i>
<i>Colac City Bands Carols by Candlelight</i>	<i>\$5,000</i>
<i>Colac Garden & Lifestyle Expo</i>	<i>\$1,500</i>
<i>Colac Orchid Annual Show</i>	<i>\$500</i>
<i>Colac Otway Wood Design Exhibition</i>	<i>\$2,500</i>
<i>Forrest Festival</i>	<i>\$2,000</i>
<i>Forrest SoupFest</i>	<i>\$4,000</i>
<i>Good Friday Family Fun Day & Market</i>	<i>\$1,000</i>
<i>Odyssey Mountain Bike Event</i>	<i>\$2,500</i>
<i>Run Forrest</i>	<i>\$2,500</i>
<i>Warm Winter Words</i>	<i>\$3,000</i>
<i>Warrion Flower Show</i>	<i>\$1,000</i>
<i>in accordance with the allocation in 2015/2016 which totals</i>	<i>\$36,000</i>

3. ***Notes that if Sponsorship and Seed Funding for the events as listed above in Item 1 – 2 do not occur the funding will not be paid.***
4. ***Commences implementation of Council's Festival and Events Support Scheme 2016-2017 for One Off and new event funding in accordance with:***
 - a. ***The guidelines and application forms including the proposed processes and timelines, and***
 - b. ***A total of \$11,500 for these funding categories.***



FESTIVAL AND EVENT SUPPORT SCHEME GUIDELINES 2016 – 2017

1. WHAT IS THE FESTIVAL AND EVENTS SUPPORT SCHEME (FESS)

The Colac Otway Shire (COS) recognises the importance of festival and events development in the municipality. The contribution of festivals and events to celebrating the region's diversity, cultural, economic and social development is highly valued. The Festival and Events Support Scheme (FESS) is council's funding program for events conducted within the Colac Otway Shire.

These guidelines outline FESS for individuals, groups and organisations seeking funding from Council for an event within the Shire. Funding is available for:

- Established and new events
- One off and repetitive events
- Not-for-profit
- Commercial events

There is one round of funding per year (opening 24 March 2016) for all event organisers conducting events in the 2016-2017 financial year.

This funding program provides seed funding to assist with the establishment of new event initiatives. The funding program also supports the development and growth of established events. An established event is defined as an event that has been conducted for more than 3 years.

These guidelines provide essential information for all applicants and outline the application process. They should be read in conjunction with Council's Event Policy.

The scope of the Colac Otway Shire, Festival and Events Support Scheme is broad and potential applicants are required to discuss their proposal with Council's Events Officer on 5232 9400 or ing@colacotway.vic.gov.au

2. AIMS AND OBJECTIVES

The aims and objectives of the Festivals and Events Support Scheme are to:

- Provide financial assistance to conduct established professional and quality festival or event activities within Colac Otway Shire.
- Improve the quality of life experiences for communities within the municipality by increasing access to quality festivals and events.
- Promote cultural diversity and greater awareness, appreciation and participation in activities within the Colac Otway Shire area.
- Promote a sense of pride and community identity.
- Stimulate visitation and tourism to the Colac Otway Shire area and increase economic and social development opportunities.
- Contribute to the recognition of the Colac Otway Shire area as a region to host festivals and events.
- Create an environment for innovation and creativity within the municipality.
- Assist established Festivals and Events (where appropriate) to enable the Festival or Event to become as self-sufficient as possible.

3. DEFINITION OF AN EVENT

For the purposes of the Colac Otway Shire Festival and Support Scheme, the following definitions apply:

“event” means any planned activity open to the public held on Council owned or managed land where any structure (permanent or temporary), open area or road, (fenced or unfenced) will contain a number of persons greater than that normally found in that area or location at one time. This activity may affect the location surrounding the area prior to, during or after the activity, and includes:

- Sporting activities, whether conducted in an enclosed or unenclosed ground/venue (but does not include a regular, locally focussed and organised sporting competition at a venue built for that sport);
- One off or annual events such as religious meetings held in parks/sporting venues, rock concerts, promotional events and the like;
- Live performances and concerts; and
- Festivals.

“event organiser” means a commercial entity, community group or individual who undertakes the planning, control, management and/or implementation of an *event*.

4. ELIGIBILITY CRITERIA

You are eligible to apply for FESS if:

- Your event is held in the COS and is specifically designed to benefit residents and businesses of COS.
- You are an incorporated, not for profit or commercial organisation.
- You are an unincorporated, not-for-profit group with an auspice arrangement* with an incorporated, not for profit group.
- Your event meets the criteria for funding.
- Funding preferences will be given to events not previously supported under this program, however notes that some events occur annually and rely on Council's funding support.
- Your event has a strong community focus.

You are not eligible to apply for FESS if:

- Your event that does not have a strong community base.
- Your event is conducted completely outside the boundaries of the Colac Otway Shire.
- Your event starts before 1 July 2016 or after 30 June 2017.
- Your event clashes with another major Colac Otway Shire Festival or Event.
- You are an individual without an auspice arrangement with a not-for-profit group.
- Organisations that have not completed an Acquittal Report for a previous COS Grant (FESS or Community Funding).
- Organisations that are accepting sponsorship from companies that Council deem are not suitable or align with the Council Plan 2013 – 2017.

The FESS supports new and established community events through the provision of financial assistance for costs associated with events. Examples of costs associated with events could include signage, promotional material, and professional project management and hire costs (eg. performers, PA equipment, staging, portable toilets etc).

Events can include but are not restricted to cultural, historical, artistic (music, theatre, visual) sporting, culinary, environmental or could include markets, festivals and exhibitions. (NB: Markets are not able to book Shire marquees). Events should enhance the region's profile, develop community co-operation and cohesion, build local skills or in other ways have a positive impact on the local community.

Applications should assist in establishing new or providing support to existing events and activities for the citizens and/or the promotion of the Colac Otway Shire. Preference is to be given to projects and groups making a significant financial or "in kind" contribution to the event.

Applications are to be for financial assistance for costs related to the delivery of new or established events, not for general ongoing administration costs. Applicants must demonstrate how their event contributes to the social, cultural and economic growth of the Colac Otway Shire.

Funding under this scheme is restricted. Applicants with proposals for funding valued in excess of \$5,000 are encouraged to discuss event/festival related proposals with the Colac Otway Shire Council's Events Officer with a view to exploring alternative funding sources. Preference will be given to events that are supported by plans detailing a vision for their event, that are organised co-operatively and where some profits will be distributed back into the community.

*Auspicing allows not-for-profit, incorporated organisations to accept grant funding on behalf of individuals or groups who are not incorporated. The auspice organisation is responsible for accepting the grant, receiving the grant and paying the grant to the grant recipient and ensuring, to the best of their ability, that the funds are used for the purpose the grant is intended.

The auspice will also sign the Grant/Sponsorship Agreement and will be responsible for the grant acquittal. Auspice organisations will need to provide a letter of consent to the group stating that it is willing to take financial and legal responsibility for the grant.

5. HOW TO APPLY

Applications must be submitted on the attached application form. Any application that is considered incomplete or not in the required format may **not** be accepted.

Electronic versions of guidelines and application forms, including a writeable pdf version are available on Council's web site: www.colacotway.vic.gov.au and can be downloaded. Email applications can be accepted only if a scanned signature is included on the final page. Email this application as an attachment to inq@colacotway.vic.gov.au with Festival and Events Support Scheme in the subject line. All applications must be received by the closing date.

GST

GST legislation will apply to the allocation of these funds. Organisations will be required to quote an Australian Business Number (ABN) or if an exemption applies to provide a written statement of entitlement to exemption (Supplier Statement). Supplier Statement forms are available on Council's web site: www.colacotway.vic.gov.au and can be downloaded.

Where an applicant organisation is GST registered, grant allocations will be calculated and assessed on income and expenditure excluding GST. In addition, organisations registered for GST will be required to submit a Tax Invoice to Council upon approval of their grant, including an additional 10% added to the approved grant amount.

Lodgement

The closing date for applications is 4.00pm Friday 29 April 2016. All applications must be received by this time. Late applications will not be considered.

Hard copy applications should be sent to:

Festival and Events Support Scheme 2015-2016
Colac Otway Shire
PO Box 283
COLAC VIC 3250

Email applications should be sent to inq@colacotway.vic.gov.au with the completed application form attached.

All applicants will receive written advice acknowledging receipt of their application within 1 week of receipt.

IMPLEMENTATION FOR 2016-2017

Applications open	Thursday 24 March 2016
Closing date for applications	Friday 29 April 2016
Evaluation of applications	May - June 2016
Notification of funding	July 2016

Reporting/Acquittal forms must be completed three months after your event.

6. SPONSORSHIP CATEGORIES

The level of assistance recommended will be determined by the current or potential value of the festival/event to generate positive economic impacts and enhance the social and cultural benefits within the community.

There are three levels of funding categories specific to the Colac Otway Shire Festival and Events Support Scheme in relation to the sponsorship of events. They are Sponsorship, Seed Funding and One-off events funding which are defined as follows:

a. Sponsorship (Up to \$5,000 per event)

- This level of sponsorship is available to existing events that have demonstrated that the event is sustainable (both financially and socially) and have run for over three years.
- Events within this category will provide significant benefits to the Colac Otway Shire in terms of economic, social and cultural growth to the region and contribution to the local community.
- Events within this category must demonstrate a significant community focus.

b. Seed Funding (Up to \$2,000 per event)

- This funding is designed to encourage the development of new events.
- Events will need to show that the proposed event will provide strong benefits to the Colac Otway Shire in terms of economic, social and cultural contribution to the local community.
- Events within this category will demonstrate a strong community focus.

c. One Off Events (Up to \$1,000 per event)

- This funding is for one off events for celebrations of significant local historical milestones or other important one-off events.
- Events within this category will demonstrate a strong community focus.
-

7. THE SPONSORSHIP AGREEMENT

Successful applicants will be required to enter into an agreement with the Colac Otway Shire Council.

Larger festivals and events may wish to select one or more aspects of their program to be sponsored by the Colac Otway Shire. The Colac Otway Shire would then be recognised as a sponsor of that event component or alternatively as a general sponsor of the overall festival or event. Acknowledgment will be commensurate with the nature of the project and level of support provided.

At a minimum, the Sponsorship Agreement includes:

- Colac Otway Shire signage at all activities and events related to the project, (or as mutually agreed with the event organisers).
- Recognition of Colac Otway Shire sponsorship in all advertising, promotional and social media.
- All printed material including invitations, fliers, posters and programs must include the Colac Otway Shire logo.
- An opportunity must be provided for a Colac Otway Shire representative to speak at key events and activities (or as mutually agreed with the event organisers).
- Inclusion of sponsor message in the festival or event program and related publications at no charge as mutually agreed.
- Colac Otway Shire flags or banners may be required by Council to be erected in designated positions, (or as mutually agreed with the event organisers.)
- The organisers must provide the Colac Otway Shire Events Officer with regular information updates on the project, i.e. minutes of meetings or two detailed summaries of arrangements prior to the event.
- Sponsor invitations to be provided for Colac Otway Shire to the Mayor, Councillors and key representatives.
- Agreement of Event/Festival organiser to ensure that all waste created by the event is appropriately managed.
- Access to the Colac Otway Shire Waste Trailer (where applicable for the event).

8. PUBLIC LIABILITY AND INSURANCE

A Public Liability Insurance Policy for at least ten million dollars (\$10 million) for the festival/event must be obtained by the organiser prior to the funds being released by Colac Otway Shire. Public Liability and Insurance to increase to a minimum of twenty million dollars (\$20 million) for major events only.

All event organisers conducting events on Council owned or managed land are required to complete and sign the Colac Otway Shire's Form of Indemnity. This means that you agree to indemnify, and to keep indemnified, the Colac Otway Shire, its servants and agents, and each of them from and against all actions, costs, claims, charges, expenses, penalties, demands and damages whatsoever, which may be brought or made or claimed against them, or any of them, in connection with the event organiser's performance.

The Events Officer will provide you with the Council's Indemnity form, to read, sign and return along with the Events Application forms.

9. REPORTING/ACQUITTAL FORMS

It is a condition of sponsorship that a written, detailed reporting/acquittal form be submitted within three months of the end of the event.

Evidence of all printed material is imperative. Printed material featuring the Council logo and clippings of media exposure should accompany the evaluation report. Colac Otway Shire will utilise promotional material for their own promotional purposes.

10. ASSESSMENT

Applications will be assessed to a Council Advisory Committee which will then provide recommendation for endorsement by Council. Your application will form part of Council's Budget process for the following financial year.

Assessment Criteria

Factors taken into account when assessing applications include:

Assessment Criteria	Weighting
Social opportunities Detail the community benefits provided by the project both short and long term	25%
Economic Development opportunities Describe how the event stimulates visitation/tourism and increases economic development opportunities for residents of the Colac Otway Shire	25%
Cultural opportunities Describe how the event contributes towards the development of community arts & culture, networks, programs and/or projects.	25%
Provision of sufficient documentation for the proposal including letters of support, quotes etc	10%
Marketing/promotional opportunity for the Colac Otway Shire	15%

The Festival and Events Support Scheme is a competitive funding program. Applicants should note that the submission of an application **does not** necessarily guarantee funding of the proposal.

11. AVAILABLE FUNDING

The level of assistance available through the Festivals and Events Support Scheme is limited by Council's budget.

No applicant can be guaranteed sponsorship nor can any applicant be guaranteed funding to the level requested. Please note that Council cannot totally fund any festival or event, nor does it fund retrospectively. Council's ongoing support should not be relied upon as each year applications will be assessed in conjunction with other applications and will be determined on funding available.

An unsuccessful application does not necessarily mean that the project or activity is unworthy of support. An application could be rejected because of limited resources or the need to balance support given to a wide range of festivals and events after considering the assessment criteria.

12. IMPLEMENTATION

Upon notification of a successful application, the applicant organisation will negotiate the required services with the Events Officer. Events held on Council land will need to submit an Event Application and any relevant paperwork and plans, ie. traffic management plan, communications plan, etc. This may include participation in Council's Event approval process and attendance at Council "E Team" meetings as part of the Event Approval process. The Events Officer will notify you of the requirements.



**FESTIVAL & EVENT SUPPORT SCHEME
APPLICATION FORM 2016-2017**

EVENT DETAILS:

Event Name	
Event Date	
Total Amount Requested	\$
If we had to reduce the grant amount, what is the minimum needed to successfully run your event?	
	\$
Total Event Cost	\$

Have you discussed your event with the Colac Otway Shire Events Officer? (tick which category is applicable).	YES		NO	
---	-----	--	----	--

Sponsorship Category (tick which category you are applying for)	
Sponsorship	
Seed Funding	
One Off Events	

APPLICANT DETAILS:

Name of applicant organisation/group/club

--

Postal Address

--

Suburb	State	Postcode

Contact Details

(Please ensure the nominated contact person/s are aware of all project details)

Details	Primary Contact Person	Secondary Contact Person
Name		
Position		
Work phone		
Home phone		
Mobile		
Email		

LEGAL AND FINANCIAL DETAILS:

Incorporation Number

ABN Number

A Supplier Statement form must be completed if no ABN. Supplier Statement forms are available on Council's website www.colacotway.vic.gov.au

GST Registration (tick where appropriate)

Yes	Number	No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you are registered for GST you will be required to submit a tax invoice to COS upon approval of your grant, including an additional 10% added to the approved grant amount.

AUSPICE DETAILS:

If your organisation is being auspiced, please provide the details of the auspice organisation below. The auspice organisation will need to provide a letter of consent with this application stating they are willing to take financial and legal responsibility for the grant.

Auspicing body if not incorporated

Auspice body		
Address		
Contact Name		
Position		
BH phone		Mobile
Email		

Does your organisation currently receive funding support from Federal or State Government sources (tick where appropriate)

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

Please provide details of any commercial source of income

Source	Amount \$

Has your organisation received ANY funding support from the Colac Otway Shire in the past 3 years? (tick where appropriate)

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

Please provide details of ALL funding support provided by the Colac Otway Shire in the past 3 years? (i.e. Community, Festival & Events Support Scheme or other)

Council Department	Project	Amount \$	Year

Has funding for this project been sought from any other body for this project?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

If yes, please list

Source	Amount \$

PAYMENT DETAILS:

Successful grants will be paid preferably by Electronic Funds Transfer (EFT) to a nominated bank account (or cheque by arrangement). If you have not supplied your EFT details, please request an EFT Form and one will be emailed to you. **If your bank account details have changed in the past year, please complete the details below.**

Account Name

BSB No

Account Number

Bank/Financial Institution

EVENT PROJECT DETAILS:

1. **Description of event** - Please a description of the event you are running. Please include as much detail as possible. This information may be used on Council's website and in any media.

--

2. **Estimated number of visitors to event** – Please indicate the estimated number of visitors this event is likely to attract and the estimated number of participants from the community.

Number of Visitors:	
Number of Participants:	

3. **Detail event component to be funded by Council** - (Please itemise the specific event component(s) that Council funding will be expended upon i.e. hire of stage, hire of performers, etc.

--

4. **Social opportunities** - Detail the community benefits provided by the project both short and long term.

Short term community benefits:

Long term community benefits:
--

5. **Economic Development opportunities** - Describe how the event stimulates visitation/tourism and increases economic development opportunities for residents of the Colac Otway Shire.

6. **Cultural opportunities** - Describe how the event contributes towards the development of community arts and culture development, networks, programs and/or projects.

7. **Please provide details of community need for this proposal.** Please attach support letters and detail what discussions you have held with related groups in the area about this project.

8. **Please list what marketing/promotional opportunities are available for the Colac Otway Shire at your event.** Please note that all successful applicants will be required to enter into a Sponsorship Agreement with the Colac Otway Shire. Details of the Sponsorship Agreement are in the FESS Guidelines.

BUDGET FORM

The budget should list the total income and expenditure and reflect all costs associated with the project.

Applicants are expected to make at least a matching contribution in cash and/or volunteer labour costed **\$25 per hour**. Other in-kind contribution such as donated goods or materials may also be included, as well as use of plant and equipment. Indicate in-kind on the expenditure column under the relevant headings as well as the income column. You may also have grants, financial support and sponsorship from other sources. This should be indicated in the budget.

Please ensure that total income **EQUALS** total expenditure i.e. the project must break even.

EXPECTED INCOME	\$ AMOUNT	EXPECTED EXPENDITURE	\$ AMOUNT
Earned Income		Project Costs	
Participant's Fees	\$	Fees	\$
Ticket sales	\$	Travel	\$
Other (Describe)	\$	Accommodation	\$
Grants		Materials/ Equipment	(itemise)
Council Festival and Event Support Scheme	\$		\$
Other (Describe)	\$		\$
			\$
Applicants contribution			
Cash	\$	Other (Describe)	\$
In-kind equipment (Describe)	\$	Insurance	\$
Volunteer labour @ \$25 per hour. (Describe)	\$	Volunteer labour @ \$25 per hour. (Describe)	\$
Other Income		Administration Costs	
Donations		Telephone, fax, photocopying etc.	\$
Sponsorship		Marketing Costs e.g. publicity and advertising	\$
Other (Describe)		Documentation Costs e.g. photographs, videos	\$
		Contingency @ 3% of Sub Total	\$
Total Income	\$	Final Total Expenditure	\$

Please read and sign this Agreement.

THIS AGREEMENT IS MADE BETWEEN COLAC OTWAY SHIRE COUNCIL of 2-6 Rae Street Colac ("the Council") and the Applicant

BACKGROUND

- A The Council makes available funds for festival and events funding each year for the benefit of residents of and for activities that take place in the Colac Otway Shire.
- B The Council has criteria which must be met by the Applicant before funding is provided as set out in this agreement.
- C The Council has agreed to fund the Applicant on the terms and conditions set out in the agreement.

AGREEMENT

- 1. The Council may provide to the Applicant funds for the Applicant's activity. **Signing this Agreement does not commit Council to provide any funds unless the Applicant's submission is successful.**
- 2. The Applicant confirms and agrees that:
 - (a) it is a not for profit incorporated association or a natural person authorised by the incorporated association to enter into this agreement.
 - (b) activities arising from the grant allocation must take place within the Colac Otway Shire and/or benefit Colac Otway Shire residents and workers.
 - (c) if funds are granted by Council they must be spent on the approved activity. Any significant change to the activity must be approved by the Council.
 - (d) funds provided under this agreement must be spent by the Applicant on the activity of this agreement, unless otherwise agreed by the Council.
 - (e) the Applicant must return any funds not spent on the activity to Council.
 - (f) the Council is not responsible for any shortfall should the activity run over budget.
 - (g) the Applicant is required to recognise the Council as a funding source of the activity. Contact must be made with the appropriate Council officer to obtain the relevant logo and to ensure that the Council sights and approves proofs of all materials prior to production. Unauthorised use of the Council logo on other material will result in

the Applicant being ineligible to apply for further grants.

- (h) accurate financial records of the recipient organisation be maintained and made available to the staff of Council in the event of any further audit by Council into the use of the Grant. Council officers may request meetings with the Applicant to check on progress during the period of the activity.
 - (i) it will complete a reporting form for the grant. If the reporting form is incomplete the Applicant will be ineligible for further grants. A statement of the expenditure of the funds will be required within the reporting process.
- 3. The Council, its servants, agents and employees shall not be responsible at any time for any liability incurred or entered into by the Applicant as a result of or arising out of the Applicant's responsibilities under this agreement.
 - 4. The Applicant shall release and indemnify the Council, its servants, agents and employees against any claim, demand, liability, costs, expenses, actions arising out of or in any way connected with the activities of the Applicant, or the Applicant's agents in consequence of this agreement except where the claim, demand, liability, costs or action are caused by the Council or its servants or agents.
 - 5. Any variation of this agreement shall only be made in writing between the parties.
 - 6. Projects that commence prior to this application being received by Council will be ineligible.
 - 7. A "Tax Invoice" is required to be submitted prior to payment of the grant (only if the applicant is registered for GST).
 - 8. Note that Council will publicly report grants awarded.

Signature

CHECK LIST Please confirm that you have included the following with your submission:

X	Keep a copy of your application, including all attachments
	Completed application form
	Budget Table showing break even result
	Detailed Financial Statement or Treasurer's Report for the previous 2 years.
	Attached Quotes (For items to be funded by Council)
	Details of previous grants provided by council to your organisation in the past 3 years.
	Support Letters
	Supplier Statement (if applicable)

Privacy Notification

Council is collecting the personal information on this form for the purposes of assessing your application and to maintain statistical information. The personal information will be used solely by the Council for that primary purpose or directly related purposes. The applicant understands that they may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to 5232 9516.

I/we acknowledge the above and confirm the above information is correct and approve the use of this data on the Colac Otway Shire applicants' data base.

Signed:

Name:

Date:/...../2016

**OM162303-10 ITEM FOR SIGNING AND SEALING - TRANSFER OF LAND - COROROOKE
PUBLIC OPEN SPACE**

AUTHOR:	Ian Seuren	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	F14/821

Purpose

To seek endorsement from Council for the Chief Executive Officer to sign and seal the Transfer of Land for land acquired from Fonterra (Bonlac Foods) for the purposes of public open space.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

Following the closure of the Fonterra Cororooke factory site in 2012, Fonterra agreed to donate a 1ha parcel of land to Council for the purposes of public open space. Council formally considered the acquisition of the land at its August 2014 meeting (In-Committee) and authorised the CEO to sign and seal the Acquisition of Land by Acquiring Authority Deed.

Since the approval from Council to acquire the land, officers have worked with Fonterra to complete the required subdivision of the land. Fonterra is now in a position to finalise the transfer of the land to Council. The land is located at 558A Corangamite Lake Road, Cororooke and is fully described as Reserve 1 on PS 723127T (Volume 9698 Folio 499) (see attached Plan of Subdivision).

Council Plan / Other Strategies / Policy**A Planned Future**

Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.

Our Goal:

Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy.

A Place to Live and Grow

Is a community where people feel cared for and supported; where buildings and spaces facilitate creativity, social activity and enrichment of life, and people have access to gain the skills and education needed to reach their potential.

Our Goal:

Improve access to buildings, spaces, services and education to support and enable quality of life.

Related strategic justification

This report is supported by Council's Public Open Space Strategy (2011) and the Red Rock Region Community Infrastructure Plan.

Issues / Options

The acquisition of land in Cororooke for public open space is of high importance to the local community. The Colac Otway Public Open Space Strategy (POSS) identified a clear lack of usable open space in Cororooke and Coragulac. Through consultation with the community when developing

the POSS, there was a clearly identified need for centrally located open space with appropriate community facilities eg: a neighbourhood park with playground.

The community, with support from Council, has advocated for many years for accessible and usable public open space and this concludes the process to acquire land for this purpose.

Solicitors acting on behalf of Council have prepared Transfer of Land documents to be signed and sealed by Council to finalise the transfer of the land.

Proposal

That Council approves, and authorizes the Chief Executive Officer to sign and seal the Transfer of Land to enable the acquisition of Reserve 1 on PS 723127T being part of the land derived from Volume 9698 Folio 499 for the purposes of public open space.

Financial and Other Resource Implications

There are some minor costs associated with solicitor's fees to arrange the Transfer of Land documents.

Longer term there will be a cost to Council through the development and maintenance of the site. Development of the site will be in accordance with the Cororooke Open Space Master Plan endorsed by Council at its July 2015 meeting.

Council is about to commence construction of tennis courts at the site which has been funded by Council, State Government, Bulla Dairy Foods and the Cororooke Tennis Club.

Further development of the open space will be considered through future budget deliberations.

Risk Management & Compliance Issues

There are no risks associated with the Transfer of Land.

Environmental and Climate Change Considerations

There are no environmental or climate change considerations associated with this report.

Community Engagement

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be inform. Should Council agree to sign and seal the Transfer of Land, the community will be informed of the decision.

The acquisition of the land has been achieved in partnership with the local community. Council undertook extensive community engagement when preparing the Cororooke Open Space Landscape Master Plan. Any future development of the site will continue to involve the community.

Implementation

Should Council accept the recommendation, the CEO will sign and seal the Transfer of Land document. This will then be forwarded to Council's solicitors to finalise the land transfer.

Conclusion

Council has previously resolved to acquire land from Fonterra at Cororooke for the purposes of public open space. Resolving to execute of the Transfer of Land document finalises the process of acquiring the land, enabling future community use.

Attachments

1. Transfer of Land - 558A Corangamite Lake Road Cororooke
2. Plan of Subdivision

Recommendation

That Council resolves to approve, and authorises the Chief Executive Officer to sign and seal, the attached Transfer of Land to enable the acquisition of Reserve 1 on PS 723127T being part of the land derived from Volume 9698 Folio 499 for the purposes of public open space.

~~~~~





D16/6864

# Transfer of Land

Section 45 Transfer of Land Act 1958

**Privacy Collection Statement**  
The information from this form is collected by the Registrar of Titles under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes.

## 1. Land/s

Land Title

Reserve No 1 on PS 723127T being part of the land derived from

Volume 9698 Folio 499

## 2. Estate and Interest

FEE SIMPLE

## 3. Transferor/s

Transferor

Name BONLAC FOODS LTD

ACN 006483665

## 4. Transferee/s

Transferee

Name COLAC OTWAY SHIRE COUNCIL

ACN 0

## 5. Manner of Holding

SOLE PROPRIETOR

## 6. Address/es of Transferee/s

Address of Transferee

Unit Street No 2-6

Street Name RAE

Street Type STREET

Locality COLAC

State VIC Postcode 3250

## 7. Directing Party

NONE

## 8. Consideration

DESIRE TO MAKE A GIFT FOR THE LAND TO BE USED AS PUBLIC OPEN SPACE AND COMMUNITY USE

## 9. Signing

The Transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed and subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer.

Transferor

Executed for Bonlac Foods Ltd, by being signed by the persons authorised to sign for the company:

Director

Full Name

Usual Address

Director/Secretary

Full Name

Usual Address

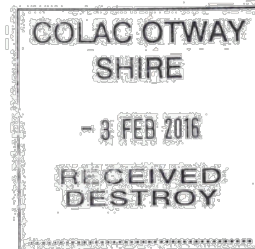
Signature of Director

Signature of Director/Secretary

Transferee

THE COMMON SEAL of the COLAC OTWAY SHIRE COUNCIL was hereto affixed in accordance with its Local Law No. 4

Chief Executive Officer



Approval Number: 33714111R

THE BACK OF THIS FORM MUST NOT BE USED

Page 1 of 2  
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D16/6864

# Transfer of Land

Section 45 Transfer of Land Act 1958

### Privacy Collection Statement

The information from this form is collected by the Registrar of Titles under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes.

## 10. Date

Date: (DD/MM/YYYY)

## 11. Lodging Party

Customer Code 1558N

Reference DAC:125929-93

You may lodge this form in two ways

### 1. In person

Land Registration Services  
Land Victoria  
Level 9, 570 Bourke Street  
Melbourne Vic 3000

### 2. By mail (extra fee applies)

Land Registration Services  
Land Victoria  
PO Box 500  
East Melbourne Vic 8002  
or DX 250639 Melbourne

Duty Use Only

Approval Number: 33711111R

THE BACK OF THIS FORM MUST NOT BE USED

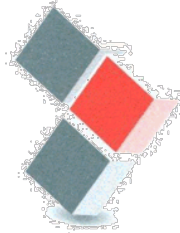
Page 2 of 2

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D16/6864

**Lawyers**

David Otway  
Debra Casey  
Manager - Cororooke  
Director SBAK  
Debra Alexander



**SLM Law**  
LAWYERS & ADVISORS  
(Incorporating Buckland & Nevett)

**Consultant**

Jeff Thornton

**Manager**

Michael Mahony

**Legal Executives**

Sally Kiskaddon

Bernie Smart

Our Ref: DAC-125929-93  
Your Ref: Ian Seuren  
Direct Line: (03) 5231 9405  
Reply To: Colac Office  
Email: dcasey@slmlaw.com.au

2 February 2016

Ian Seuren  
Manager Arts & Leisure  
Colac Otway Shire  
2-6 Rae Street  
COLAC VIC 3250

Dear Ian

**Subdivision & Transfer from Bonlac Foods Limited**

We enclose the Transfer of Land for execution by the Shire and return.

We are pursuing the Title with Fonterra.

Yours faithfully  
SLM Law

Per:   
Enc.

DAC-125929-93-6-V1

SLM Lawyers Pty Ltd ABN 90 118 758 320  
Trading as SLM Law

**Colac - Head Office:**

100 Market Street  
Colac VIC 3250  
P: 03 5231 9405  
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[www.slmlaw.com.au](http://www.slmlaw.com.au) | [admin@slmlaw.com.au](mailto:admin@slmlaw.com.au)

Approved by ASIC under the Corporations Act 2001



**Certification and Statement of Compliance of  
Acquisition Plans (Form 4)**

SUBDIVISION (PROCEDURES) REGULATIONS 2011

SPEAR Reference Number: S050996J  
Plan Number: PS723127T  
Responsible Authority Name: Colac Otway Shire  
Responsible Authority Reference Number 1: S17/2014-1  
Surveyor's Plan Version: 1

This is a plan under section 35 of the **Subdivision Act 1988** which does not create any additional lots.

**Certification**

This plan is certified under section 6 of the Subdivision Act 1988

**Statement of Compliance**

This is a statement of compliance issued under section 21 of the Subdivision Act 1988

Digitally signed by Council Delegate: Ian Williams

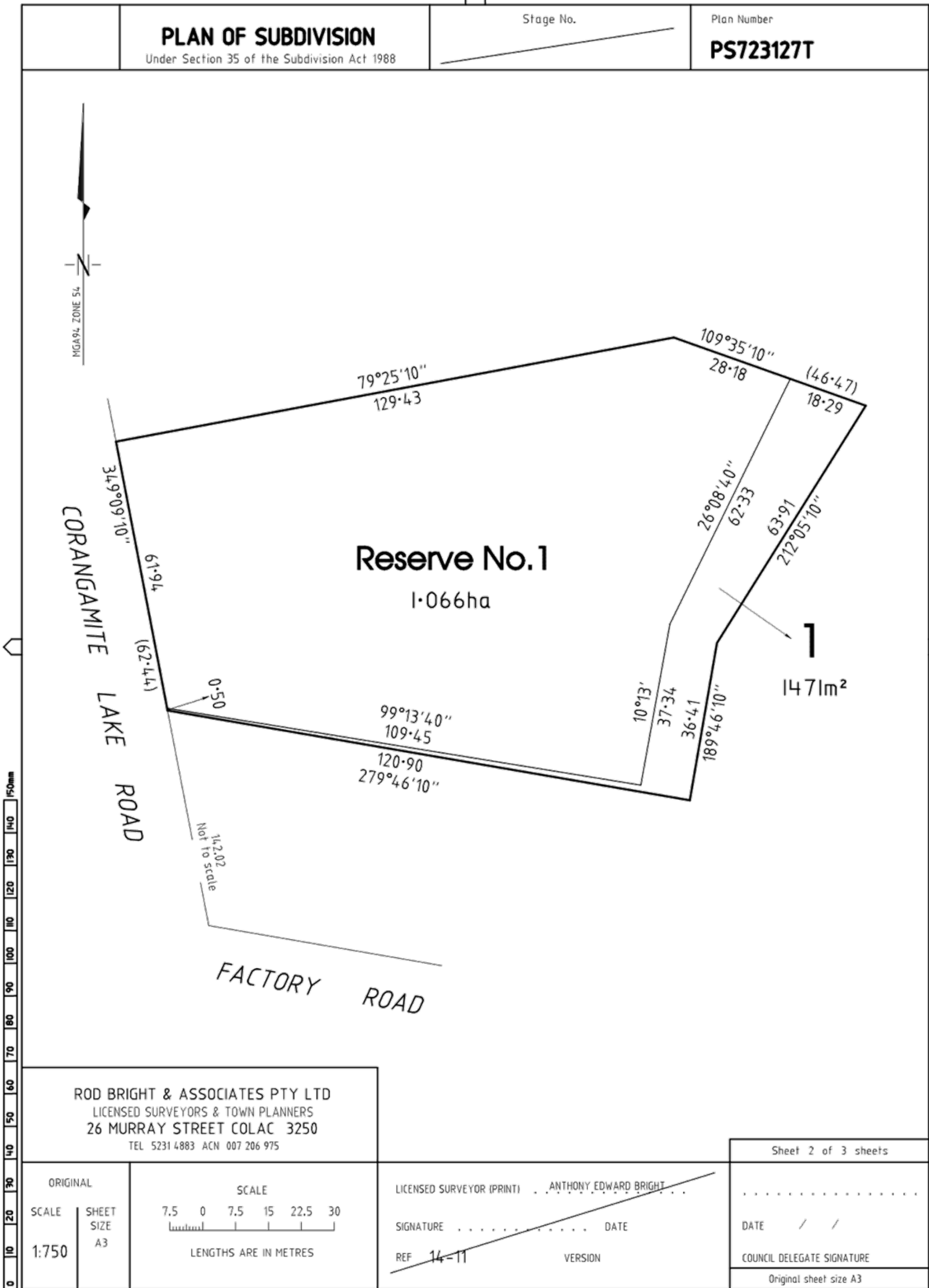
Organisation: Colac Otway Shire

Date: 17/09/2015

Signed by: Ian Williams (Colac Otway Shire) 17/09/2015



Signed by Council: Colac Otway Shire, Council Ref: S17/2014-1, Original Certification: 17/09/2015, S.O.C.: 17/09/2015



Signed by: Anthony Edward Bright (Rod Bright and Associates Pty Ltd) Surveyor's Plan Version (1) SPEAR Ref: S050996J 01/05/2014

Signed by Council: Colac Otway Shire, Council Ref: S17/2014-1, Original Certification: 17/09/2015, S.O.C.: 17/09/2015

|                                                                            |                 |                                 |
|----------------------------------------------------------------------------|-----------------|---------------------------------|
| <b>PLAN OF SUBDIVISION</b><br>Under Section 35 of the Subdivision Act 1988 | Stage No. _____ | Plan Number<br><b>PS723127T</b> |
|----------------------------------------------------------------------------|-----------------|---------------------------------|

|                                                              |                                                                |                                   |           |      |      |
|--------------------------------------------------------------|----------------------------------------------------------------|-----------------------------------|-----------|------|------|
| VESTING DATES & TRANSFER REGISTRATION DATES OF ACQUIRED LAND | Assistant Registrar of Titles Signature                        |                                   |           |      |      |
|                                                              | LRS reference of transfers or notifications of vesting dates   |                                   |           |      |      |
|                                                              | Land acquired by agreement                                     | Date of registration of transfer  |           |      |      |
|                                                              | Land acquired by compulsory process after registration of plan | Vesting Date                      | Gov't Gaz | Page | Year |
|                                                              |                                                                |                                   |           |      |      |
|                                                              |                                                                | Date of recording of vesting date |           |      |      |
|                                                              | Land acquired by compulsory process prior to certification     | Vesting Date                      | Gov't Gaz | Page | Year |
|                                                              |                                                                |                                   |           |      |      |
|                                                              |                                                                | Date of recording of vesting date |           |      |      |
|                                                              | Land Affected                                                  |                                   |           |      |      |

0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150mm

|                                                                                                                                       |                                                                                                          |                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| ROD BRIGHT & ASSOCIATES PTY LTD<br>LICENSED SURVEYORS & TOWN PLANNERS<br>26 MURRAY STREET COLAC 3250<br>TEL 5231 4883 ACN 007 206 975 | LICENSED SURVEYOR (PRINT) ANTHONY EDWARD BRIGHT<br>SIGNATURE _____ DATE _____<br>REF 14-11 VERSION _____ | Sheet 3 of 3 sheets<br>_____<br>DATE / /<br>COUNCIL DELEGATE SIGNATURE<br>Original sheet size A3 |
|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|

Signed by: Anthony Edward Bright (Rod Bright and Associates Pty Ltd) Surveyor's Plan Version (1) SPEAR Ref: S050996J 01/05/2014



**OM162303-11 REVISED DELEGATIONS FOR S86 COMMITTEES OF MANAGEMENT**

|             |                    |           |               |
|-------------|--------------------|-----------|---------------|
| AUTHOR:     | Mark Lyons         | ENDORSED: | Sue Wilkinson |
| DEPARTMENT: | Corporate Services | FILE REF: | 11/96474      |

On 24 February 2016 Council resolved that this matter be deferred to the meeting to be held on 23 March 2016.

**Purpose**

To consider providing Council's S86 Committees of Management with revised powers to undertake fundraising activities.

**Declaration of Interests**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Background**

Council has received enquiries from Council's S86 Committees of Management wishing to conduct fundraising activities to understand and confirm if they would be covered from an insurance perspective. In addition there has also been clarification sought on a Committees ability to donate monies raised from fundraising events and/or partner with external organisations in undertaking fundraising events.

Council appoints Committees of Management under section 86 of the *Local Government Act 1989* as special committees for the purpose of managing the operation of the facilities on behalf of Council. The schedule to the delegation sets out their powers, functions and duties.

There are currently 24 committees appointed to manage Council facilities (detailed below), the instruments of delegation were last reviewed and endorsed by Council in 2013.

- Alvie Recreation Reserve
- Barongarook Hall and Tennis Reserve
- Barwon Downs Hall
- Beech Forest Hall
- Beech Forest Recreation Reserve
- Birregurra Public Hall
- Carlisle River Recreation Reserve
- Chapple Vale Public Hall
- Colac Municipal Aerodrome
- Cororooke Hall
- Cressy Hall
- Eurack Public Hall and Tennis Reserve
- Irrewillipe Hall and Reserve
- Kennett River Tennis Reserve
- Larpent Hall
- Lavers Hill Hall
- Lavers Hill Waterhole Reserve
- Pennyroyal Hall
- Pirron Yallock Recreation Reserve
- Stoneyford Hall
- Swan Marsh Hall and Tennis Reserve
- Warncoort Tennis Reserve
- Warrion Hall

- Yeo Recreation Reserve

At present the current schedule to the delegation does not specifically refer to fundraising activities and advice has been received that unless fundraising is specified in their delegation, and endorsed by Council, the committee would not be empowered to undertake fundraising activities.

Council's insurer, Jardine Lloyd Thompson, has advised that to put the matter beyond doubt and to ensure coverage under Council insurance policies, that special committee powers and duties, via their instrument of delegation, should clearly specify the duty of fundraising and how funds raised are applied. This is to confirm that Council supports each Committee to undertake activities of this nature, in their capacity as the facility manager. Advice has also confirmed that all funds raised by a S86 Committee should be applied to management of the facility. The reason for this is that the primary purpose of each Committee is to manage the facility on behalf of Council and therefore all funds should be applied in its operation. Where Committees engage in activities not related to their primary purpose there is an increased risk exposure and our insurers have confirmed that indemnity may not be provided in the event of an incident requiring insurance protection.

To provide the appropriate power an updated delegation and schedule for all S86 committees of management is necessary. This is to provide the required structure to the activity and to ensure that the Committee and Council are covered for activities undertaken to raise funds for the purpose of maintaining these facilities. It has been highlighted to Council that on occasion a Committee may wish to make donations to other non-profit organisations or partner with others to run an event.

In relation to making donations this is allowable where the power is provided. The recommendation limits the amount each Committee can donate that is not apply directly to management of the facility, and that is 20% of net funds raised. Allowing donations that do not exceed 20% will ensure that activities of this nature remain ancillary to their primary responsibility and will reduce financial risk to Council. Council's insurers have confirmed that indemnity would not be provided under Council's insurance arrangements if this amount exceeded 20%. This does not prevent a Committee hiring the facility to other organisations undertaking fund raising activities or engaging in contracts (subject to delegation limits) for the provision of services to support fund raising activities eg contract a local community group to provide catering on a fee for service basis.

In relation to partnering with other organisations this would not be specifically excluded from occurring where the partnership ensured that at least 80% of the net funds raised remained with the Committee. Council's insurers have provided advice that partnering arrangements should only be entered into after undertaking a full risk assessment and if necessary seeking specific advice on insurance coverage. As mentioned earlier the Committee is not prevented from the hiring the facility in accordance with its terms and conditions and or receiving donations from external organisations.

The revised delegation and schedule are attached with the required statement added to the schedule as point (f):

*Promote use of the facility and support its development as a community asset which includes fundraising activities; where all monies raised must be used by the Committee on the facility/asset; with the exception that a maximum of 20% of net funds raised may be donated to a not-for-profit organisation/charity.*

### **Council Plan / Other Strategies / Policy**

#### **Good Governance**

Means we care about and are responsive to the community, encourage democratic participation and involve people in decisions that affect them. We strive for excellence in financial management and council services, and always look for better ways to do things.

*Our Goal:*

Ensure transparency of governance practices, the capability of our organisation and effective resource management.

### **Issues / Options**

If an incident occurs Council would be required to accept all liabilities associated with the committee's actions unless fundraising activities endorsed.

### **Proposal**

That a revised instrument of delegation and schedule be prepared for all of Council's S86 Committees of Management.

### **Financial and Other Resource Implications**

Nil

### **Risk Management & Compliance Issues**

Should a committee act outside their delegated duties/powers they will not be covered under Council's liability mutual insurance policy. Council would then need to accept all liabilities associated with the committee's actions where an incident has occurred.

### **Environmental and Climate Change Considerations**

Nil

### **Community Engagement**

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be to inform committees of the revised powers within the delegation's schedule.

### **Implementation**

Revised instruments of delegation will be prepared and forwarded to each S86 committee of management advising of the additional clause within the schedule.

### **Conclusion**

Proceeds from the S86 committees of management fundraising activities will be used to maintain Council facilities and it is in Council's best interest that the revised schedule to the delegation be amended and endorsed by Council.

### **Attachments**

1. Revised Instrument of Delegation and Schedule

### **Recommendation**

***That Council include an additional clause to the Instrument of Delegations Schedule for all S86 Committees to include the following;***

- (f) Promote use of the facility and support its development as a community asset which includes fundraising activities; where all monies raised must be used by the Committee on the facility/asset; with the exception that a maximum of 20% of net funds raised may be donated to a not-for-profit organisation/charity.***

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**INSTRUMENT OF DELEGATION
SPECIAL COMMITTEE**

**(Name of Hall/Reserve)
Management Committee**

Colac-Otway Shire Council ("Council") delegates to the Special Committee established by resolution of Council passed on (date of Council resolution) and known as the **(Name Hall/Reserve) Management Committee** the powers and functions set out in the Schedule, and declares that:

1. **This Instrument of Delegation** is authorised by a resolution of Council, passed on (date of Council resolution).
2. **The Delegation:**
 - a) comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - b) remains in force until Council revokes to vary or revoke it;
 - c) is subject to any conditions and limitations set out in the Schedule; and
 - d) must be exercised in accordance with any guidelines or policies which Council from time to time adopts.
3. All members of the committee will have voting rights on the committee.

THE COMMON SEAL of the)
COLAC-OTWAY SHIRE COUNCIL)
was hereunto affixed in accordance)
with its Local Law No. 4)

..... Chief Executive Officer

SCHEDULE SPECIAL COMMITTEE

(Name of Hall/Reserve) Management Committee

Colac Otway Shire Council has by resolution appointed a Special Committee to manage the (name of hall/reserve). That Committee shall be known as the (name of hall/reserve) Management Committee, herein after referred to as the Committee. The powers, functions and duties of the Committee are set out in this schedule.

1. The role of the Committee shall generally be to manage the operation of the (name of hall/reserve) on behalf of Council in the best interests of the residents of the Colac Otway Shire Council. Therefore the Committee is required to:
 - a) oversee the day to day operation of the facility;
 - b) approve expenditure within the Budget set by the Committee;
 - c) set hiring fees or charges for use of the facility;
 - d) power to employ such person or contractors as it sees fit for the maintenance and upkeep of the facility;
 - e) act within the powers functions and duties assigned to the Committee as determined by Council; and
 - f) promote use of the facility and support its development as a community asset which includes fundraising activities; where all monies raised must be used by the Committee on the facility/asset; with the exception that a maximum of 20% of net funds raised may be donated to a not-for-profit organisation/charity.
2. The Committee shall keep books of accounts and such records will form part of the accounts of Council and therefore be subject to audit to the Municipal Auditor. The Committee shall prepare an annual financial statement as part of the audit process.
3. The Committee shall not enter into contracts or incur expenditure exceeding \$6,000 or borrow money without approval of Council.
4. The Committee shall not delegate to any person or persons any of the powers delegated to them by Council.
5. The Committee shall submit any policy developed regarding use of the Reserve to Council for approval.
6. Council shall provide assistance to the Committee of:
 - a) Administration and technical advice where appropriate; and
 - b) Allocation of annual funding for undertaking high priority items of cyclical maintenance and minor capital improvements to the Reserve through grant programs.
7. The Committee shall hold an Annual General Meeting to elect from amongst its members persons to act as Chairperson, Secretary and Treasurer. Membership of the Committee, including any additions, deletions or replacements, shall be subject to approval by Council.

OM162303-12 ELECTION PERIOD POLICY

| | | | |
|-------------|--------------------|-----------|------------|
| AUTHOR: | Jenny Wood | ENDORSED: | Mark Lyons |
| DEPARTMENT: | Corporate Services | FILE REF: | F15/9065 |

Purpose

This report outlines the requirements for an updated Election Period (Caretaker) Policy for the upcoming quadrennial election.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

Reforms arising from the Local Government Amendment (Improved Governance) Act 2015 included a new section 93B which requires all Councils to adopt and maintain an 'election period policy'. This is to ensure protocols are established around decision making, election activities and to ensure all candidates for the election, including both sitting Councillors and new candidates, are treated consistently and fairly.

S93B (2) requires that Council must prepare and adopt an 'Election Period Policy' by 31 March 2016.

Issues / Options

Colac Otway Shire Council have an 'Election Caretaker Policy' in place which has been reviewed and updated according to the recommendations provided by Local Government Victoria and the requirements of the Act.

There are a number of areas that required review and inclusion of additional points including:

- Preventing inappropriate decisions and misuse of resources
- Limiting public consultation, Council events and Council meetings
- Equitable access to council information

Proposal

Council is requested to endorse the Election Period Policy.

Financial and Other Resource Implications

Nil

Risk Management & Compliance Issues

Reforms arising from the Local Government Amendment (Improved Governance) Act 2015 included a new section 93B which requires all Councils to adopt and maintain an 'election period policy' by 31 March 2016.

Environmental and Climate Change Considerations

Nil

Community Engagement

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be inform.

Implementation

The Policy would take effect immediately upon adoption and will come into effect at 12.01am on Wednesday 21 September 2016 until 6pm on Saturday 22 October 2016. The CEO will inform all Councillors and Officers of the application of the policy 30 days prior to the commencement of the Election Period.

Conclusion

Legislative amendments passed in November 2015 require Council to adopt an Election Period Policy by 31 March 2016.

Councils current policy has been reviewed and updated as required and is attached.

Attachments

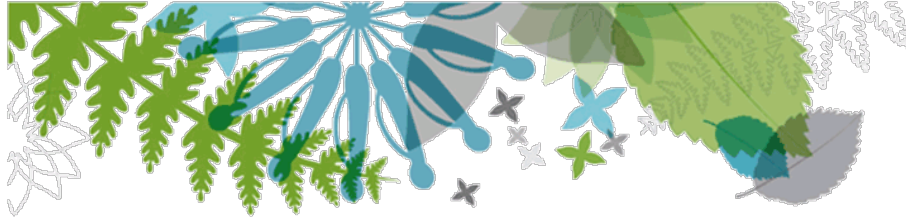
1. Election Period Policy

Recommendation

That Council endorse the Election Period Policy 18.4

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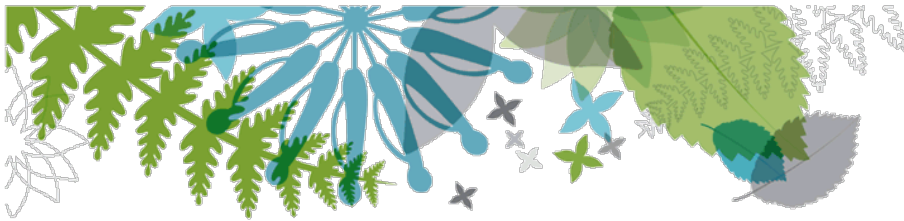




# Election Period Policy

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## 1. INTRODUCTION

The Local Government Act 1989 ('the Act') provides that during the 'election period' certain prohibitions apply to the general functions and powers of Council. It is during this time that Council enters the election period.

The 'election period' as defined by the Act as starting on the last day for nominations and ending at 6pm on the Election Day. The last day for nominations is the day that is 32 days before the Election day being 20 September 2016.

The 'election period' for the 2016 Local Government Elections will commence at midnight on 20 September 2016 and concludes at 6pm on Saturday 22 October 2016.

The policy replaces and overrides any previous policy or document that refers to the election or caretaker period.

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## 2. PURPOSE

The Election Period Policy has been developed in order to ensure that the general elections for the Colac Otway Shire on Saturday 22 October 2016\* and subsequent elections are conducted in a manner that is ethical, fair and equitable, and are publicly perceived as such.

*\*In 2016 Colac Otway Shire will be utilising postal voting which closes at 6.00pm Friday 21 October 2016.*

The Policy will also facilitate the continuation of the ordinary business of Local Government in the Colac Otway Shire throughout the election period in a responsible and transparent manner, in accordance with statutory requirements and established 'election period' conventions.

This Policy also commits Council during the election period to:

Avoid making significant new policies or decisions that could unreasonably bind a future Council; and

Ensure that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election.

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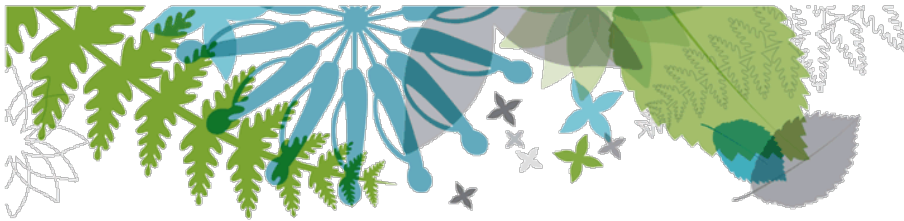
## 3. DEFINITIONS

Where terms used in this Policy are defined in the Act, their use in this Policy is consistent with the definitions in the Act. Relevant sections of the Act are included in Attachment 1.

Definitions used in this Policy which are not defined by the Act are:

**period:** Has the same meaning as 'election period' in section 3 (1) of the Act, and means the period that starts on the entitlement date and ends at 6pm on Election day.

**Publication:** Includes any means of publication including letters and information on the Internet and Social Media.



**Public consultation:** Means a process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy, and includes discussion of that matter with the public.

**Significant decision:** Means an irrevocable decision that significantly affects the municipality.

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#### 4. REFERENCES & RELATED DOCUMENTS

Local Government Act (1989)

Victorian Electoral Act 2002

Councillor Code of Conduct

VEC Local Government Elections 2016 – Election Service Plan

Election Period Procedures

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#### 5. GUIDELINES

Council will function in accordance with this Policy during the election period commencing at 12.01am on 21 September 2016 and ending at 6pm on 22 October 2016.

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##### 5.1. ROLE OF CHIEF EXECUTIVE OFFICER

In addition to the Chief Executive Officer's (CEO) statutory responsibilities, the CEO or his or her delegate will ensure as far as possible, that:

All Councillors and Officers are informed of the application of this Policy 30 days prior to the commencement of the Election Period;

Matters of Council business requiring major policy or significant decisions are scheduled for Council to enable resolution prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council; and

Guidelines to staff on the role and responsibilities of staff in the implementation of this policy are issued if appropriate

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#### 6. DECISIONS BY COUNCIL

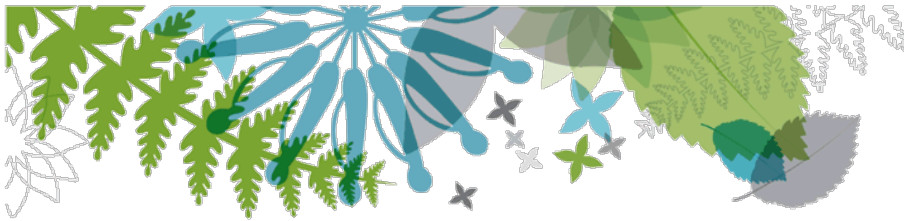
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##### 6.1. MAJOR POLICY DECISIONS

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###### 6.1.1. DEFINITION

**Major Policy Decision** is defined in section 93A (6) of the Act and means a decision:



Relating to the employment or remuneration of a Chief Executive Officer (CEO), other than a decision to appoint an acting CEO;

To terminate the appointment of CEO;

To enter into a contract the total value of which exceeds whichever is the greater of:

\$100,000 or such higher amount as may be fixed by Order in Council under section 186 (1); or

1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year.

To exercise any power under section 193 of the Act if the sum assessed under section 193 (5A) in respect of the proposed exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates and charges levied under section 158 in the preceding year.

#### 6.1.2. PROHIBITION ON COUNCIL

During the Election period, Section 93 of the Act prohibits Council making major policy decisions.

Any major policy decision made during the Election period is deemed to be invalid under the Act.

#### 6.1.3. EXTRAORDINARY CIRCUMSTANCES

If Council considers that there are extraordinary circumstances where the Colac Otway Shire's community would be significantly disadvantaged by the Council not making a particular Major Policy Decision, the Council will, by resolution, request an exemption from the Minister for Local Government in accordance with section 93A (2) of the Act.

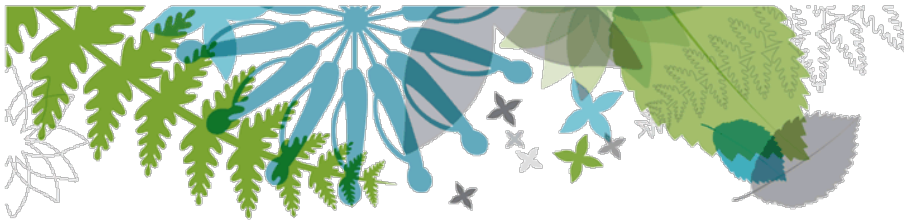
### 6.2. SIGNIFICANT DECISIONS

During the Election period, Council will avoid making decisions that significantly affect the municipality and unreasonably bind the incoming Council.

- Decision to be avoided include but are not limited to:
- Allocating community grants
- Directing funding to community organisations
- Major planning scheme amendments
- Changes to strategies and strategic objectives in the Council Plan

### COUNCIL MEETINGS

Council meetings, including Ordinary Council, Statutory Planning and Special Council Meetings will not be held during the Election Period unless exceptional circumstances warrant it.




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### 6.3. COUNCIL AGENDA ITEMS

Should a Council meeting be required, papers prepared for the council or special committee meetings will be carefully vetted to ensure that no agenda item is included that could potentially influence voters' intentions at the forthcoming election or could encourage councillor candidates to use the item as part of their electioneering.

Councillors will refrain from moving motions or raising matters at a meeting that could potentially influence voting at the election

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## 7. PUBLIC CONSULTATION & EVENTS

Public consultation and scheduling of Council events during the election period will be limited.

Council events will not take place at all during the election period.

If consultation must be undertaken or an event held during this time, the council must justify to the community the special circumstances making it necessary and how the risks of influencing the election will be mitigated or prevented.

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### 7.1. STATUTORY REQUIREMENTS

The requirements of Clause 7 do not apply to public consultation required under the Planning and Environment Act 1987, or matters subject to section 223 of the Act.

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## 8. COUNCIL PUBLICATIONS

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### 8.1. PROHIBITION ON PUBLISHING MATERIAL DURING THE ELECTION PERIOD

Section 55D of the Act prohibits Council from printing, publishing or distributing any advertisement, handbill, pamphlet or notice during an election period unless it has been certified, in writing, by the CEO. This is to ensure that Council does not utilise public funds that may influence or be seen to influence peoples voting intentions.

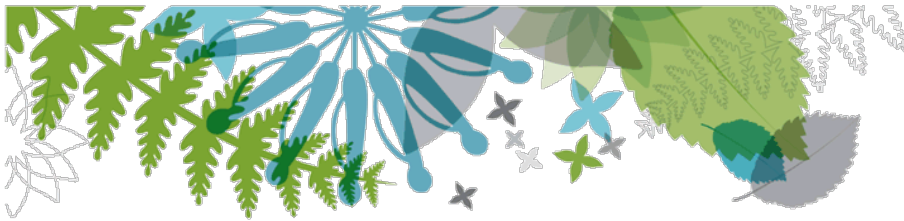
The CEO must not intentionally or recklessly certify a publication that contains electoral matter, unless that material is only about the election process.

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### 8.2. CERTIFICATION OF PUBLICATIONS

Publications to be printed, published or distributed during the election period must first be certified by the CEO.

The certification by the CEO will be in writing on or affixed to a copy of the publication and be in the following form:



*'Certified by the Chief Executive Officer in accordance with Section 55D of the Local Government Act 1989'*

Copies of all certified documents will be retained on Council records.

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### 8.3. PROHIBITED MATERIAL

Electoral matter is defined in the Act and means any matter which is intended or likely to affect voting in an election, but does not include:

- Any electoral material produced by or on behalf of the returning officer for the purposes of conducting the election, or
- An advertisement in a newspaper announcing the holding of a meeting

A publication is taken to contain electoral material if it contains an express or implicit reference to, or comment on:

- The election; or
- A candidate in the election; or
- An issue submitted to, or otherwise before, the voters in connection with the election.

Electoral matter includes material which:

- Publicises the strengths or weaknesses of a candidate
- Advocates the policies of the Council or of a candidate
- Responds to claims made by a candidate
- Publicises the achievements of the elected Council.

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### 8.4. COUNCIL PUBLICATIONS INCLUDING COUNCILLOR INFORMATION

Any reference to Councillors standing for re-election in Council publications printed, published or distributed during an election period must not include promotional text.

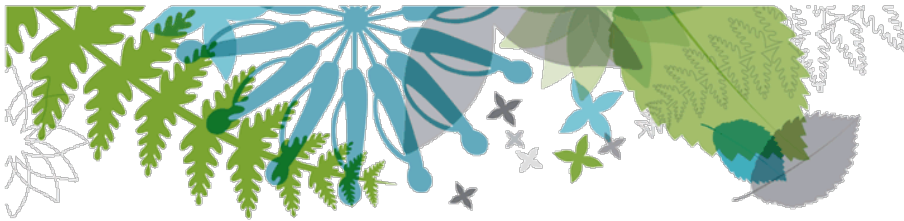
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### 8.5. WEBSITE

Material published on Council's website in advance of the election period is not subject to certification, however existing material that is prominently displayed will be reviewed and consideration given to the removal of any such material that would be considered electoral matter, were it to be published during the election period.

Councillor contact information will remain available on the website during the election period, but Councillors profiles will be removed.

Any material published on Council's website during the election period must be certified by the CEO.



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#### 8.6. ANNUAL REPORT

Council is required by the Act to produce and put on public display a copy of its Annual Report. The 2015-2016 Annual Report will be published during the election period. The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors.

The Annual Report does not require certification by the CEO; however any publication of any extract or summary of the Annual Report will require certification.

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#### 8.7. COUNCIL DOCUMENTS

Agenda papers and minutes of Council and Committee meetings do not require certification by the CEO unless they are printed or published for a wider distribution than normal.

Items submitted for 'Community Matters' will be reviewed to ensure that they comply with the principles of the Act and this policy, and may be amended accordingly before publication.

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#### 8.8. SOCIAL MEDIA

Any publication on Council Managed Social Media sites including but not limited to Facebook, Twitter and Blogs during the election period must be certified by the CEO.

Staff responsible for administering individual social media sites will monitor their respective sites during the election period and use moderation features where available to ensure no electoral matter is posted.

Councillor's individual (personal) Social Media pages are not managed by Council so are not subject to the same provisions.

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### 9. COUNCIL RESOURCES

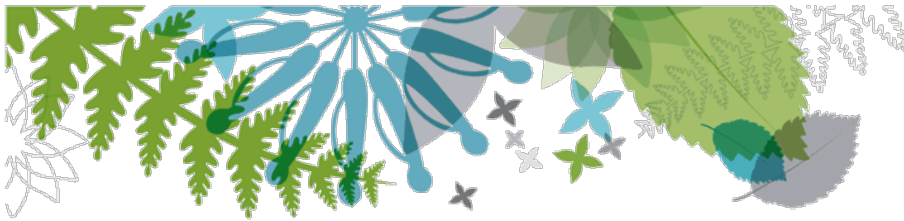
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#### 9.1. APPLICATION OF RESOURCES

It is an established democratic principle that public resources must not be used in any way that would influence the way people vote in elections, except in regard to supporting the actual election process.

The Council therefore commits to the principle that it will ensure that Council resources are not used inappropriately in an election period.

Council resources, including offices, vehicles, staff, hospitality, services, property, equipment and stationary must be used exclusively for Council business during the caretaker period and must not be used in connection with any election campaign or issue.



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### 9.2. ROLE OF OFFICERS

The Executive officer to the CEO, Mayor and Councillors, Governance staff, or any other staff member, will not be asked to undertake any tasks connected directly or indirectly with the election campaign of a Councillor standing for re-election.

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### 9.3. USE OF COUNCIL RESOURCES BY COUNCILLORS

Councillors may continue to use any Council equipment provided to them to facilitate their performance of normal Council duties, subject to existing protocols and terms of use. Councillors standing for re-election must not use Council equipment as a resource to assist with election campaigns.

Photocopying for election campaigning proposes by Councillors or staff on office photo copiers is not permitted.

Databases and mailing lists held by the organisation remain the property of the Council and are subject to the principles of the Privacy and Data Protection Act 2014 and are therefore not available to members of the public, candidates or Councillors.

The organisation will not prepare or produce any materials associated with Councillors individual election campaigns.

No Council logos, letterheads or other Council branding should be used for, or linked in any way to a candidate's election campaign.

Councillors will not use Council issued mobile phones and email addresses for election campaigning purposes.

The use of Council's internet or intranet sites for any activity to do with election campaigning is prohibited. This includes linking Council websites to private candidate websites.

Access to the voters' roll is subject to the requirements of the Act and Privacy & Data Protection legislation. A copy of the voters roll will be provided to candidates by the Returning Officer. The voters roll will be available for inspection during the election period at advertised times.

Council facilities booked for electoral campaigning purposes by Councillors, candidates or supporters or other persons during the election period will be let at the same rate to all hirers.

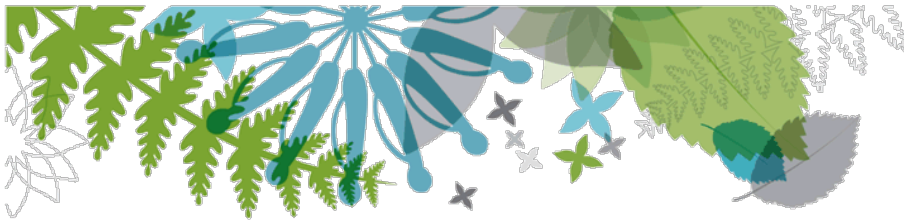
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### 9.4. OFFICERS DISCRETION

The Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard.

The organisation will continue to provide support to Councillors with respect to their day to day Council business. Where the use of Council resources appears to relate to the election campaign of a Councillor standing for re-election, the matter must be referred to the CEO or his or her delegate.





### 9.5. COUNCILLORS' ENTITLEMENT TO REIMBURSEMENT

Reimbursements of Councillors' out of pocket expenses during the election period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that support or are connected with the candidate's election campaign.

## 10. MEDIA

### 10.1. RESTRICTION ON SERVICES

Councils Public Relations services are intended to promote Council activities or initiatives and must not be used in any way that might favour a candidate. During the election period this team's service must not be used in any way that might promote a Councillor as an election candidate.

Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and subject to certification by the CEO.

### 10.2. MEDIA RELEASES/SPOKESPERSONS

Media releases will minimise references to specific Councillors and will not identify any Councillor in a manner that could promote a Councillor as an election candidate. Where it is necessary to identify a spokesperson, the CEO or his or her delegate will be consulted.

Media releases will require certification by the CEO.

### 10.3. COUNCILLORS

Councillors will not use their position as an elected representative or their access to Council Officers and other Council resources to gain media attention in support of an election campaign.

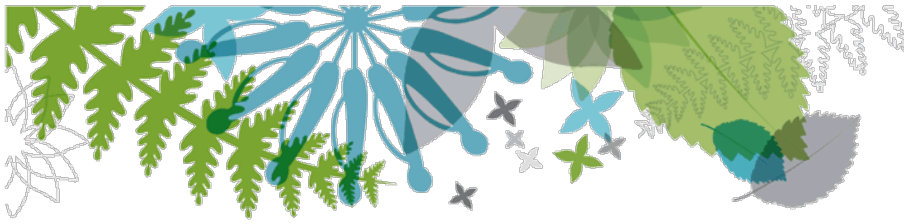
### 10.4. COUNCIL EMPLOYEES

During the election period no Council employee may make any public statement that relates to an election issue unless prior approval has been obtained by the CEO or his or her delegate

## 11. INFORMATION

### 11.1. CANDIDATES' ACCESS TO INFORMATION

All election candidates have equal rights to information relevant to their election campaigns and from the Council administration. While it is important that sitting Councillors continue to receive information that is necessary to fulfil their existing elected roles, neither Councillors nor candidates will receive information or advice from Council



officers that may improperly advantage candidates in the elections (which includes internal publications such as the CEO Friday Update and Councillor Information E-Bulletin)

There will be complete transparency in the provision of all information and advice during the election period.

#### 11.2. INFORMATION REQUEST REGISTER

Governance will maintain an Information Request Register during the election period. This Register will be a public document that records all requests relating to electoral matters and non-routine requests for information by Councillors and candidates, and the responses given to those requests.

#### 11.3. IMPROPER USE OF POSITION

Sections 76D and 76E of the Act prohibit Councillors from misusing or inappropriately making use of their position. A breach of section 76D attracts serious penalties, including possible imprisonment.

### 12. ASSISTANCE TO CANDIDATES

#### 12.1. ROLE OF RETURNING OFFICER

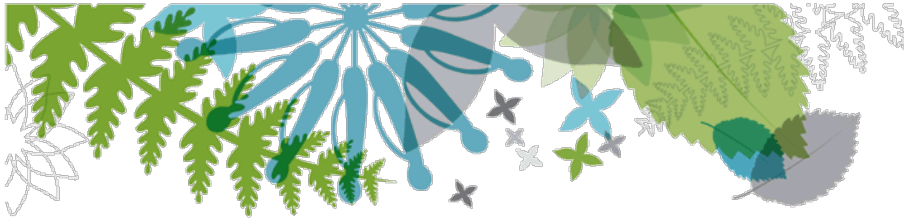
All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the CEO or his or her delegate.

#### 12.2. CANDIDATE INFORMATION

Council will provide candidates with a Councillor Candidate Information Kit to assist them in running and nominating for Council. This will include an outline of meeting dates and times for the first four weeks of Council meetings and Councillor Induction workshops.

Candidates will be informed of their obligation to complete a Nomination Form which will be available from the Returning Officer, accompanied by the nomination fee of \$250.

Candidates will also be informed of the requirements to complete and submit an 'Election Campaign Return' to the CEO within 60 days after the Election Day. The return must contain details of any campaign donation or gift valued at more than \$500 which was received between 30 days after the previous election and 30 days after the current election.




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**13. FILE MANAGEMENT**

<b>Policy owner</b>	Governance Manager	<b>Division</b>	Corporate Services
<b>Adopted by council</b>		<b>Policy Number</b>	18.4
<b>File Number</b>		<b>Review date</b>	18 February 2016



**OM162303-13 CONTRACT 1601 - RETAIL ELECTRICITY, NATURAL GAS AND  
ASSOCIATED SERVICES (PROCUREMENT AUSTRALIA REF 1906/0625)**

AUTHOR:	Andrew Kavanagh	ENDORSED:	Mark Lyons
DEPARTMENT:	Corporate Services	FILE REF:	F16/773

**Purpose**

Tenders have been received for Contract 1601 – Retail Electricity, Natural Gas and Associated Services which requires Council approval to award the contract.

**Declaration of Interests**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Background**

Existing Contracts

Council is currently contracted with AGL for the supply of retail electricity (metered electricity), public lighting and natural gas.

The existing contracts for natural gas and public lighting are nearing the end of their final contract term and our existing contract for retail electricity still has two options available to extend the contract for one year each. In the process of undertaking market analysis for the natural gas and public lighting contract the market review also indicated that best value would be obtained by retendering the retail electricity component at the same time and not extending the existing contract.

Summary details of the contracts are as follows:

- Contract 0918 (Procurement Australia Ref 1212/1107) – Natural Gas and Associated Services, due to expire on 31 March 2016 with no remaining options to extend;
- Contract 1105 (Procurement Australia Ref 1407/0614) – Electricity Supply to Public Lighting, due to expire on 31 July 2016 with no remaining options to extend; and
- Contract 1238 (Procurement Australia Ref 1606/0607) – Retail Electricity and Associated Services, initial term due to expire on 30 June 2016 with two extension options of one year each still available.

Procurement Australia acted as Council's tendering agent for the existing electricity and gas contracts.

New Contracts

Procurement Australia were appointed as the tendering agent to establish new arrangements for the supply of retail electricity, public lighting and natural gas.

Procurement Australia has approximately 600 members. Its membership portfolio includes local government (mainly Victorian Councils along with some South Australian and New South Wales Council), not-for-profit organisations; statutory authorities; and more recently, private entities.

The Procurement Australia contract would operate from the expiration of each of the current AGL contracts up to 30 June 2018, plus two options to extend for one year. The contract tariffs shall remain fixed for the initial contract term however Procurement Australia have the discretion to accept or reject the new contract tariffs for the two extension periods.

At the end of the initial contract term Council could make a decision to extend the contract or join an alternative contract.

#### Tender Process

The tender was released on 16 September 2015 and closed on 11 November 2015.

A total of 144 participants joined in the tender, including 59 local government councils.

A total of seven tenders were received.

Tenders were evaluated by Procurement Australia and a recommendation made to award in accordance with selection criteria specified which includes:

- price
- compliance
- customer focus
- corporate and social responsibility
- contractors performance

The recommendation made by Procurement Australia is to accept the tender of AGL. AGL scored highest across all categories on non-price and price related criteria (combined) for Victoria.

Procurement Australia concluded that the contract tariffs represent fair value for the whole of the initial contract term.

### **Council Plan / Other Strategies / Policy**

#### **Good Governance**

Means we care about and are responsive to the community, encourage democratic participation and involve people in decisions that affect them. We strive for excellence in financial management and council services, and always look for better ways to do things.

#### *Our Goal:*

Ensure transparency of governance practices, the capability of our organisation and effective resource management.

#### **Issues / Options**

The recommendation to Council is to proceed with awarding the contract to AGL. It is necessary to award the contract to ensure the ongoing supply of electricity and natural gas at the best value to Council. If Council does not execute the agreement with AGL default tariffs will start to apply from 1 April 2016.

Aggregated procurement allows Council to obtain best value for money. A total of 144 organisations signed up to participate in the Procurement Australia tender, including 133 from Victoria. Of these, 59 were Victorian local government councils.

#### **Proposal**

It is proposed to accept the AGL tender and execute the contract documents.

#### **Financial and Other Resource Implications**

Council's total expenditure is projected to decrease over the initial term of the contract. This will be mainly due to savings in the cost of metered electricity.

The raw kilowatt charge for public lighting will increase which has been attributed to changes in the market since the last contract was initiated. However, it is important to note that expenditure for public lighting continues to reduce as a result of implementing energy efficiency initiatives eg LED.

The cost of natural gas is projected to rise although the discount offered, compared to retail rates, has increased.

### **Risk Management & Compliance Issues**

Nil

### **Environmental and Climate Change Considerations**

Council may elect to purchase GreenPower at an additional cost. Council currently utilises 0% GreenPower and the proposal does not recommend making an election to pay this additional cost

### **Community Engagement**

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be inform. The tender was advertised in The Herald Sun on 16 September 2015.

### **Implementation**

Following Council approval the appropriate contract documentation will be executed by the CEO under delegation and sent to AGL for processing.

### **Conclusion**

It is recommended to accept the tender of AGL for the retail supply of electricity, natural gas and associated services.

The contracts will operate from the expiration of each of the current AGL contracts up to 30 June 2018, with two one-year options to extend. At the end of the initial contract term Council could make a decision to extend the contract or join an alternative contract.

### **Attachments**

Nil

### **Recommendation(s)**

#### ***That Council:***

- 1. Awards Contract 1601 (Procurement Australia Contract 1906/0625) for Retail Electricity, Natural Gas & Associated Services to AGL in accordance with its tender submission from the expiration of each of the current AGL contracts until 30 June 2018 and subject to two one-year options to extend.***
- 2. Delegates to the Chief Executive Officer authority to sign and place under Council seal contract documents following award of Contract 1601.***





**OM162303-14 UPDATE INSTRUMENT OF DELEGATION - COUNCIL TO COUNCIL STAFF**

AUTHOR:	Mark Lyons	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Corporate Services	FILE REF:	11/96474

**Purpose**

The purpose of this report is to update Council's Instrument of Delegation to Members of Council Staff to reflect updated legislation and delegated powers to officers.

**Declaration of Interests**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Background**

Council must regularly update its Instrument of Delegations to enable enforcement of the statutory powers and responsibilities required within legislation and confer these duties to the relevant staff. Council last updated the delegation in August 2015 to reflect legislative changes and is now required to make further amendments due to changes in legislation and to reflect changes to position responsibilities.

**Council Plan / Other Strategies / Policy**

**Good Governance**

Means we care about and are responsive to the community, encourage democratic participation and involve people in decisions that affect them. We strive for excellence in financial management and council services, and always look for better ways to do things.

*Our Goal:*

Ensure transparency of governance practices, the capability of our organisation and effective resource management.

**Issues / Options**

Council is required to update its Instrument of Delegation to staff in accordance with legislation. The organisation generally undertakes a review of delegations on a half yearly basis. This revision includes legislative and staff position updates (eg section number changes, legislation name changes) along with the addition of delegations for staff involved in Bushfire Recovery arrangements.

In relation to Bushfire Recovery arrangements a 'One Stop Shop' service has been established jointly by Council and the State Government as part of the bushfire response. This is to facilitate expedited advice and approvals processes in planning, building, health and engineering related to rebuilding of houses that were lost in the fires. A team of professionals in these fields is being assembled to perform this service, as part of a new Bushfire Recovery Division in Council being funded by Government. The addition of delegations for new temporary staff involved in Bushfire Recovery activities is required so that they are able to perform their duties to deliver this service.

The delegations relating to decisions on planning permit applications under the *Planning and Environment Act 1987* have been amended to reflect that decisions on planning applications in bushfire affected areas are intended to be determined by the CEO or their delegate, without referral to Planning Committee as would normally occur in defined circumstances. These changes reflect the intention of the Planning Minister to gazette more streamlined planning provisions for the bushfire affected areas.

**Proposal**

Council subscribes to the regular update service offered by Maddocks which provides updates on legislative amendments required to Councils Instrument of Delegation.

Recent minor amendments include:

- Remove *Cemeteries and Crematoria Act 2003* and *Cemeteries and Crematoria Regulations 2015* as Council no longer have responsibility for local cemeteries.
- New power added to *Planning and Environment Act 1987*
- Added *Road Management (Works and Infrastructure) Regulations 2015*
- Removed *Road Management (General) Regulations 2005* which expired on 21 March 2015

The delegations have been reviewed by management and amended to reflect changed responsibilities and officer titles.

### **Financial and Other Resource Implications**

Nil

### **Risk Management & Compliance Issues**

Council is required to review all delegations and the Instrument of Delegation to Members of Council Staff to reflect changing legislation.

### **Environmental and Climate Change Considerations**

Nil

### **Community Engagement**

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The level of community engagement to date has been to consult internally with the Executive and appropriate Managers as to the delegate responsible for piece of legislation.

The adopted Instrument of Delegation will be placed on the Intranet for staff reference.

### **Implementation**

The Instrument of Delegation comes into force after adoption by Council and fixing of the Council seal and a signed copy is placed on the register.

### **Conclusion**

The update provides the latest amendments to legislation ensuring all relevant provisions are covered.

### **Attachments**

1. S6 Instrument of Delegation - Council to Members of Council Staff

### **Recommendation(s)**

***That Council, in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the tabled Instrument of Delegation, resolves that:***

1. ***There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the tabled Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.***
2. ***The Chief Executive Officer is authorised to affix the Common Seal to the Instrument.***

*The Instrument comes into force immediately the Common Seal of Council is affixed.*

- 3. *On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.***
- 4. *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.***

~~~~~


Maddocks Delegations and Authorisations

S6. Instrument of Delegation – Members of Staff

Colac Otway Shire Council

Instrument of Delegation

to

Members of Council Staff

23 March 2016

S6. Instrument of Delegation – Members of Staff

Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. records that a reference in the Schedule to:

| | | |
|--------------------|---|------------------------------|
| All GMs | means any or all of the -
General Manager Infrastructure & Leisure Services
General Manager Corporate Services
General Manager Development & Community Services
General Manager Bush Fire Recovery | |
| "BA" | means Building Administrator & Administration - Bushfire Recovery | |
| "CEO" | means Chief Executive Officer | |
| "CGC" | means Contract Governance Co-ordinator | |
| "CO" | means Compliance Officer | |
| "CRS" | means Co-ordinator Revenue Services | |
| "CBE" | means Co-ordinator Built Environment - Bushfire Recovery | |
| "CUC" | means Compliance Unit Co-ordinator | |
| "EO" | means Environment Officer | |
| "EP" | means Environment Planner | |
| "GMCS" | means General Manager Corporate Services | |
| "GMDCS" | means General Manager Development and Community Services | |
| "GMILS" | means General Manager Infrastructure and Leisure Services | |
| "GMBFR" | means General Manager Bush Fire Recovery | |
| "HPC" | means Health Protection Co-ordinator | |
| "HPO" | means Health Protection Officer & Environmental Health Officer -
Bushfire Recovery | Deleted: 7/5/2015 |
| "HPT" | means Health Protection Technical Officer & Administration Officer -
Bushfire Recovery | |
| "MAPS" | means Manager Assets and Property Services | |
| "MBS" | means Municipal Building Surveyor | |
| "MCMP" | means Manager Capital and Major Projects | |
| "MCS" | means Manager Community Services | |
| "MECS" | means Manager Environment & Community Safety | |
| "MFPO" | means Municipal Fire Prevention Officer | |
| "MFS" | means Manager Financial Services | |
| "MPBH" | means Manager Planning, Building and Health & Manager Bushfire
Recovery - Built and Natural Environment | |
| "MPPC" | Means Manager People, Performance and Culture | |
| "MSO" | means Manager Services and Operations | |
| "PA" | means Planning Administrator & Administration - Bushfire Recovery | |
| "PC" | means Planning Co-ordinator | |
| "PCofC" | means Planning Committee of Council | |
| "PLO" | means Planning Officer (Inc. Planning Enforcement Officer) &
Statutory Planner - Bushfire Recovery | |

S6: Instrument of Delegation – Members of Staff

23 March 2016

Deleted: 26 August 2015

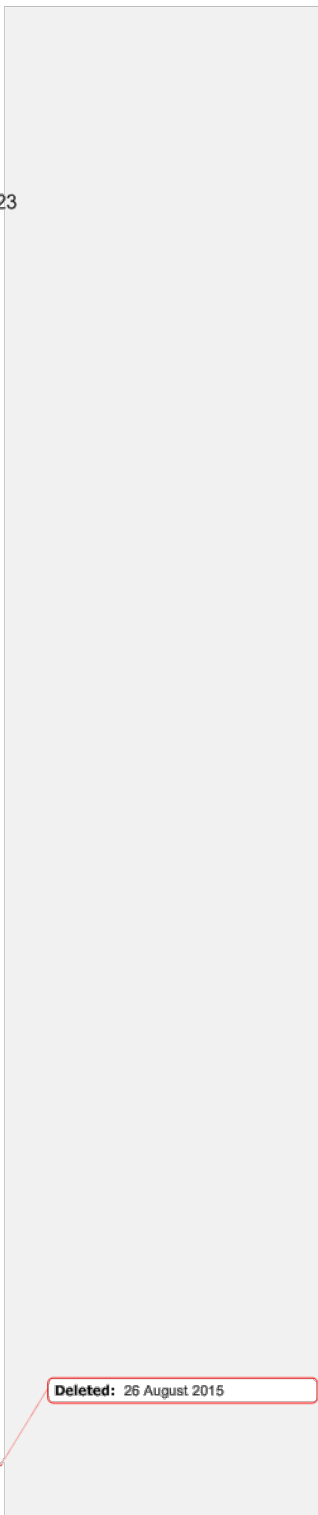
- 3. declares that:
 - 3.1 this Instrument of Delegation is authorised by resolution of Council passed on 23 March 2016.
 - 3.2 the delegation:
 - 3.1.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.1.2 remains in force until varied or revoked;
 - 3.1.3 is subject to any conditions and limitations set out in the Schedule; and
 - 3.1.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts.

| This Delegation was amended by Resolution of the Colac Otway Shire Council on 23 March 2016.

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

.....
Chief Executive Officer

.....
Date

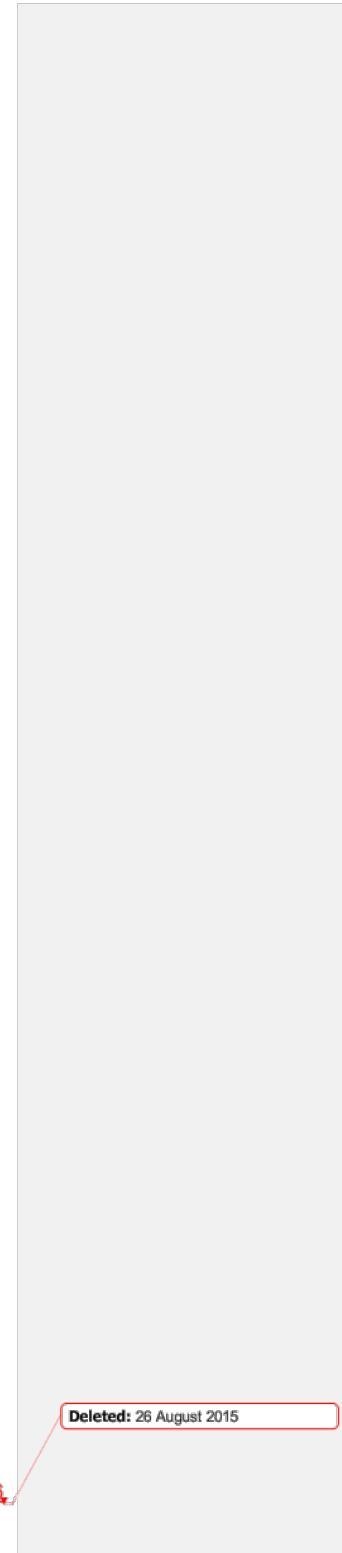


Deleted: 26 August 2015

| S6. Instrument of Delegation – Members of Staff

23 March 2016

SCHEDULE



| S6. Instrument of Delegation – Members of Staff

23 March 2016

Deleted: 26 August 2015

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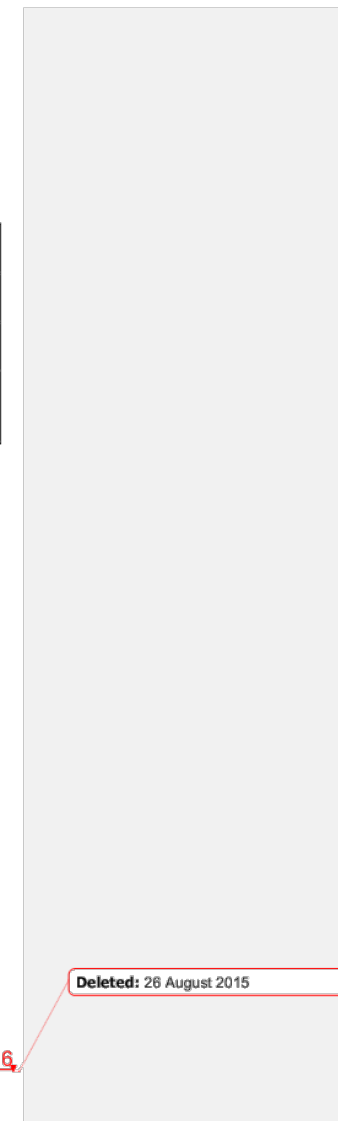
| | |
|--|----|
| <u>DOMESTIC ANIMALS ACT 1994</u> | 1 |
| <u>ENVIRONMENT PROTECTION ACT 1970</u> | 2 |
| <u>FOOD ACT 1984</u> | 3 |
| <u>HERITAGE ACT 1995</u> | 8 |
| <u>PLANNING AND ENVIRONMENT ACT 1987</u> | 9 |
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| <u>ROAD MANAGEMENT ACT 2004</u> | 76 |
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| <u>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS
REGISTRATION AND STANDARDS) REGULATIONS 2010</u> | 92 |
| <u>ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015</u> | 95 |

| S6. Instrument of Delegation – Members of Staff

23 March 2016

Deleted: 26 August 2015

| DOMESTIC ANIMALS ACT 1994 | | | |
|---------------------------|---|-----------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING 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 an authorised officer |



[MAR: 2264237v1] S6. Instrument of Delegation – Members of Staff

23 March 2016

Deleted: 26 August 2015

| ENVIRONMENT PROTECTION ACT 1970 | | | |
|---------------------------------|---|--|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.53M(3) | power to require further information | HPC
HPO
HPT
MECS
CUC
CO | |
| s.53M(4) | duty to advise applicant that application is not to be dealt with | HPC
HPO
HPT
MECS
CUC
CO | |
| s.53M(5) | duty to approve plans, issue permit or refuse permit | HPC
HPO | refusal must be ratified by Council or it is of no effect |
| s.53M(6) | power to refuse to issue septic tank permit | HPC
HPO
HPT | refusal must be ratified by Council or it is of no effect |
| s.53M(7) | duty to refuse to issue a permit in circumstances in (a)-(c) | HPC
HPO | refusal must be ratified by Council or it is of no effect |

S6. Instrument of Delegation – Members of Staff

23 March 2016

Deleted: 26 August 2015

| FOOD ACT 1984 | | | |
|---------------|---|------------------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.19(2)(a) | power to direct by written order that the food premises be put into a clean and sanitary condition | HPC
HPO
HPT | If section 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 | HPC
HPO
HPT | If section 19(1) applies |
| s.19(4)(a) | power to direct that an order made under section 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 | HPC
HPO
HPT | If section 19(1) applies |
| s.19(6)(a) | duty to revoke any order under s.19 where the subject of the order has been attended to | HPC
HPO
HPT | |
| s.19(6)(b) | duty to give written notice of revocation under s.19(6)(a) | HPC
HPO
HPT | If section 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) | HPC
HPO
HPT | Where Council is the registration authority |
| s.19AA(4)(c) | power to direct, in an order 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 | HPC
HPO
HPT | 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 |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| FOOD ACT 1984 | | | |
|-----------------|---|-------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| 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 | HPC
HPO
HPT | Where Council is the registration authority |
| s.19CB(4)(b) | power to request copy of records | HPC
HPO
HPT | Where Council is the registration authority |
| s.19E(1)(d) | power to request a copy of the food safety program | HPC
HPO
HPT | 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 | HPC
HPO
HPT | 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 | HPC
HPO | Where Council is the registration authority |
| s.19NA(1) | power to request food safety audit reports | HPC
HPO
HPT | 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 | HPC
HPO | |
| s.19UA | power to charge fees for conducting a food safety assessment or inspection | HPC
HPO
HPT | Except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39 |
| s.19W | power to direct a proprietor of a food premises to comply with any requirement under Part IIIB | HPC
HPO
HPT | power of registration authority |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| FOOD ACT 1984 | | | |
|---------------|--|------------------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.19W(3)(a) | power to direct a proprietor of a food premises to have staff at the premises undertake training or induction | HPC
HPO
HPT | power of 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 | HPC
HPO
HPT | power of registration authority |
| --- | power to register, renew or transfer registration | HPC
HPO
HPT | Where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see sec.58A(2)) |
| s.35A | function of registering food premises | HPC
HPO
HPT | |
| 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 | HPC
HPO
HPT | Where Council is the registration authority |
| s.38AB(4) | power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1) | HPC
HPO
HPT | Where Council is the registration authority |
| s.38A(4) | power to request a copy of a completed food safety program template | HPC
HPO | Where Council is the registration authority |
| s.38B(1)(a) | duty to assess the application and determine which class of food premises under section 19C the food premises belongs | HPC
HPO
HPT | Where Council is the registration authority |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| FOOD ACT 1984 | | | |
|---------------|--|-------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.38B(1)(b) | duty to ensure proprietor has complied with requirements of section 38A | HPC
HPO
HPT | Where Council is the registration authority |
| s.38B(2) | duty to be satisfied of the matters in section 38B(2)(a)-(b) | HPC
HPO
HPT | Where Council is the registration authority |
| s.38D(1) | duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39 | HPC
HPO
HPT | Where Council is the registration authority |
| s.38D(2) | duty to be satisfied of the matters in section 38D(2)(a)-(d) | HPC
HPO
HPT | Where Council is the registration authority |
| s.38D(3) | power to request copies of any audit reports | HPC
HPO
HPT | Where Council is the registration authority |
| s.38E(2) | power to register the food premises on a conditional basis | HPC
HPO | Where Council is the registration authority
Not exceeding the prescribed time limit defined under subsection (5) |
| s.38E(4) | duty to register the food premises when conditions are satisfied | HPC
HPO | Where Council is the registration authority |
| s.38F(3)(b) | power to require proprietor to comply with requirements of this Act | HPC
HPO
HPT | Where Council is the registration authority |
| s.39A | power to register, renew or transfer food premises despite minor defects | HPC
HPO
HPT | Where Council is the registration authority
Only if satisfied of matters in subsections (2)a)-(c) |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

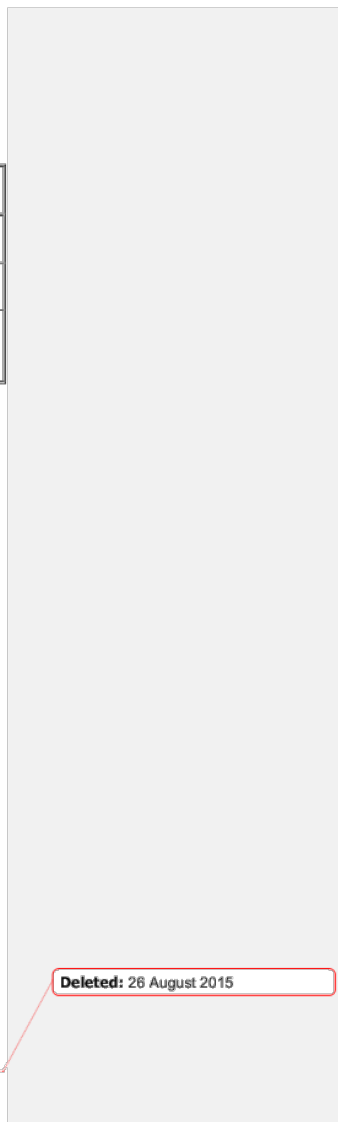
| FOOD ACT 1984 | | | |
|---------------|--|-------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.40(2) | power to incorporate the certificate of registration in one document with any certificate of registration under the <i>Public Health and Wellbeing Act 2008</i> | HPC
HPO
HPT | |
| s.40C(2) | power to grant or renew the registration of food premises for a period less than 1 year | HPC
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.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 | HPC
HPO
HPT | 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 | 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 | HPC
HPO | Where Council is the registration authority |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| HERITAGE ACT 1995 | | | |
|-------------------|--|----------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.84(2) | power to sub-delegate Executive Director's functions | GMDCS | must obtain Executive Director's written consent first. |



| S6. Instrument of Delegation – Members of Staff

23 March 2016

Deleted: 26 August 2015

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|---|----------------------------------|-------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.4B | power to prepare an amendment to the Victoria Planning Provisions | PCofC
GMDCS
PC
MPBH | if authorised by the Minister |
| s.4G | function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister | GMDCS
PC
MPBH | |
| s.4H | duty to make amendment to Victorian Planning Provisions available | GMDCS
PC
MPBH
PLO
PA | |
| s.4I | duty to keep Victoria Planning Provisions and other documents available | GMDCS
PC
MPBH
PLO
PA | |
| s.8A(2) | power to prepare amendment to the planning scheme where the Minister has given consent under s.8A | MPBH
PC | |
| s.8A(3) | power to apply to Minister to prepare an amendment to the planning scheme | PCofC
GMDCS
PC
MPBH | |
| s.8A(5) | function of receiving notice of the Minister's decision | GMDCS
PC
MPBH | |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|---|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & 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 | PCofC
GMDCS
PC
MPBH | |
| s.8B(2) | power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district | PCofC
GMDCS
PC
MPBH | |
| 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 person | PCofC
GMDCS
PC
MPBH | |
| s 12A(1) | duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the Planning and Environment (Planning Schemes) Act 1996) | PCofC
GMDCS
PC
MPBH | |
| s.12B(1) | duty to review planning scheme | PCofC
GMDCS
PC
MPBH
EP
MECS | |
| s.12B(2) | Duty to review planning scheme at direction of Minister | PCofC
GMDCS
PC
MPBH
EP
MECS | |

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|--|---|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.12B(5) | duty to report findings of review of planning scheme to Minister without delay | PCofC
GMDCS
PC
MPBH
EP
MECS | |
| s.14 | Duties of a Responsible Authority as set out in subsections (a) to (d) | PCofC
GMDCS
PC
PLO
EP
MPBH
MECS | |
| s.17(1) | duty of giving copy amendment to the planning scheme | GMDCS
PC
MPBH
PLO
PA | |
| s.17(2) | duty of giving copy s.173 agreement | GMDCS
PC
PLO
MPBH
PA
EP
MECS | |

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|-----------------------------------|---|----------------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.17(3) | duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days | GMDCS
PC
MPBH
PLO
PA | |
| s.18 | duty to make amendment etc. available | GMDCS
PC
MPBH
PLO
PA | |
| 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 section 19 to a planning scheme | GMDCS
PC
MPBH
PLO
PA | |
| s.19 | function of receiving notice of preparation of an amendment to a planning scheme | GMDCS
PC
MPBH
PLO
PA | Where Council is not the planning authority and the amendment affects land within Council's municipal district; or

Where the amendment will amend the planning scheme to designate Council as an acquiring authority |
| s.20(1) | power to apply to Minister for exemption from the requirements of s 19 | PCofC
GMDCS
PC
MPBH | |

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|-----------------------------------|--|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.21 (2) | duty to make submissions available | GMDCS
PC
MPBH
PLO
PA
EP
MECS | |
| s.21A(4) | duty to publish notice in accordance with section | GMDCS
PC
MPBH
PLO
PA
EP
MECS | |
| s.22 | duty to consider all submissions | PCofC
GMDCS
PC
MPBH | |
| s.23(1)(b) | duty to refer submissions which request a change to the amendment to a panel | PCofC
GMDCS
PC
MPBH | |
| s.23(2) | power to refer to a panel submissions which do not require a change to the amendment | PCofC
GMDCS
PC
MPBH | |

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|-----------------------------------|--|----------------------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.24 | function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D) | GMDCS
PC
PLO
MPBH | |
| s.26(1) | power to make report available for inspection | GMDCS
PC
MPBH
PLO
PA | |
| s.26(2) | duty to keep report of panel available for inspection | GMDCS
PC
MPBH
PLO
PA | |
| s.27(2) | power to apply for exemption if panel's report not received | PCofC
GMDCS
PC
MPBH | |
| s.28 | duty to notify the Minister if abandoning an amendment | GMDCS
PC
MPBH | Note: the power to make a decision to abandon an amendment cannot be delegated |
| s.30(4)(a) | duty to say if amendment has lapsed | GMDCS
PC
MPBH | |
| s.30(4)(b) | duty to provide information in writing upon request | GMDCS
PC
MPBH | |

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|-----------------------------------|--|----------------------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.32(2) | duty to give more notice if required | GMDCS
PC
MPBH | |
| s.33(1) | duty to give more notice of changes to an amendment | GMDCS
PC
MPBH | |
| s.36(2) | duty to give notice of approval of amendment | GMDCS
PC
MPBH | |
| s.38(5) | duty to give notice of revocation of an amendment | GMDCS
PC
MPBH | |
| s.39 | function of being a party to a proceeding commenced under s.39 and duty to comply with determination by VCAT | GMDCS
PC
MPBH | |
| s.40(1) | function of lodging copy of approved amendment | GMDCS
PC
MPBH | |
| s.41 | duty to make approved amendment available | GMDCS
PC
MPBH
PLO
PA | |
| s.42 | duty to make copy of planning scheme available | GMDCS
PC
PLO
MPBH
PA | |

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|-----------------------------------|--|------------------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.46AS(ac) | power to request the Growth Areas Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria | GMDCS
MPBH
PC | |
| s.46N(1) | duty to include condition in permit regarding payment of development infrastructure levy | PCofC
GMDCS
PC
MPBH | |
| s.46N(2)(c) | function of determining time and manner for receipt of development contributions levy | PCofC
GMDCS
PC
MPBH | |
| s.46N(2)(d) | power to enter into an agreement with the applicant regarding payment of development infrastructure levy | GMDCS
PC
MPBH | |
| 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
PC
MPBH
MBS | |
| s.46O(1)(d) & (2)(d) | power to enter into agreement with the applicant regarding payment of community infrastructure levy | GMDCS
PC
MPBH
MBS | |
| s.46P(1) | power to require payment of amount of levy under s.46N or s.46O to be satisfactorily secured | GMDCS
PC
MPBH | |

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|-----------------------------------|--|------------------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.46P(2) | power to accept provision of land, works, services or facilities in part or full payment of levy payable | GMDCS
CEO
PC
MPBH | |
| s.46Q(1) | duty to keep proper accounts of levies paid | GMDCS
GMCS
MFS
PC
MPBH | |
| 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 <u>or plan preparation costs incurred by a development agency</u> | GMDCS
GMCS
MFS
PC
MPBH | |
| s.46Q(2) | duty to apply levy only for a purpose relating to the provision of <u>plan preparation costs or</u> the works, services and facilities in respect of which the levy was paid etc. | GMDCS
CEO
PC
MPBH | |
| s.46Q(3) | power to refund any amount of levy paid if it is satisfied the development is not to proceed | GMDCS
PC
MPBH | |
| s.46Q(4)(c) | duty to pay amount to current owners of land in the area | GMDCS
CEO
PC
MPBH | <ul style="list-style-type: none"> 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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|-----------------------------------|--|---|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.46Q(4)(d) | duty to submit to the Minister an amendment to the approved development contributions plan | GMDCS
CEO
PC
MPBH | <ul style="list-style-type: none"> must be done in accordance with Part 3 |
| s.46Q(4)(e) | duty to expend that amount on other works etc. | GMDCS
CEO
PC
MPBH | <ul style="list-style-type: none"> 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
PC
MPBH | |
| | | | |
| | | | |
| s.47 | power to decide that an application for a planning permit does not comply with that Act. | CEO
GMDCS
GMBFR
PC
MPBH
EP
MECS | |

- Deleted:** s.46V(3)
- Deleted:** duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available
- Deleted:** GMDCS[]
PC[]
MPBH
- Deleted:** s.46Y
- Deleted:** duty to carry out works in conformity with the approved strategy plan
- Deleted:** PCofC[]
GMDCS[]
GMILS[]
PC[]
MPBH[]
EP[]
MECS
- Deleted:** []
- Deleted:** 26 August 2015

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|-----------------------------------|--|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.49(1) | duty to keep a register of all applications for permits and determinations relating to permits | CEO
GMDCS
GMBFR
PC
MPBH
PLO
PA
EP
MECS | |
| s.49(2) | duty to make register available for inspection | CEO
GMDCS
GMBFR
PA
PC
PLO
MPBH | |
| s.50(4) | duty to amend application | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.50(5) | power to refuse to amend application | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |

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|-----------------------------------|--|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.50(6) | duty to make note of amendment to application in register | CEO
GMDCS
GMBFR
PC
PLO
MPBH
PA | |
| s.50A(1) | power to make amendment to application | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.50A(3) | power to require applicant to notify owner and make a declaration that notice has been given | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.50A(4) | duty to note amendment to application in register | CEO
GMDCS
GMBFR
PC
PLO
MPBH
PA | |

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|-----------------------------------|---|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.51 | duty to make copy of application available for inspection | CEO
GMDCS
GMBFR
PC
PLO
MPBH
PA | |
| 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
GMBFR
PC
PLO
MPBH | |
| s.52(1)(b) | duty to give notice of the application to other municipal councils where appropriate | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.52(1)(c) | duty to give notice of the application to all persons required by the planning scheme | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |

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|-----------------------------------|--|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.52(1)(ca) | duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| 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
GMBFR
PC
PLO
MPBH | |
| s.52(1)(d) | duty to give notice of the application to other persons who may be detrimentally effected | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| 52(1AA) | duty to give notice of an application to remove or vary a registered restrictive covenant | PCofC
CEO
GMDCS
GMBFR
PC
MPBH | |

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|-----------------------------------|--|---|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.52(3) | power to give any further notice of an application where appropriate | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.53(1) | power to require the applicant to give notice under section 52(1) to persons specified by it | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.53(1A) | power to require the applicant to give the notice under section 52(1AA) | PCofC
CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.54(1) | power to require the applicant to provide more information | CEO
GMDCS
GMBFR
PC
MPBH
PLO | |

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|-----------------------------------|---|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.54(1A) | duty to give notice in writing of information required under s.54(1) | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.54(1B) | duty to specify the lapse date for an application | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.54A(3) | power to decide to extend time or refuse to extend time to give required information | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.54A(4) | duty to give written notice of decision to extend or refuse to extend time und s.54A(3) | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |

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|-----------------------------------|--|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.55(1) | duty to give copy application to every referral authority specified in the planning scheme | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.57(2A) | power to reject objections considered made primarily for commercial advantage for the objector | CEO
GMDCS
GMBFR
PC
MPBH | |
| s.57(3) | function of receiving name and address of persons to whom notice of decision is to go | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | |
| s.57(5) | duty to make available for inspection copy of all objections | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | |

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|-----------------------------------|---|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.57A(4) | duty to amend application in accordance with applicant's request, subject to s.57A(5) | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.57A(5) | power to refuse to amend application | CEO
GMDCS
GMBFR
PC
CEO
MPBH | |
| s.57A(6) | duty to note amendments to application in register | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | |
| s.57B(1) | duty to determine whether and to whom notice should be given | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.57B(2) | duty to consider certain matters in determining whether notice should be given | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.57C(1) | duty to give copy of amended application to referral authority | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | |
| s.58 | duty to consider every application for a permit | PCofC | <u>Save for permit applications to properties inspected by the 2015 Wye River/Separation bushfire</u> |
| | | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.60 | duty to consider certain matters | PCofC | <u>Save for permit applications to properties inspected by the 2015 Wye River/Separation bushfire</u> |
| | | | |

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|-----------------------------------|-----------------|--|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| | | CEO
GMDCS
GMBFR
PLO
PA
MPBH
PC | Save where the proposed use and/or development. <ul style="list-style-type: none"> Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds three (3). Is a new or extended telecommunications tower, mast or pole, where the total height of the structure exceeds 20m above natural ground level. Or four (4) or more objections have 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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|-----------------------------------|--|---|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & 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 <p><u>These criteria do not apply to decisions or applications on properties inspected by the 2015 Wye River/Separation Creek bushfire</u></p> |
| s60(1A) | power to consider certain matters before deciding on application | PCofC
CEO
GMDCS
GMBFR
PC
PLO
MPBH | |

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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.60(1B) | duty to consider numbers of objectors in considering whether use or development may have significant social effect. | PCofC
CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| 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. | PCofC

CEO
GMDCS
GMBFR
PC
PLO
MPBH | Save for permit applications to properties inspected by the 2015 Wye River/Separation bushfire

Save where the proposed use and/or development: <ul style="list-style-type: none"> Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds three (3). Is a new or extended telecommunications tower, mast or pole, where the total height of the structure exceeds 20m above natural ground level. |

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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| | | | <ul style="list-style-type: none"> • Or four (4) or more objections have been lodged against the grant of a permit. 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 <p>Save where the application may have an affect on the broader community.</p> <p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> |

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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| | | | <u>These criteria do not apply to decisions or applications on properties inspected by the 2015 Wye River/Separation Creek bushfire</u> |
| s.61(2) | duty to decide to refuse to grant a permit if determining referral authority objects to grant of permit | PCofC
CEO
GMDCS
GMBFR
PC
MPBH | |
| s.61(3)(a) | duty not to decide to grant a permit to use coastal Crown land without Minister's consent | PCofC
CEO
GMDCS
GMBFR
PC
MPBH | |
| s.61(3)(b) | duty to refuse to grant the permit without the Minister's consent | PCofC
CEO
GMDCS
GMBFR
PC
MPBH | |

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|-----------------------------------|---|---|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.61(4) | duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant | PCofC
<u>CEO</u>
GMDCS
<u>GMBFR</u>
PC
MPBH | |
| s.62(1) | duty to include certain conditions in deciding to grant a permit | PCofC

<u>CEO</u>
GMDCS
<u>GMBFR</u>
PC
PLO
MPBH | <u>Save for permit applications to properties inspected by the 2015 Wye River/Separation bushfire</u>

Save where the proposed use and/or development. <ul style="list-style-type: none"> Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds three (3). Is a new or extended telecommunications tower, mast or pole, where the total height of the structure exceeds 20m above natural ground level. Or four (4) or more objections have been lodged against the grant of |

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|-----------------------------------|-----------------|----------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| | | | <p>a permit.</p> <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 <p><u>These criteria do not apply to decisions or applications on properties inspected by the 2015 Wye River/Separation Creek bushfire</u></p> |

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|-----------------------------------|-----------------------------------|---|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.62(2) | power to include other conditions | PCofC

CEO
GMDCS
GMBFR
PC
PLO
MPBH | <u>Save for permit applications to properties inspected by the 2015 Wye River/Separation bushfire</u>

Save where the proposed use and/or development. <ul style="list-style-type: none"> Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds three (3). Is a new or extended telecommunications tower, mast or pole, where the total height of the structure exceeds 20m above natural ground level. Or four (4) or more objections have been lodged against the grant of a permit. Or where the application may have an affect on the broader community. |

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|-----------------------------------|--|-----------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & 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 <p><u>These criteria do not apply to decisions or applications on properties inspected by the 2015 Wye River/Separation Creek bushfire</u></p> |
| s.62(4) | duty to ensure conditions are consistent with subsections (a), (b) and (c) | PCofC
CEO
GMDCS | |

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|---|---|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| | | <u>GMBFR</u>
PC
PLO
MPBH | |
| s.62(5)(a) | power to include a permit condition to implement an approved development contributions plan | PCofC
<u>CEO</u>
GMDCS
<u>GMBFR</u>
PC
PLO
MPBH | |
| 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 section 173 agreement | PCofC

<u>CEO</u>
GMDCS
<u>GMBFR</u>
PC
PLO
MPBH | <u>Save for permit applications to properties inspected by the 2015 Wye River/Separation bushfire</u>

Save where the proposed use and/or development. <ul style="list-style-type: none"> Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds three (3). |

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|-----------------|----------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| | | | <ul style="list-style-type: none"> • Is a new or extended telecommunications tower, mast or pole, where the total height of the structure exceeds 20m above natural ground level. • Or four (4) or more objections have 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 |

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|---|---|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| | | | <p>o 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</p> <p><u>These criteria do not apply to decisions or applications on properties inspected by the 2015 Wye River/Separation Creek bushfire</u></p> |
| s.62(5)(c) | power to include a permit condition that specified works be provided or paid for by the applicant | PCofC
CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| 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 .62(5) or s.46N | PCofC
CEO
GMDCS
GMBFR
PC
PLO
MPBH | |

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|-----------------------------------|--|---|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & 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) | PCofC
CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.63 | duty to issue the permit where made a decision in favour of the application (if no one has objected) | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.64(1) | duty to give notice of decision to grant a permit to applicant and objectors | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | |
| s.64(3) | duty not to issue a permit until after the specified period | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | |

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|-----------------------------------|---|--|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.64(5) | duty to give each objector a copy of an exempt decision | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | |
| 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
GMBFR
PC
PLO
PA
MPBH | this provision applies also to a decision to grant an amendment to a permit - see section 75A |
| s.65(1) | duty to give notice of refusal to grant permit to applicant and objector | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | |
| s.66(1) | duty to give notice under s.64 or s.65 and copy permit to referral authorities | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | |

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|-----------------------------------|--|--|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.66(2) | duty to give a recommending referral authority notice of its decision to grant a permit | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | 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
GMBFR
PC
PLO
PA
MPBH | 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 section 64 or 65 | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | 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 | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | |

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|-----------------------------------|---|---|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.69(2) | power to extend time | PCofC
CEO
GMDCS
GMBFR
PC
PLO
MPBH | 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. <p><u>These criteria do not apply to decisions or applications for properties in the area impacted by the 2015 Wye River Separation Creek bushfire</u></p> |
| s.70 | duty to make copy permit available for inspection | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | |

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|-----------------------------------|---|---|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.71(1) | power to correct certain mistakes | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.71(2) | duty to note corrections in register | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | |
| s.73 | power to decide to grant amendment subject to conditions | PCofC
CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.74 | duty to issue amended permit to applicant if no objectors | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |

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|-----------------------------------|---|--|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.76 | duty to give applicant and objectors notice of decision to refuse to grant amendment to permit | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | |
| s.76A(1) | duty to give relevant determining referral authorities copy of amended permit and copy of notice | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | |
| s.76A(2) | duty to give a recommending referral authority notice of its decision to grant an amendment to a permit | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | 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 | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | 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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|-----------------------------------|--|--|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & 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 section 64 or 76 | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | 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
GMBFR
PC
PLO
MPBH | |
| s.83 | function of being respondent to an appeal | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.83B | duty to give or publish notice of application for review | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.84(1) | power to decide on an application at any time after an appeal is lodged against failure to grant a permit | PCoC | <u>Save for permit applications to properties inspected by the 2015 Wye River/Separation bushfire</u> |

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|-----------------------------------|-----------------|--|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| | | <p>CEO
GMDCS
GMBFR
PC
MPBH</p> | <p>Save where the proposed use and/or development.</p> <ul style="list-style-type: none"> • Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds three (3) • Is a new or extended telecommunications tower, mast or pole, where the total height of the structure exceeds 20m above natural ground level. • Or four (4) or more objections have been lodged against the grant of a permit. • Or 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 |

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|---|---|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| | | | <ul style="list-style-type: none"> o 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 <p>Save where the application may have an affect on the broader community.</p> <p><u>These criteria do not apply to decisions or applications for properties in the area impacted by the 2015 Wye River Separation Creek bushfire</u></p> |
| 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 | <u>CEO</u>
GMDCS
<u>GMBFR</u>
PC
MPBH | |
| 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 | <u>CEO</u>
GMDCS
<u>GMBFR</u>
PC
MPBH | |

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|-----------------------------------|---|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.84(6) | duty to issue permit on receipt of advice within 3 working days | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.86 | duty to issue a permit at order of Tribunal within 3 working days | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.87(3) | power to apply to VCAT for the cancellation or amendment of a permit | CEO
GMDCS
GMBFR
PC
MPBH | |
| s.90(1) | function of being heard at hearing of request for cancellation or amendment of a permit | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.91(2) | duty to comply with the directions of VCAT | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |

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|-----------------------------------|--|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.91(2A) | Duty to issue amended permit to owner if Tribunal so directs | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.92 | duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90 | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.93(2) | duty to give notice of VCAT order to stop development | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.95(3) | function of referring certain applications to the Minister | CEO
GMDCS
GMBFR
PC
MPBH | |
| s.95(4) | duty to comply with an order or direction | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |

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|-----------------------------------|---|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.96(1) | duty to obtain a permit from the Minister to use and develop its land | CEO
GMDCS
GMBFR
PC
MPBH | |
| 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
GMBFR
PC
MPBH | |
| s.96A(2) | power to agree to consider an application for permit concurrently with preparation of proposed amendment | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| 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
GMBFR
PC
MPBH | |
| s.96F | duty to consider the panel's report under section 96E | CEO
GMDCS
GMBFR
PC
MPBH | |

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|-----------------------------------|--|--|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.96G(1) | power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>) | PCofC

CEO
GMDCS
GMBFR
PC
MPBH | <u>Save for permit applications to properties inspected by the 2015 Wye River/Separation bushfire</u>

Save where the proposed use and/or development. <ul style="list-style-type: none"> Does not provide the required amount of car parking spaces pursuant to Clause 52.06, Colac Otway Planning Scheme, where the number of spaces being waived/reduced exceeds three (3). Is a new or extended telecommunications tower, mast or pole, where the total height of the structure exceeds 20m above natural ground level. Or four (4) or more objections have been lodged against the grant of a permit. |

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| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|-----------------|----------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| | | | <ul style="list-style-type: none"> • Or 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 application may have an affect on the broader community. <p><u>These criteria do not apply to decisions or applications for properties in the area impacted by the 2015 Wye River Separation Creek bushfire</u></p> |

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|-----------------------------------|---|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.96H(3) | power to give notice in compliance with Minister's direction | CEO
GMDCS
GMBFR
PC
MPBH | |
| s.96J | power to issue permit as directed by the Minister | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.96K | duty to comply with direction of the Minister to give notice of refusal | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.96Z | duty to keep levy certificates given to it under s.47 or 96A for no less than 5 years from receipt of the certificate | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.97C | power to request Minister to decide the application | CEO
GMDCS
GMBFR
PC
MPBH | |

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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.97D(1) | duty to comply with directions of Minister to supply any document or assistance relating to application | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| 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
GMBFR
PC
PLO
MPBH | |
| s.97G(6) | duty to make a copy of permits issued under s.97F available for inspection | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | |
| s.97L | duty to include Ministerial decisions in a register kept under s.49 | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | |

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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.97MH | duty to provide assistance to the development assessment committee | CEO
GMDCS
GMBFR
PLO
PA
PC
MPBH | |
| s.97O | duty to consider application and issue or refuse to issue certificate of compliance | CEO
GMDCS
GMBFR
PC
PLO
MP | |
| 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
GMBFR
PC
PLO
MPBH | |
| s.97Q(2) | function of being heard by VCAT at hearing of request for amendment or cancellation of certificate | CEO
GMDCS
GMBFR
PC
PLO
EP
MPBH
MECS | |

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|-----------------------------------|---|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.97Q(4) | duty to comply with directions of VCAT | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.97R | duty to keep register of all applications for certificate of compliance and related decisions | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | |
| s.98(1)&(2) | function of receiving claim for compensation in certain circumstances | CEO
GMDCS
GMBFR
MPBH | |
| s.98(4) | duty to inform any person of the name of the person from whom compensation can be claimed | CEO
GMDCS
GMBFR
MPBH | |
| s.101 | function of receiving claim for expenses in conjunction with claim | CEO
GMDCS
MPBH
GMBFR | |

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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.103 | power to reject a claim for compensation in certain circumstances | PCofC
CEO
GMDCS
GMBFR
MPBH | |
| s.107(1) | function of receiving claim for compensation | CEO
GMDCS
GMBFR
MPBH | |
| s.107(3) | power to agree to extending time for making claim | CEO
GMDCS
GMBFR
MPBH | |
| s.114(1) | power to apply to the VCAT for an enforcement order | CEO
GMDCS
GMBFR
PC
MPBH | |
| s.117(1)(a) | function of making a submission to the VCAT where objections are received | CEO
GMDCS
GMBFR
PC
PLO
EP
MPBH
MECS | |

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|-----------------------------------|---|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.120(1) | power to apply for an interim enforcement order where s.114 application has been made | CEO
GMDCS
GMBFR
PC
MPBH | |
| s.123(1) | power to carry out work required by enforcement order and recover costs | CEO
GMDCS
GMBFR
PC
MPBH | |
| s.123(2) | power to sell buildings, materials, etc salvaged in carrying out work under s.123(1) | CEO
GMDCS
GMBFR
MPBH | Except Crown Land |
| s.129 | function of recovering penalties | CEO
GMDCS
GMBFR
MFS
MPBH | |
| s.130(5) | power to allow person served with an infringement notice further time | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |

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|-----------------------------------|---|--|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.149A(1) | power to refer a matter to the VCAT for determination | CEO
GMDCS
GMBFR
PC
MPBH | |
| s.149A(1A) | power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement | CEO
GMDCS
GMBFR
PC
MPBH | |
| s.156 | duty to pay fees and allowances (including a payment to the Crown under subsection (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 subsection (2B)), power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4) | CEO
GMDCS
GMBFR
PC
MPBH | Where Council is the relevant planning authority. |
| s.171(2)(f) | power to carry out studies and commission reports | CEO
GMDCS
GMBFR
PC
MPBH | |
| s.171(2)(g) | power to grant and reserve easements | PCofC
CEO
GMDCS
GMBFR
PC
MPBH | |

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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.173 | power to enter into agreement covering matters set out in s.174 | CEO
GMDCS
GMBFR
PC
MPBH | |
| --- | power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| --- | power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority | CEO
GMDCS
GMBFR
PC
MPBH | |
| s.177(2) | power to end a section 173 agreement with agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9 | CEO
GMDCS
GMBFR
PC
MPBH | |
| 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 | PCofC
CEO
GMDCS
GMBFR
PC
MPBH | |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|--|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.178A(1) | function of receiving application to amend or end an agreement | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.178A(3) | function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1) | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.178A(4) | function of notifying the applicant and the owner as to whether it agrees in principle to the proposal | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.178A(5) | power to propose to amend or end an agreement | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|--|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.178B(1) | duty to consider certain matters when considering proposal to amend an agreement | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.178B(2) | duty to consider certain matters when considering proposal to end an agreement | CEO
GMDCS
GMBFR
PC
MPBH | |
| s.178C(2) | duty to give notice of the proposal to all parties to the agreement and other person who may be detrimentally affected by decision to amend or end | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.178C(4) | function of determining how to give notice under s.178C(2) | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.178E(1) | duty not to make decision until after 14 days after notice has been given | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|---|--|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.178E(2)(a) | power to amend or end the agreement in accordance with the proposal | CEO
GMDCS
GMBFR
PC
PLO
MPBH | 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
GMBFR
PC
PLO
MPBH | 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
GMBFR
PC
PLO
MPBH | |
| s.178E(3)(a) | power to amend or end the agreement in accordance with the proposal | CEO
GMDCS
GMBFR
PC
PLO
MPBH | After considering objections, submissions and matters in s.178B |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|---|--|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.178E(3)(b) | power to amend or end the agreement in a manner that is not substantively different from the proposal | CEO
GMDCS
GMBFR
PC
PLO
MPBH | 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
GMBFR
PC
PLO
MPBH | After considering objections, submissions and matters in s.178B |
| s.178E(3)(d) | power to refuse to amend or end the agreement | CEO
GMDCS
GMBFR
PC
PLO
MPBH | 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
GMBFR
PC
PLO
MPBH | |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|--|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.178F(2) | duty to give notice of its decision under s.178E(2)(c) or (3)(d) | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| 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
GMBFR
PC
PLO
MPBH | |
| s.178G | duty to sign amended agreement and give copy to each other party to the agreement | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| 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
GMBFR
PC
PLO
MPBH | |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|--|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.178(3) | duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land. | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.179(2) | duty to make available for inspection copy agreement | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.181 | power to apply to the Registrar of Titles for registration of the agreement and to deliver a memorial to Registrar-General | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.181(1A)(a) | power to apply to the Registrar of Titles to record the agreement | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|---|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.181(1A)(b) | duty to apply to the Registrar of Titles without delay, to record the agreement | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.182 | power to enforce an agreement | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.183 | duty to tell Registrar of Titles of ending/amendment of agreement | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| 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
GMBFR
PC
PLO
MPBH | |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|--|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.184F(2) | duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| 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
GMBFR
PC
PLO
MPBH | |
| s.184F(3) | duty to inform the principal register 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
GMBFR
PC
PLO
MPBH | |
| s.184F(5) | function of receiving advice from the principal register that the agreement may be amended or ended in accordance with Council's decision | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|--|--|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.184G(2) | duty to comply with a direction of the Tribunal | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| s.184G(3) | duty to give notice as directed by the Tribunal | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |
| | | | |
| | | | |
| s.201(1) | function of receiving application for declaration of underlying zoning | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | |
| s.201(3) | duty to make declaration | CEO
GMDCS
GMBFR
PC
PLO
MPBH | |

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PC
PLO
PA
MPBH

Deleted: s.199(1)

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PC
PLO
MPBH

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S6. Instrument of Delegation – Members of Staff

23 March 2016

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|---|---|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| - | 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 | PCofC
<u>CEO</u>
GMDCS
<u>GMBFR</u>
PC
PLO
MPBH | |
| - | 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. | PCofC
<u>CEO</u>
GMDCS
<u>GMBFR</u>
PC
PLO
MPBH | |
| | power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or a condition in a permit | PCofC
<u>CEO</u>
GMDCS
<u>GMBFR</u>
PC
PLO
MPBH | |
| | power to give written authorisation in accordance with a provision of a planning scheme | PCofC
<u>CEO</u>
GMDCS
<u>GMBFR</u>
PC
PLO
MPBH | |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|-----------------------------------|--|-------------------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.201UAB(1) | function of providing the Growth Areas Authority with information relating to any land within municipal district | CEO
GMDCS
GMBFR
MPBH | |
| s.201UAB(2) | duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible | CEO
GMDCS
GMBFR
MPBH | |

S6. Instrument of Delegation – Members of Staff

23 March 2016

Deleted: 26 August 2015

| RAIL SAFETY (LOCAL OPERATIONS) ACT 2006 | | | |
|---|--|--------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.33 | duty to comply with a direction of the Safety Director under this section | GMILS
MAPS | duty of Council as a utility under s.3 |
| s.33A | duty to comply with a direction of the Safety Director to give effect to arrangements under this section. | GMILS
MAPS | duty of Council as a utility under s.3 |
| s.34 | duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under s.33(1) | GMILS
MAPS | duty of Council as a utility under s.3 |
| s.34C(2) | function of entering into safety interface agreements with rail infrastructure manager | GMILS
MAPS | where Council is the registration authority |
| s.34D(1) | function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed | GMILS
MAPS | where Council is the registration authority |
| s.34D(2) | function of receiving written notice of opinion | GMILS
MAPS | where Council is the registration authority |
| s.34D(4) | function entering into safety interface agreement with infrastructure manager | GMILS
MAPS | where Council is the registration authority |
| s.34E(1)(a) | duty to identify and assess risks to safety | GMILS
MAPS | where Council is the registration authority |
| s.34E(1)(b) | duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c) | GMILS
MAPS | where Council is the registration authority |

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S6. Instrument of Delegation – Members of Staff

23 March 2016

| RAIL SAFETY (LOCAL OPERATIONS) ACT 2006 | | | |
|---|--|--------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.34E(3) | duty to seek to enter into a safety interface agreement with rail infrastructure manager | GMILS
MAPS | where Council is the registration authority |
| s.34F(1)(a) | duty to identify and assess risks to safety if written notice has been received under section 34D(2)(a) | GMILS
MAPS | where Council is the registration authority |
| s.34F(1)(b) | duty to determine measures to manage any risks identified and assessed if written notice has been received under section 34D(2)(a) | GMILS
MAPS | where Council is the registration authority |
| s.34F(2) | duty to seek to enter into a safety interface agreement with rail infrastructure manager | GMILS
MAPS | where Council is the registration authority |
| s.34H | power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c) | GMILS
MAPS | where Council is the registration authority |
| s.34I | function of entering into safety interface agreements | GMILS
MAPS | where Council is the registration authority |
| s.34J(2) | function of receiving notice from Safety Director | GMILS
MAPS | where Council is the registration authority |
| s.34J(7) | duty to comply with a direction of the Safety Director given under section 34J(5) | GMILS
MAPS | where Council is the registration authority |
| s.34K(2) | duty to maintain a register of items set out in subsections (a)-(b) | GMILS
MAPS | where Council is the registration authority |

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S6. Instrument of Delegation – Members of Staff

23 March 2016

| RESIDENTIAL TENANCIES ACT 1997 | | | |
|--------------------------------|---|---|-------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.142D | function of receiving notice regarding an unregistered rooming house | HPC | |
| s 252 | power to give tenant a notice to vacate rented premises if subsection(1) applies | All GMs
CRS
MAPS
MFS | where Council is the landlord |
| s 262(1) | power to give tenant a notice to vacate rented premises | All GMs
CRS
MAPS
MFS | where Council is the landlord |
| s 262(3) | power to publish its criteria for eligibility for the provision of housing by Council | All GMs
CRS
MAPS
MFS | |
| 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 | |
| s 522(1) | give a compliance notice to a person | CRS
CUC
CO
MFS | |
| 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 section 526 | CRS
CUC
MFS | |
| 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 | |

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S6. Instrument of Delegation – Members of Staff

23 March 2016

| ROAD MANAGEMENT ACT 2004 | | | |
|--------------------------|--|--|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s11(1) | power to declare a road by publishing a notice in the Government Gazette | GMILS
MAPS | obtain consent in circumstances specified in s11(2) |
| s11(8) | power to name a road or change the name of a road by publishing notice in Government Gazette | GMCS
GMILS
CRS
MAPS | |
| s11(9)(b) | duty to advise Registrar | GMCS
GMILS
CRS
MAPS | |
| s11(10) | duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc. | GMILS
MAPS
CRS | clause subject to s.11(10A) |
| s.11(10A) | duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person | GMILS
MAPS
MSO
MCMP | duty of co-ordinating road authority |
| s.12(2) | power to discontinue road or part of a road | GMILS
MAPS | power of co-ordinating road authority |
| s12(4) | power to publish, and provide copy, notice of proposed discontinuance | GMILS
MAPS | power of coordinating road authority where it is the discontinuing body
- unless subsection (11) applies |
| s.12(5) | duty to consider written submissions received within 28 days of notice | GMILS
MAPS | duty of co-ordinating road authority where it is the discontinuing body
- unless subsection (11) applies |

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S6. Instrument of Delegation – Members of Staff

23 March 2016

| ROAD MANAGEMENT ACT 2004 | | | |
|--------------------------|---|---------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.12(6) | function of hearing a person in support of their written submission | GMILS
MAPS | function of co-ordinating road authority where it is the discontinuing body
- unless subsection (11) applies |
| s.12(7) | duty to fix day, time and place of meeting under subsection (6) and to give notice | GMILS
MAPS | duty of co-ordinating road authority where it is the discontinuing body
- unless subsection (11) applies |
| s12(10) | duty to notify of decision made | GMILS
MAPS | 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 |
| s13(1) | power to fix a boundary of a road by publishing notice in Government Gazette | GMILS
MAPS | power of coordinating road authority and obtain consent under s13(3) and s13(4) as appropriate |
| s.14(4) | function of receiving notice from VicRoads | GMILS
MAPS | |
| s14(7) | power to appeal against decision of VicRoads | GMILS | |
| s15(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. | GMILS | |
| s15(1A) | power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority | GMILS
MAPS | |
| s15(2) | duty to include details of arrangement in public roads register | GMILS
MAPS | |

Deleted: 26 August 2015

| S6. Instrument of Delegation – Members of Staff

23 March 2016

| ROAD MANAGEMENT ACT 2004 | | | |
|--------------------------|---|---------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s16(7) | power to enter into an arrangement under s15 | GMILS | |
| s16(8) | duty to enter details of determination in public roads register | GMILS
MAPS | |
| s17(2) | duty to register public road in public roads register | MAPS | power of coordinating road authority |
| s17(3) | power to decide that a road is reasonably required for general public use | GMILS
MAPS | power of coordinating road authority |
| s17(3) | duty to register a road reasonably required for general public use in public roads register | MAPS | power of coordinating road authority |
| s17(4) | power to decide that a road is no longer reasonably required for general public use | GMILS | power of coordinating road authority |
| s17(4) | duty to remove road no longer reasonably required for general public use from public roads register | MAPS | power of coordinating road authority |
| s18(1) | power to designate ancillary area | GMILS | power of coordinating road authority, and obtain consent in circumstances specified in s18(2) |
| s18(3) | duty to record designation in public roads register | GMILS
MAPS | power of coordinating road authority |
| s19(1) | duty to keep register of public roads in respect of which it is the coordinating road authority | GMILS
MAPS | |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| ROAD MANAGEMENT ACT 2004 | | | |
|--------------------------|---|-----------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s19(4) | duty to specify details of discontinuance in public roads register | GMILS
MAPS | |
| s19(5) | duty to ensure public roads register is available for public inspection | GMILS
MAPS | |
| s.21 | power to reply to request for information or advice | GMILS
MAPS | obtain consent in circumstances specified in s11(2) |
| s.22(2) | power to comment on proposed direction | GMILS
MAPS | |
| s.22(4) | duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report | GMILS
MAPS | |
| s.22(5) | duty to give effect to a direction under this section | GMILS
MAPS | |
| s.40(1) | duty to inspect, maintain and repair a public road. | GMILS
MAPS
MSO | |
| s.40(5) | power to inspect, maintain and repair a road which is not a public road | GMILS
MAPS
MCMP | |
| s.41(1) | power to determine the standard of construction, inspection, maintenance and repair | GMILS
MSO
MAPS | |
| s42(1) | power to declare a public road as a controlled access road | GMILS | power of coordinating road authority and Schedule 2 also applies |

Deleted: 26 August 2015

| S6. Instrument of Delegation – Members of Staff

23 March 2016

| ROAD MANAGEMENT ACT 2004 | | | |
|--------------------------|---|-----------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s42(2) | power to amend or revoke declaration by notice published in Government Gazette | GMILS | power of coordinating road authority and Schedule 2 also applies |
| s.42A(3) | duty to consult with VicRoads before road is specified | GMILS | duty of co-ordinating 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 | GMILS
MAPS | power of co-ordinating 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). | GMILS
MAPS
MCMP | duty of responsible road authority, infrastructure manager or works manager |
| s.48M(3) | function of consulting with the Secretary for purposes of developing guidelines under section 48M | GMILS
MAPS
MCMP | |
| s.48N | duty to notify the Secretary of the location of the bus topping point and the action taken by Council | GMILS
MAPS
MCMP | |
| s.49 | power to develop and publish a road management plan | GMILS
MAPS | |
| s.51 | power to determine standards by incorporating the standards in a road management plan | GMILS
MAPS | |

Deleted: 26 August 2015

| S6. Instrument of Delegation – Members of Staff

23 March 2016

| ROAD MANAGEMENT ACT 2004 | | | |
|--------------------------|--|--|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.53(2) | power to cause notice to be published in Government Gazette of amendment etc of document in road management plan | GMILS
MAPS | |
| s.54(2) | duty to give notice of proposal to make a road management plan | GMILS
MAPS | |
| s.54(5) | duty to conduct a review of road management plan at prescribed intervals | GMILS
MAPS | |
| s.54(6) | power to amend road management plan | GMILS
MAPS | |
| s.54(7) | duty to incorporate the amendments into the road management plan | GMILS
MAPS | |
| s.55(1) | duty to cause notice of road management plan to be published in Government Gazette and newspaper | GMILS
MAPS | |
| s.63(1) | power to consent to conduct of works on road | GMILS
MSO
MCMP
MAPS | power of 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 | GMILS
CBE
MSO
MCMP
MAPS | power of infrastructure manager |
| s.64(1) | duty to comply with clause 13 of Schedule 7 | GMILS
CBE
MSO | duty of infrastructure manager or works manager |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| ROAD MANAGEMENT ACT 2004 | | | |
|--------------------------|--|------------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| | | MCMP
MAPS | |
| s.66(1) | power to consent to structure etc | CUC
CO | power of coordinating road authority |
| s.67(2) | function of receiving the name and address of the person responsible for distributing the sign or bill | CUC
CO | where Council is the coordinating road authority |
| s.67(3) | power to request information | CUC
CO | power of coordinating road authority |
| s.68(2) | power to request information | CUC
CO | power of coordinating road authority |
| s71(3) | power to appoint an authorised officer | GMDCS
GMCS
GMILS | |
| s.72 | duty to issue an identity card to each authorised officer | GMCS
MPPC | |
| s.85 | function of receiving report from authorised officer | GMILS
MSO
MAPS | |
| s86 | duty to keep register re s85 matters | GMILS | |
| s.87(1) | function of receiving complaints | GMILS
MSO
MAPS | |
| s87(2) | duty to investigate complaint and provide report | GMILS | |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| ROAD MANAGEMENT ACT 2004 | | | |
|--------------------------|--|------------------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s.112(2) | power to recover damages in court | GMILS
MSO
MCMP
MAPS | |
| s116 | power to cause or carry out inspection | GMILS
MSO
MCMP
MAPS | |
| s.119(2) | function of consulting with VicRoads | GMILS
MSO
MCMP
MAPS | |
| s.120(1) | power to exercise road management functions on an arterial road (with the consent of VicRoads) | GMILS
MSO
MAPS | |
| s120(2) | power to seek consent of VicRoads | GMILS
MCMP | |
| s121(1) | power to enter into an agreement re works | GMILS
MCMP | |
| s.122(1) | power to charge and recover fees | GMILS
MCMP
MAPS | |
| s.123(1) | power to charge for any service | GMILS
MCMP
MAPS | |
| Schedule 2 | power to make a decision re controlled access roads | GMILS | |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| ROAD MANAGEMENT ACT 2004 | | | |
|----------------------------|--|-------------------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| Clause 2(1) | | | |
| Schedule 2
Clause 3(1) | power to make policy about controlled access roads | GMILS | |
| Schedule 2
Clause 3(2) | power to amend, revoke or substitute policy about controlled access roads | GMILS | |
| Schedule 2
Clause 4 | function of receiving details of proposal from VicRoads | GMILS
MCMP
MAPS | |
| Schedule 2
Clause 5 | duty to publish notice of declaration | GMILS | |
| Schedule 7,
Clause 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 | GMILS
CBE
MCMP
MAPS | duty of infrastructure manager or works manager |
| Schedule 7,
Clause 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 | GMILS
CBE
MCMP
MSO
MAPS | duty of infrastructure manager or works manager |
| Schedule 7,
Clause 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 | GMILS
CBE
MCMP
MAPS | duty of infrastructure manager or works manager responsible for non-road infrastructure |
| Schedule 7, | duty to give information to another infrastructure manager or | GMILS | duty of infrastructure manager or works |

S6. Instrument of Delegation – Members of Staff

23 March 2016

Deleted: 26 August 2015

| ROAD MANAGEMENT ACT 2004 | | | |
|--------------------------|--|--|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| Clause 9(2) | 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. | CBE
MSO
MCMP
MAPS | manager |
| Schedule 7, Clause 10(2) | where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected | GMILS
CBE
MCMP
MAPS | duty of infrastructure manager or works manager |
| Schedule 7 Clause 12(2) | power to direct infrastructure manager or works manager to conduct reinstatement works | GMILS
CBE | power of coordinating road authority |
| Schedule 7 Clause 12(3) | power to take measures to ensure reinstatement works are completed | GMILS
CBE
MCMP
MAPS | power of coordinating road authority |
| Schedule 7 Clause 12(4) | duty to ensure that works are conducted by an appropriately qualified person | GMILS
CBE
MCMP
MAPS | power of coordinating road authority |
| Schedule 7 Clause 12(5) | power to recover costs | GMILS
CBE
MCMP
MFS
MAPS | power of coordinating road authority |
| Schedule 7, | duty to notify relevant coordinating road authority within 7 days | GMILS
CBE | duty of works manager |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| ROAD MANAGEMENT ACT 2004 | | | |
|-----------------------------|---|--|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| Clause 13(1) | that works have been completed, subject to Schedule 7, Clause 13(2) | MSO
MCMP
MAPS | |
| Schedule 7
Clause 13(2) | power to vary notice period | GMILS
CBE
MSO
MCMP
MAPS | power of coordinating road authority |
| Schedule 7,
Clause 13(3) | duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1) | GMILS
CBE
MCMP | duty of infrastructure manager |
| Schedule 7
Clause 16(1) | power to consent to proposed works | GMILS
CBE
MSO
MCMP
MAPS | power of coordinating road authority |
| Schedule 7
Clause 16(4) | duty to consult | GMILS
CBE
MSO
MCMP
MAPS | where Council is the co-ordinating road authority responsible authority or infrastructure manager |
| Schedule 7
Clause 16(5) | power to consent to proposed works | GMILS
CBE
MCMP
MAPS | where Council is the co-ordinating road authority |
| Schedule 7
Clause 16(6) | power to set reasonable conditions on consent | GMILS | where Council is the co-ordinating road authority |

S6. Instrument of Delegation – Members of Staff

23 March 2016

Deleted: 26 August 2015

| ROAD MANAGEMENT ACT 2004 | | | |
|------------------------------------|--|--|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| | | CBE
MCMP
MAPS | |
| Schedule 7
Clause 16(8) | power to include consents and conditions | GMILS
CBE
MCMP
MAPS | where Council is the co-ordinating road authority |
| Schedule 7
Clause 17(2) | power to refuse to give consent and duty to give reasons for refusal | GMILS | power of coordinating road authority |
| Schedule 7
Clause 18(1) | power to enter into an agreement | GMILS
MCMP
MAPS | power of coordinating road authority |
| Schedule 7
Clause 19(1) | power to give notice requiring rectification of works | GMILS
CBE
MAPS
MCMP | power of coordinating road authority |
| Schedule 7
Clause 19(2)&
(3) | power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred | GMILS
CBE
MAPS
MCMP | where Council is the co-ordinating road authority |
| Schedule 7
Clause 20(1) | power to require removal, relocation, replacement or upgrade of existing non-road infrastructure | GMILS
MAPS
CUC
MCMP
CO | power of coordinating road authority |

S6. Instrument of Delegation – Members of Staff

23 March 2016

Deleted: 26 August 2015

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|---|---------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| | | <u>MAPS</u> | |
| Schedule 7A
Clause 2 | power to cause street lights to be installed on roads | GMILS
MAPS | power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road. |
| Schedule 7A
Clause 3(1)(d) | duty to pay installation and operation costs of street lighting – where road is not an arterial road. | GMILS
MAPS | where Council is the responsible road authority for the road. |
| Schedule 7A
Clause 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. | GMILS
MAPS | where Council is the responsible road authority. |
| Schedule 7A
Clause (3)(1)(f) | duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4. | GMILS
MAPS | where Council is responsible road authority that installed the light (re. installation costs) and where Council is relevant municipal Council (re operating costs). |

S6. Instrument of Delegation – Members of Staff

23 March 2016

Deleted: 26 August 2015

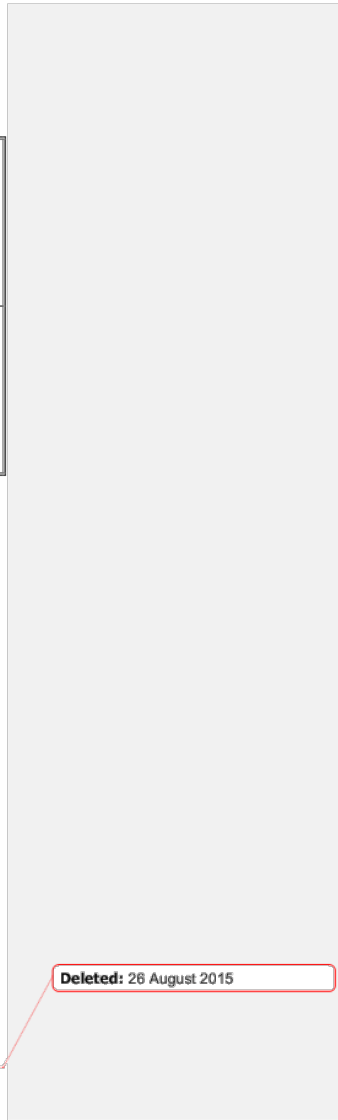
| PLANNING AND ENVIRONMENT REGULATIONS 2015 | | | |
|---|---|--|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 6 | function of receiving notice, under section 19(1)(c) of the Act from a planning authority of its preparation of an amendment to a planning scheme | GMDCS
MPBH
PC | 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
GMBFR
PC
PLO
PA
MPBH | |
| r.25(a) | duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | 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
GMBFR
PC
PLO
PA
MPBH | Where Council is not the responsible authority but the relevant land is within Council's municipal district |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| | | | |
|------|--|--|--|
| r 42 | function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of combined application for an amendment to a planning scheme and notice of a permit application. | CEO
GMDCS
GMBFR
MPBH
PC | 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 55 | duty of responsible authority to tell Registrar of Titles under r 183 of the Act of the cancellation or amendment of an agreement | CEO
GMDCS
GMBFR
PC
PLO
PA
MPBH | |



Deleted: 26 August 2015

23 March 2016

S6. Instrument of Delegation – Members of Staff

| PLANNING AND ENVIRONMENT (FEES) INTERIM REGULATIONS 2015 | | | |
|--|--|-------------------------------------|--------------------------|
| *These regulations expire on 14 October 2016 | | | |
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r.16 | power to waive or rebate fee other than a fee relating to an amendment to a planning scheme | CEO
GMDCS
GMBFR
MPBH
PC | |
| r.17 | power to waive or rebate fee relating to an amendment of a planning scheme | CEO
GMDCS
GMBFR
MPBH
PC | |
| r.18 | duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.16 or 17 | CEO
GMDCS
GMBFR
MPBH
PC | |

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S6. Instrument of Delegation – Members of Staff

23 March 2016

| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010 | | | |
|---|--|------------------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r.7 | function of entering into a written agreement with a caravan park owner | HPC
HPO | |
| r.11 | function of receiving applications for registration | HPC
HPO
HPT | |
| r.13(1) | duty to grant registration if satisfied that the caravan park complies with these regulations | HPC
HPO
HPT | |
| r.13(2) | duty or renew the registration if satisfied that the caravan park complies with these regulations | HPC
HPO | |
| r.13(2) | power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations | HPC
HPO | |
| r.13(4) & (5) | duty to issue certificate of registration | HPC
HPO | |
| r.15(1) | function of receiving notice of transfer of ownership | HPC
HPO
HPT | |
| r.15(3) | power to determine where notice of transfer is displayed | HPC
HPO
HPT | |
| r.16(1) | duty to transfer registration to new caravan park owner | HPC
HPO | |
| r.16(2) | duty to issue certificate of transfer of registration | HPC
HPO | |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010 | | | |
|---|---|------------------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r.17(1) | power to determine the fee to accompany applications for registration or applications for renewal of registration | HPC
HPO | |
| r.18 | duty to keep register of caravan parks | HPC | |
| r.19(4) | power to determine where the emergency contact person's details are displayed | HPC
HPO
HPT | |
| r.19(6) | power to determine where certain information is displayed | HPC
HPO
HPT | |
| r.22A(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 | HPC
HPO | |
| r.22A(2) | duty to consult with relevant emergency services agencies | HPC
HPO | |
| r.23 | power to determine places in which caravan park owner must display a copy of emergency procedures | HPC
HPO
HPT | |
| r.24 | power to determine places in which caravan park owner must display copy of public emergency warnings | HPC
HPO
HPT | |
| r.25(3) | duty to consult with relevant floodplain management authority | HPC
HPO | |
| r.26 | duty to have regard to any report of the relevant fire authority | HPC
HPO | |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

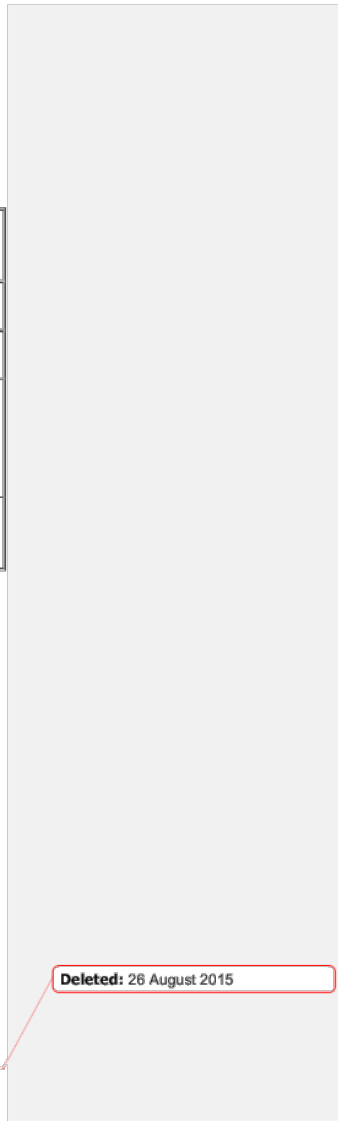
| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010 | | | |
|---|--|--------------------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r.28(c) | power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling | HPC
HPO
<u>HPT</u> | |
| r.39 | function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe | HPC
HPO
HPT | |
| r.39(b) | power to require notice of proposal to install unregistrable movable dwelling or rigid annexe | HPC
HPO
<u>HPT</u> | |
| r.40(4) | function of receiving installation certificate | HPC
HPO
HPT | |
| r.42 | Power to approve use of a non-habitable structure as a dwelling or part of a dwelling | HPC
HPO
<u>HPT</u> | |
| Schedule 3
Clause 4(3) | power to approve the removal of wheels and axles from unregistrable movable dwelling | HPC
HPO
<u>HPT</u> | |

Deleted: 26 August 2015

S6. Instrument of Delegation – Members of Staff

23 March 2016

| <u>ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015</u> | | | |
|--|---|-----------------|---|
| <u>Column 1</u> | <u>Column 2</u> | <u>Column 3</u> | <u>Column 4</u> |
| <u>PROVISION</u> | <u>THING DELEGATED</u> | <u>DELEGATE</u> | <u>CONDITIONS & LIMITATIONS</u> |
| <u>r.15</u> | <u>power to exempt a person from requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works</u> | <u>GMILS</u> | <u>Where Council is the co-ordinating road authority and where consent given under section 63(1) of the Act</u> |
| <u>r.22(2)</u> | <u>power to waive whole or part of fee in certain circumstances</u> | <u>GMILS</u> | <u>Where Council is the co-ordinating road authority</u> |



S6. Instrument of Delegation – Members of Staff

23 March 2016

Deleted: 26 August 2015

OM162303-15 ASSEMBLY OF COUNCILLORS

| | | | |
|-------------|--------------------|-----------|------------|
| AUTHOR: | Jenny Wood | ENDORSED: | Mark Lyons |
| DEPARTMENT: | Corporate Services | FILE REF: | F15/9065 |

Purpose

The purpose of this report is to provide details of the Assembly of Councillors which have taken place.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

The Local Government Act 1989 S.3 (1) defines an 'Assembly of Councillors' as:

A meeting of an advisory committee of the council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers or is likely to be:

- The subject of a decision of the Council or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

The Local Government Act 1989 S.3 (1) defines an Advisory Committee as:

Any committee established by the Council, other than a special committee, that provides advice to:

- The Council; or
- A Special committee; or
- A member of Council staff who has been delegated a power, duty or function of the Council under S. 98 (Delegations)

Criteria

When considering whether or not a committee is an advisory committee, there are two key criteria to consider:

- How is it established?
- What is its advisory role?

For a committee to be considered an 'advisory committee' under the Act, it must be established by the Council. This generally requires a decision to establish the committee by:

- Council resolution; or
- Resolution of a special committee; or
- A Council management decision

Local Government Act 1989 S.80 requires a written record to be made by Council Staff member:

"At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of":

- The names of all Councillors and members of Council staff attending; and
- The matters considered; and
- Any conflict of interest disclosures made by a Councillor attending

This information is:

- To be recorded (documented)
- To be retained by the Chief Executive officer for 4 years

- To be made available for public inspection at the Council Offices for 12 months after the date of the Assembly of Councillors

Council Agenda

An agenda item is required to note the Assembly of Councillors

It is a requirement that the written record of any Assembly of Councillors must be (as soon as practicable):

- Reported at an ordinary meeting of the Council; and
- Incorporated in the minutes of that council meeting

Written Record

The written record of an Assembly must include at least:

The names of all Councillors and names of Council staff attending;

- The matters considered
- Any conflict of interest disclosures made by a Councillor attending;
- Whether a Councillor who has disclosed a conflict of interest leaves the assembly

Procedure at an Assembly of Councillors

A Councillor who has a conflict of interest at an assembly of Councillors must:

- Disclose to the meeting that he or she has a conflict of interest, and
- Leave the meeting while the matter is being discussed and is recalled once the discussion has concluded

Staff attendance

It is important that any meeting that is an assembly of Councillors should have at least one member of Council Staff in attendance to:

- Prepare the record of the Assembly
- Make recommendations about Council decisions
- Disclose any conflict of interest if applicable

Relevant meetings in a Colac Otway Shire context that meet the reporting requirements include:

- Councillor Briefings (including pre-meeting briefings)
- Australia Day Advisory Committee
- Central Reserve Advisory Committee
- Colac Livestock Selling Centre Advisory Committee
- Festival and Events Support Scheme Advisory Committee
- Friends of the Colac Botanic Gardens Committee
- Grants/Community Funding Advisory Committee
- Lake Colac Coordinating Committee
- Small Town Improvement Program Advisory Committee

A review of reporting completed from November 2015 to January 2016 (other than those included for noting specifically in this report) confirms that all meetings subject to reporting have been included in an agenda to Council's Ordinary Meeting in accordance with legislation.

Council Plan / Other Strategies / Policy

<Y:\GOVERNANCE\Council Meetings\CouncilPlan.doc>

The Local Government Act 1989 requires that records of meetings, which constitute an Assembly of Councillors, be tabled at the next practicable meeting of Council and incorporate into the minutes of the Council meeting.

Issues / Options

Not all gatherings or meetings at which Councillors are present will constitute assemblies of Councillors. For a meeting to be an assembly of Councillors it **MUST** be one of the two types of meetings described above.

Examples of Meetings or Committees that would **NOT** be defined as an Assembly of Councillors are:

- Ordinary Meeting of the Council
- An Audit Committee established under S.139 of the Local Government Act
- Special Committee of the Council
- A committee or working group established by another organisation
- Chance meetings of Councillors and Council staff that are not planned or scheduled
- Meetings of other organisations such as clubs, associations, peak bodies or political parties

Proposal

The following assemblies of Councillors have been held and are attached to this report for noting:

- Lake Colac Coordinating Committee – Tuesday 8 December 2015
- Special Council Meeting pre meeting briefing – Wednesday 20 January 2016
- Ordinary Council Meeting pre meeting briefing - Wednesday 27 January 2016
- Central Reserve Advisory Committee – 3 February 2016
- Colac Friends of the Botanic Gardens Advisory Committee –11 February 2016
- Ordinary Council Meeting pre meeting briefing – Wednesday 24 February 2016
- Councillor Briefing – Wednesday 2 March 2016
- Councillor Briefing – Monday 7 March 2016
- Planning Committee Meeting pre meeting briefing – Wednesday 9 March 2016
- Councillor Briefing – Wednesday 9 March 2016
- Lake Colac Coordinating Committee – Tuesday 8 March 2016

Financial and Other Resource Implications

Nil

Risk Management & Compliance Issues

The inclusion of the Assembly of Councillors report meets the compliance requirements of the Local Government Act 1989:

Section 80 A – requirements for an assembly of Councillors

Section 3 (1) – Definition of an 'advisory committee' and 'assembly of Councillors'

Environmental and Climate Change Considerations

Nil

Community Engagement

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be to inform. This is achieved by including documentation and notification of the Assembly of Councillors that have occurred to the public at the Ordinary Council Meeting.

Implementation

All meetings that are defined as an Assembly of Councillors will be recorded, documented and kept by Council for 4 years. They will be reported to the next practicable Ordinary meeting of Council.

Conclusion

The Local Government Act 1989 requires that records of meetings, which constitute an Assembly of Councillors be tabled at the next practicable meeting of Council and incorporated in the minutes of the Council meeting. All relevant meetings have been recorded, documented and will be kept by Council for 4 years. The attached documents provide details of those meetings held that are defined as an Assembly of Councillors.

Attachments

1. Assembly of Councillors - Lake Colac Coordinating Committee - 20151208
2. Assembly of Councillors - Briefing - 20160120
3. Assembly of Councillors - Briefing - 20160127
4. Assembly of Councillors - Central Reserve Advisory Committee - 20160203
5. Assembly of Councillors - Colac Friends of the Botanic Gardens- 20160211
6. Assembly of Councillors - Briefing - 20160224
7. Assembly of Councillors - Briefing - 20160302
8. Assembly of Councillors - Briefing - 20160307
9. Assembly of Councillors - Briefing - 20160309 (1)
10. Assembly of Councillors - Briefing - 20160309
11. Assembly of Councillors - Lake Colac Coordinating Committee - 20160308

Recommendation(s)

That Council notes the Assembly of Councillors reports for:

- | | |
|---|--------------------------------|
| • <i>Lake Colac Coordinating Committee</i> | <i>8 December 2015</i> |
| • <i>Special Council Meeting pre meeting briefing</i> | <i>20 January 2016</i> |
| • <i>Ordinary Council Meeting pre meeting briefing</i> | <i>27 January 2016</i> |
| • <i>Central Reserve Advisory Committee</i> | <i>3 February 2016</i> |
| • <i>Colac Friends of the Botanic Gardens Advisory Committee</i> | <i>11 February 2016</i> |
| • <i>Ordinary Council Meeting pre meeting briefing</i> | <i>24 February 2016</i> |
| • <i>Councillor Briefing</i> | <i>2 March 2016</i> |
| • <i>Councillor Briefing</i> | <i>7 March 2016</i> |
| • <i>Planning Committee Meeting pre meeting briefing</i> | <i>9 March 2016</i> |
| • <i>Councillor Briefing</i> | <i>9 March 2016</i> |
| • <i>Lake Colac Coordinating Committee</i> | <i>8 March 2016</i> |

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### Assembly of Councillors Record

This Form MUST be completed by the attending Council Officer and returned IMMEDIATELY to Document Management Co-ordinator for filing. A copy of the completed form must be provided to the Executive Officer to the CEO, Mayor & Councillors for reporting at the next Ordinary Council Meeting. {See over for Explanation/Guide Notes}

#### Assembly Details:

Date: 8.12.2015  
Time: 1:00 am (pm)

Assembly Location: COPACC  
(some e.g's. COPACC, Colac Otway Shire Offices, 2 - 6 Rae Street, Colac, Shire Offices - Nelson Street, Apollo Bay)

#### In Attendance:

Councillors: C. Smith  
Officer/s: S. Anderson


Matter/s Discussed: Lake Colac Committee matters, e.g. Lake Colac Fineshore Master Plan  
(some e.g's. Discussion s 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.)


#### Conflict of Interest Disclosures: (refer page 5)

Councillors: NA  
Officer/s: NA

Left meeting at: 3:30  
Completed by: Stewart Anderson

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		<h2 style="margin: 0;">Assembly of Councillors Briefing</h2> <p style="margin: 0;">Wednesday 20 January 2016 Apollo Bay Senior Citizens Centre 3:15PM</p>
	<p><b>INVITEES:</b> Cr Buchanan, Cr Woodcroft, Cr Russell, Cr Hart, Cr Smith, Cr Crook, Cr Delahunty, Sue Wilkinson, Mark Lyons, Ingrid Bishop, Brydon King, Sandra Wade</p> <p><b>ATTENDEES:</b> Cr. Buchanan, Cr Woodcroft, Cr. Russell, Cr Hart, Cr Crook, Sue Wilkinson, Ingrid Bishop, Brydon King, Mark Lyons, Jenny Wood, Alison Richardson, Ashley Roberts</p> <p><b>APOLOGIES:</b></p> <p><b>ABSENT:</b> Cr Smith, Cr Delahunty, Sandra Wade</p>	
Start-Finish Times	Agenda Topics	Attendees
3:15pm	Declaration of Interest: Nil	
	<b>Councillor</b>	<b>Item</b>
3:15pm – 3:50pm	Rate relief for communities affected by the Wye River – Jamieson Track Fire	Ashley Roberts
3:50-pm – 4:00pm	Break	

		<h2 style="text-align: center;">Assembly of Councillors Briefing</h2> <p style="text-align: right;">                     Wednesday 27 January 2016                      COPACC                      2:00PM                 </p>	
<p><b>INVITEES:</b> Cr Buchanan, Cr Woodcroft, Cr Russell, Cr Hart, Cr Smith, Cr Crook, Cr Delahunty, Sue Wilkinson, Mark Lyons, Ingrid Bishop, Brydon King, Sandra Wade</p> <p><b>ATTENDEES:</b> Cr Buchanan, Cr Woodcroft, Cr Hart, Cr Crook, Cr Russell, Ingrid Bishop, Brydon King, Mark Lyons, Jenny Wood, Alison Richardson</p> <p><b>APOLOGIES:</b> Sue Wilkinson</p> <p><b>ABSENT:</b> Cr Smith, Cr Delahunty, Sandra Wade</p>			
Start-Finish Times	Agenda Topics		Attendees
2:03pm	Declaration of Interest: Nil		
	<b>Councillor</b>	<b>Item</b>	
2:03-2:15	Planning Scheme Amendment C84 - Rezoning of Land at 150 Sand Road, Glenaire		Brydon King
2:15-2:27	Implementation of improvements to planning service		Brydon King
2:27-2:29	Contract 1541 - McLeod Street Reconstruction		Ingrid Bishop
2:29-2:33	Contract 1545 - Busty Road Reconstruction		Ingrid Bishop
2:33-2:43	Contract 1547 - Supply and Deliver Grader		Ingrid Bishop
2:43-2:57	Operational Plan Second Quarter Performance Report September - December 2015		Mark Lyons
2:57-3:00	Re-election of S86 Committee of Management		Mark Lyons
3:00-3:05	G21 Memorandum of Understanding		Mark Lyons
3:05-3:15	Costin St Footpath, Apollo Bay		Ingrid Bishop
3:15-3:40	General business		

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3:40-4:00pm	Break	
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### Assembly of Councillors Record

This Form MUST be completed by the attending Council Officer and returned IMMEDIATELY to Document Management Co-ordinator for filing. A copy of the completed form must be provided to the Executive Officer to the CEO, Mayor & Councillors for reporting at the next Ordinary Council Meeting.

#### Assembly Details:

Date: 3 February 2016

Time: 5:15pm – 6:00pm

Assembly Location: Central Reserve – Hockey Rooms

#### In Attendance:

Councillors: Cr Brian Crook

...../...../...../.....

Officer/s: Ian Seuren – Manager Arts and Leisure

...../...../...../.....

Matter/s Discussed: See attached meeting agenda.

#### .....FACILITIES AND GROUNDS MAINTENANCE REPORTS, MASTER PLAN IMPLEMENTATION UPDATE

.....  
(some e.g's. Discussion s 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.)

#### Conflict of Interest Disclosures: (refer page 5)

Councillors: Not applicable

...../...../...../.....

Officer/s: Not applicable

...../...../...../.....

Left meeting at: At conclusion of the meeting at 6:00pm

Completed by: Ian Seuren – Manager Arts and Leisure



### Assembly of Councillors Record

This Form MUST be completed and saved in TRIM by the attending Council Officer and the original soft copy returned within 1 business day to the Governance Officer. The Governance Officer must provide the original to IMS for filing within 1 business day. A copy of the completed form must be provided for reporting at the next Ordinary Council Meeting. {See over for Explanation/Guide Notes}

#### Assembly Details:

Name of Advisory Committee: Friends of Colac Botanic Gardens

Date: 11/2/16

Start Time: 7:30 am/pm

Assembly Location: Botanic Gardens Cafe  
(some e.g's. COPACC, Colac Otway Shire Offices, 2 - 6 Rae Street, Colac, Shire Offices - Nelson Street, Apollo Bay)

#### In Attendance:

Councillors: Cr. C. Smith / .....

Cr. T. Woodcroft / .....

Officer/s: M. Robinson / .....

L. Towers / .....

Matter/s Discussed: .....

Update on website H.P

Plan for 2016 ME

Funding application for potting group CB JMcM

Stage 3 playground redevelopment H.P

Meeting with Colac Otway Shire CEO &

Manager Infrastructure

(some e.g's. Discussion s 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.)



## Assembly of Councillors Record

Required pursuant to the *Local Government Act 1989* as amended.

### 2.5 Assembly of Councillors

Section 80A of the Act describes procedures that must apply to Councillors at an assembly of Councillors. This has the effect of applying conflict of interest requirements to some other meetings, committees and briefings of Councillors and is designed to minimise the risk of a Councillor with a conflict of interest improperly influencing a matter through such meetings.

A record must be kept of an assembly of Councillors which lists the Councillors attending, the matters discussed, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure. Comprehensive minutes are not required.

Part 4.4 describes the rules for disclosing conflicts of interest in an assembly of Councillors.

#### Definition

An "assembly of Councillors" is a defined term under section 76AA of the Act. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of a delegated authority and which is either of the following:

- A meeting of an advisory committee where at least one Councillor is present; or
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council officer.

This is not altered by any name or title given to a meeting.

Not all gatherings or meetings at which Councillors are present will constitute assemblies of Councillors. Assemblies of Councillors do not include chance meetings of Councillors and Council staff that are not planned or scheduled. Nor do they include meetings of other organisations, such as clubs, associations, peak bodies or political parties.

<b>Checklist</b>	<p>A meeting will <u>not</u> be an assembly of Councillors if :</p> <ol style="list-style-type: none"> <li>1. The meeting will <u>not</u> be considering any matters that are intended or likely to be the subject of a Council decision (either directly by the Council, by a special committee or by a member of staff under delegation)?</li> <li>2. The meeting is neither an advisory committee nor a meeting involving at least half the Councillors and an officer.</li> <li>3. The meeting is a meeting of another organisation, such as a club, and association, a peak body or a political party.</li> </ol>
<b>Councillor briefings</b>	<p>One type of meeting that is clearly an assembly of Councillors is commonly titled a "<u>Councillor Briefing Session</u>", or similar. These are regular meetings of Councillors and Council officers to discuss matters of importance for the Council. While these meetings have no authority to make Council decisions, it is not uncommon for them to discuss matters that are planned for inclusion on the Council agenda.</p>
<b>Warning</b>	<p>The rules about assemblies of Councillors were introduced in response to public concerns that Councillors should not be using informal or secret meetings to make decisions that should be made in formal public meetings which are subject to legislated rules and procedures. The change was also made because of risks to good governance that can arise from undisclosed conflicts of interest.</p> <p>Councils must not seek ways to circumvent the new requirements. Public transparency is a keystone of good government and should not be discarded. Members of the community will rightfully decry Councils that are seen to be acting secretly on matters that affect the community.</p> <p>In addition, there are substantial risks that Councillors may find themselves in breach of other provisions of the Act if they attempt to circumvent this law. Of particular importance is the prohibition against misusing a position, which carries a serious penalty and can result in disqualification.</p>

**1. Sect 80A Requirements (re Written Record to be made by Council staff member):**

Amendments to the *Local Government Act 1989* (Section 80A), operative from 24 September 2010 now stipulate:

"At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:-

- the names of all Councillors and members of Council staff attending,
- the matters considered,
- any conflict of interest disclosures made by a Councillor attending under subsection (3)."

The above-required information is:-

- to be recorded,
- to be retained by the Chief Executive Officer for 4 years,
- to be made available for public inspection at the Council Offices for 12 months after the date of the Assembly of Councillors,

**2. Sect 76AA definition:****ASSEMBLY OF COUNCILLORS**

An assembly of Councillors has been changed to a planned/scheduled meeting involving at least half the Councillors and an officer (Previously 3 Councillors). And is likely to be:

- (a) *the subject of a decision of the Council; or*
- (b) *subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.*

and

An assembly of Councillors also now includes an advisory committee meeting attended by at least one Councillor.

Advisory Committee that this would apply to are:

- Australia Day Advisory Committee
- Colac Livestock Selling Centre Advisory Committee
- Festival and Events Support Scheme Advisory Committee
- Friends of the Colac Botanic Gardens Committee
- Grants/Community Funding Advisory Committee
- Lake Colac Community Advisory Committee
- Small Town Improvement Program Advisory Committee
- Central Reserve Advisory Committee
- Municipal Emergency Management Planning Committee
- Aerodrome Committee

**COUNCIL AGENDA**

It is now a requirement that the written record of any Assembly of Councillors must be as soon as practicable:

- (a) *Reported at an ordinary meeting of the Council; and*
- (b) *Incorporated in the minutes of that Council meeting.*

**WRITTEN RECORD**

The written record of an Assembly must include at least:

- (a) *the names of all Councillors and names of Council staff attending;*
- (b) *the matters considered;*
- (c) *any conflict of interest disclosures made by a Councillor attending;*
- (d) *whether a Councillor who has disclosed a conflict of interest .... Leaves the assembly*

**3. Sect 80A and 80B Requirements (re Conflict of Interest):**

Councillors and Officers attending an Assembly of Councillors must disclose any conflict of interest.

**S80A(3)**


"If a Councillor attending an assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must....disclose either:

- (a) immediately before the matter in relation to the conflict is considered, or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly."

**Sect 80B**

A member of Council staff who has a conflict of interest in a matter in which they have a delegated power, duty or function must:


- not exercise the power or discharge the duty or function,
- disclose the type of interest and nature of interest to the Chief Executive Officer in writing as soon as he/she becomes aware of the conflict of interest.
- In the instance of the CEO having a pecuniary interest, disclosure in writing shall be made to the Mayor and to the Council by no later than the next ordinary meeting of the Council.

		<b>Assembly of Councillors Briefing</b> Wednesday 24 February 2016 COPACC 2:00PM	
<p><b>INVITEES:</b> Cr Buchanan, Cr Woodcroft, Cr Russell, Cr Hart, Cr Crook, Cr Delahunty, Cr Smith, Sue Wilkinson, Mark Lyons, Brydon King, Ingrid Bishop, Sandra Wade</p> <p><b>ATTENDEES:</b> Cr Frank Buchanan, Cr Terry Woodcroft (<b>arrived 2:10</b>), Cr Lyn Russell, Cr Stephen Hart, Cr Brian Crook, Sue Wilkinson, Mark Lyons, Brydon King, Ingrid Bishop, Jenny Wood, Alison Richardson</p> <p><b>APOLOGIES:</b></p> <p><b>ABSENT:</b> Cr Smith, Cr Delahunty, Sandra Wade</p>			
Start-Finish Times	Agenda Topics		Attendees
2:03pm	Declaration of Interest:		
	<b>Councillor</b>	<b>Item</b>	
	Cr. Buchanan	Item 1 - Festival & Events Support Scheme	
	Cr. Russell	Item 1 - Festival & Events Support Scheme	
2:05-2:13	Community Funding Guidelines		Ingrid Bishop
2:13-2:15	Discussion of Minutes		
2:18-2:28	Festival and Events Support Scheme		Brydon King
2:32-2:36	Festival and Events Support Scheme		Brydon King
2:36-3:45	General Business		
3:45-4:00	Break		


Cr. Buchanan and Cr. Russell left the meeting at 2:15pm  
 Cr. Buchanan and Cr. Russell returned to the meeting at 2:30pm


Cr. Buchanan and Cr. Russell left the meeting at 2:32pm  
 Cr. Buchanan and Cr. Russell returned to the meeting at 2:36pm



		<h2 style="text-align: center;">Assembly of Councillors Briefing</h2> <p style="text-align: right;">                     Wednesday 2 March 2016                      COPACC                      2:00PM                 </p>	
<p><b>INVITEES:</b> Cr Buchanan, Cr Woodcroft, Cr Russell, Cr Hart, Cr Smith, Cr Crook, Cr Delahunty, Sue Wilkinson, Mark Lyons, Ingrid Bishop, Brydon King, Sandra Wade</p> <p><b>ATTENDEES:</b> Cr Woodcroft, Cr Hart, Cr Crook, Ingrid Bishop, Brydon King, Mark Lyons, Michael Swanson, Jenny Wood, Helen Evans, Ian Williams, Tamzin McLennan, Nikki Karpeles, Sandra Wade, Doug McNeill</p> <p><b>EXTERNAL ATTENDEES:</b> Mike Said</p> <p><b>APOLOGIES:</b> Sue Wilkinson, Cr Buchanan, Cr. Russell</p> <p><b>ABSENT:</b> Cr Smith, Cr Delahunty</p>			
Start-Finish Times	Agenda Topics		Attendees
2:00pm	Declaration of Interest:		
	Councillor	Item	
	Cr. Hart (left briefing 2:45pm, returned to briefing 2:54)	<b>ITEM 1 - DEVELOPMENT &amp; COMMUNITY SERVICES</b> BUILDINGS AND WORKS COMPRISING THE ERECTION OF A TELECOMMUNICATIONS FACILITY (35 METRE HIGH MONOPOLE) AND ASSOCIATED WORKS AT 61 GELLIBRAND RIVER ROAD, CARLISLE RIVER (PP305/2015-1)	
Cr. Woodcroft (left briefing 3:28, returned to briefing 3:37)	<b>ITEM 3 - BUILDINGS AND WORKS</b> COMPRISING CONSTRUCTION OF DRY STORE BUILDING, CONSTRUCTION OF A REPLACEMENT SKIN SALTING FACILITY, EXTENSIONS TO CHILLERS AND COLD STORAGE AND DISTRIBUTION BUILDING, OFFICE, EXPANSION TO EXISTING LAIRAGES, WAIVER OF 206 CAR PARKING SPACES, INTERNAL ROADS AND ASSOCIATED WORKS AT 1 TRISTANIA DRIVE, COLAC EAST (PP185/2015-2)		
2:02 – 2:44	Audit committee update		Mike Said

2:45 – 3:43	Planning committee reports: <b>Item 1</b> – PP305/2015-1: 2:45 – 2:50 <b>Item 2</b> – PP100/2015: 2:55 – 3:25 <b>Item 3</b> – PP185/2015-2: 3:29 – 3:36 <b>Item 4</b> – Planning & Building Statistical Report : 3:36-3:43	Helen Evans Ian Williams
3:43 – 4:00	Election caretaker policy	Jenny Wood Mark Lyons
4:00-4:15	Youth Council	Michael Swanson
4:15-4:49	Website update	Tamzin McLennan Nikki Karpeles
4:50-5:03	Budget timetable	Mark Lyons
5:03 – 5:25	Bushfire recovery update	Sandra Wade Doug McNeill
5:25 – 5:50	General business	


		<h2 style="margin: 0;">Assembly of Councillors Briefing</h2> <p style="margin: 0;">Monday 7 March 2016 COPACC 2:30PM</p>
<p><b>INVITEES:</b> Cr Buchanan, Cr Woodcroft, Cr Russell, Cr Hart, Cr Smith, Cr Crook, Cr Delahunty, Sue Wilkinson, Mark Lyons, Ingrid Bishop, Brydon King, Sandra Wade</p> <p><b>ATTENDEES:</b> Cr Buchanan, Cr Woodcroft, Cr Hart Cr Crook (<b>arrived 4:05pm</b>), Sue Wilkinson, Mark Lyons, Ingrid Bishop, Brydon King, Ashley Roberts, David Testa, Harry Timmermans, Adam Lehmann</p> <p><b>APOLOGIES:</b> Cr. Russell</p> <p><b>ABSENT:</b> Cr Smith, Cr Delahunty, Sandra Wade</p>		
Start-Finish Times	Agenda Topics	Attendees
2:33pm	Declaration of Interest: Nil	
	<b>Councillor</b>	<b>Item</b>
2:33-2:48pm	General business	
2:48-3:50pm	Budget workshop	Mark Lyons Ashley Roberts
3:50-3:56pm	Break	
3:56-6:00pm	Budget workshop	Mark Lyons Ashley Roberts

		<h2 style="text-align: center;">Assembly of Councillors Planning Meeting Briefing</h2> <p style="text-align: center;">Wednesday 9 March 2016 COPACC 9:00AM</p>	
<p><b>INVITEES:</b> Cr Buchanan, Cr Woodcroft, Cr Russell, Cr Hart, Cr Crook, Cr Smith, Cr Delahunty, Sue Wilkinson, Mark Lyons, Ingrid Bishop, Brydon King, Sandra Wade</p> <p><b>ATTENDEES:</b> Cr Hart, Cr Buchanan, Cr Crook, Cr Woodcroft (<b>arrived 9:04am</b>), Sue Wilkinson, Mark Lyons, Brydon King, Ingrid Bishop, Jenny Wood, Jane Preston-Smith, Ian Williams, Helen Evans, Suzanne Barker, Doug McNeill</p> <p><b>APOLOGIES:</b> Cr Russell, Alison Richardson</p> <p><b>ABSENT:</b> Cr Smith, Cr Delahunty, Sandra Wade</p>			
Start-Finish Times	Agenda Topics		Attendees
9:02am	Declaration of Interest:		
	<b>Councillor</b>	<b>Item</b>	
	Cr. Hart (left briefing at 9:05am, returned to briefing 9:07am)	Item 1 - BUILDINGS AND WORKS COMPRISING THE ERECTION OF A TELECOMMUNICATIONS FACILITY (35 METRE HIGH MONOPOLE) AND ASSOCIATED WORKS AT 61 GELLIBRAND RIVER ROAD, CARLISLE RIVER (PP305/2015-1)	
9:05am – 9:06am	BUILDINGS AND WORKS COMPRISING THE ERECTION OF A TELECOMMUNICATIONS FACILITY (35 METRE HIGH MONOPOLE) AND ASSOCIATED WORKS AT 61 GELLIBRAND RIVER ROAD, CARLISLE RIVER (PP305/2015-1)		Helen Evans Ian Williams
9:07am – 9:22am	RESUBDIVISION OF THE LAND , USE AND DEVELOPMENT OF LAND FOR A CAMPING AND CARAVAN PARK, ALTERATION OF ACCESS AND DISPLAY OF ILLUMINATED BUSINESS IDENTIFICATION SIGN AT 15 & 17 IRREWILLIPE ROAD ELLIMINYT (PP100/2015)		Helen Evans Ian Williams

9:22am – 9:30am	Buildings and Works Comprising Construction of Dry Store Building, Construction of a Replacement Skin Salting Facility, Extensions to Chillers and Cold Storage and Distribution Building, Office, Expansion to Existing Lairages, Waiver of 206 Car Parking Spaces, Internal Roads and Associated Works at 1 Tristania Drive, Colac East (PP185/2015-2)	Helen Evans Ian Williams
9:30am – 9:35am	Planning and building statistical report	Helen Evans Ian Williams
9:42am – 9:58am	Issue of building notices/orders to bushfire affected properties	Doug McNeill

Cr. Woodcroft left the meeting at 9:15am

Cr. Woodcroft returned to the meeting at 9:20am

		<h2 style="text-align: center;">Assembly of Councillors Briefing</h2> <p style="text-align: right;">                     Wednesday 9 March 2016                      COPACC                      2:00PM                 </p>	
<p><b>INVITEES:</b> Cr Buchanan, Cr Woodcroft, Cr Russell, Cr Hart, Cr Crook, Cr Smith, Cr Delahunty, Sue Wilkinson, Mark Lyons, Ingrid Bishop, Brydon King, Sandra Wade</p> <p><b>ATTENDEES:</b> Cr Buchanan, Cr Woodcroft, Cr Hart, Cr Crook, Mark Lyons, Ingrid Bishop, Brydon King, Sue Wilkinson, Jenny Wood, Nikki Karpeles, Tamzin McLennan, Ashley Roberts, David Testa, Nick Welsh, Ian Seuren, Greg Fletcher, Stewart Anderson</p> <p><b>APOLOGIES:</b> Cr. Russell</p> <p><b>ABSENT:</b> Cr Smith, Cr Delahunty, Sandra Wade</p>			
Start-Finish Times	Agenda Topics		Attendees
2:00pm	Declaration of Interest:		
	<b>Councillor</b>	<b>Item</b>	
	Cr Woodcroft ( <b>left the meeting 3:29pm, returned to the meeting 3:32pm</b> )	Budget fees & charges – Family day care	
2:00-2:20pm	MAV Strategic Work Plan 2016-2017		Mark Lyons Jenny Wood
2:20-3:08pm	Advocacy for Federal election		Sue Wilkinson Tamzin McLennan Nikki Karpeles
3:08-3:16pm	Break		
3:16-5:36pm	Budget workshop – new initiatives		Ashley Roberts David Testa Harry Timmermans Nick Welsh



### Assembly of Councillors Record

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#### Assembly Details:

Date: ..... 8, 3, 16 .....

Time: ..... 1:00 am/pm .....

Assembly Location: ..... COPACC .....  
(some e.g's. COPACC, Colac Otway Shire Offices, 2 - 6 Rae Street, Colac, Shire Offices - Nelson Street, Apollo Bay)

#### In Attendance:

Councillors: ..... CHRIS SMITH .....

.....

Officer/s: ..... STEWART ANDERSON .....

.....

Matter/s Discussed: ..... Lake Colac Co-ordinating Committee matters: i.e Lake Colac Freshwater Master Plan .....

(some e.g's. Discussion s 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.)

#### Conflict of Interest Disclosures: (refer page 5)

Councillors: ..... N.A. ....

.....

Officer/s: ..... N.A. ....

.....

Left meeting at: ..... 12:30 pm N.A. ....

Completed by: ..... N.A. ....

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**OM162303-16    AUDIT COMMITTEE SUMMARY MINUTES 20160302**

Colac Otway Shire Audit Committee Minutes dated 2 March 2016.

**Attachments**

1. Audit Committee Summary Minutes 20160302

**Recommendation**

***That Council receives for information the Colac Otway Shire Audit Committee Minutes dated 2 March 2016.***

~~~~~




AUDIT COMMITTEE MEETING

**SUMMARY
MINUTES**

2 MARCH 2016

at 9:00 AM

COPACC Meeting Rooms

Colac Otway Shire
PO Box 283
Colac Victoria 3250
E: [inquiry@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)
www.colacotway.vic.gov.au

Customer Service Centre
Colac: 2-6 Rae Street
Apollo Bay: 69-71 Nelson Street
P: (03) 5232 9400
F: (03) 5232 9586



COLAC OTWAY SHIRE AUDIT COMMITTEE MEETING

2 March 2016

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MINUTES of the **AUDIT COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at the COPACC Meeting Rooms on 2 March 2016 at 9.00AM.

1. **OPENING OF MEETING**

2. **PRESENT**

Mike Said (Chair)
Linda MacRae
Cr Stephen Hart
Cr Terry Woodcroft (**arrived 9:03am**)

Mark Lyons, General Manager Corporate Services
Ashley Roberts, Manager Financial Services
David Testa, Financial Operations Coordinator
Carmen Lawrence, Manager People Performance and Culture
Jenny Wood, Manager Governance & Customer Services
Alison Richardson, Governance Officer
Andrew Zavitsanos, Crowe Horwath
Stephen O’Kane, LD Assurance
Marni Young, Risk & OHS Coordinator
Ingrid Bishop, General Manager Infrastructure and Leisure Services
Brydon King, General Manager Development and Community Services
Margaret Giudice Corporate Development Officer, People Performance & Culture (Arrived 10.25am)
Sandra Wade, General Manager Bushfire Recovery (Arrived 11am)

3. **APOLOGIES**

Sue Wilkinson, Chief Executive Officer

4. **DISCLOSURE OF ANY CONFLICTS OF INTEREST**

Nil

5. **CONFIRMATION OF MINUTES – PREVIOUS MEETING**

Recommendation

That the Audit Committee endorses the minutes of the meeting held on 10 December 2015.

RESOLUTION

***MOVED: Linda MacRae seconded Cr Stephen Hart that:
The Audit Committee endorses the minutes of the meeting held 10 December 2015.***

CARRIED 4: 0

6. BUSINESS ARISING FROM THE PREVIOUS MEETING(S)

7. CEO'S DECLARATION OF LEGAL COMPLIANCE

AUDIT COMMITTEE MEETING
AC160203-1

OFFICERS' REPORTS
CEO'S STATEMENT OF COMPLIANCE

AC160203-1 CEO'S STATEMENT OF COMPLIANCE

| | | | |
|-------------|--------------------|-----------|---------------|
| AUTHOR: | Mark Lyons | ENDORSED: | Sue Wilkinson |
| DEPARTMENT: | Corporate Services | FILE REF: | F15/5694 |

Original Recommendation

That the Audit Committee notes the following issues:

- 1. Wye River – Jamieson Track Bushfire**
- 2. Mid-year Budget Review**
- 3. Incident at Colac Regional Saleyards**

~~~~~  
**RESOLUTION**

**MOVED Cr Terry Woodcroft seconded Cr Stephen Hart**

**That the Audit Committee notes the CEO's Statement of compliance and the impacts of the Bushfire recovery activities on the financial statements for 2015-2016 and beyond.**

**CARRIED 4 : 0**

AUDIT COMMITTEE MEETING  
AC160203-2

OFFICERS' REPORTS  
8.1 A - FINANCIAL REPORTING - SECOND  
QUARTER FINANCIAL PERFORMANCE  
REPORT - 2015/2016

**AC160203-2 8.1 A - FINANCIAL REPORTING - SECOND QUARTER FINANCIAL  
PERFORMANCE REPORT - 2015/2016**

AUTHOR:	Ashley Roberts	ENDORSED:	Mark Lyons
DEPARTMENT:	Corporate Services	FILE REF:	F15/5694

**Original Recommendation**

**That the Audit Committee:**

- 1. Receives the report on the Half Year Financial Performance Report for 2015/2016 for information.**

~~~~~

RESOLUTION

MOVED Linda MacRae seconded Cr Terry Woodcroft

That the Audit Committee receives the report on the Half Year Financial Performance Report for 2015/2016 for information.

CARRIED 4 : 0

AUDIT COMMITTEE MEETING
AC160203-3

OFFICERS' REPORTS
8.3 A,B,C,D RISK ADHERENCE REPORT
MARCH 2016

AC160203-3 8.3 A,B,C,D RISK ADHERENCE REPORT MARCH 2016

| | | | |
|-------------|--------------------|-----------|------------|
| AUTHOR: | Carmen Lawrence | ENDORSED: | Mark Lyons |
| DEPARTMENT: | Corporate Services | FILE REF: | F15/4519 |

Original Recommendation

1. ***That the Audit Committee accepts the recommendation to review the Risk Management Policy every second year in line with the review of the Risk Management Procedure.***
2. ***That the Audit Committee receives the Risk Management Adherence Report as at 4 February 2016.***

~~~~~  
**RESOLUTION:**

**MOVED Linda MacRae seconded Cr Stephen Hart**

1. ***That the Audit Committee accepts the recommendation to review the Risk Management Policy every second year in line with the review of the Risk Management Procedure.***
2. ***That the Audit Committee receives the Risk Management Adherence Report as at 4 February 2016.***
3. ***That the Risk Management Policy incorporates reference to an ongoing twice yearly review of all Strategic Risks and Operational risks with an 'extreme or high' residual risk rating by the Executive Management team.***

**CARRIED 4 : 0**

**Mark Lyons left the meeting 10:11am**

**Mark Lyons returned to the meeting 10:13 am**

**Ingrid Bishop left the meeting at 10:15am**

**Brydon King left the meeting at 10:15am**

**Carmen Lawrence left the meeting at 10:17am**

**Marni Young left the meeting at 10:17am**

AUDIT COMMITTEE MEETING  
AC160203-4

OFFICERS' REPORTS  
8.4 A - FRAUD PREVENTION/AWARENESS  
- FRAUD CONTROL PROGRAM

**AC160203-4 8.4 A - FRAUD PREVENTION/AWARENESS - FRAUD CONTROL PROGRAM**

AUTHOR:	Ashley Roberts	ENDORSED:	Mark Lyons
DEPARTMENT:	Corporate Services	FILE REF:	F15/5693

**Original Recommendation**

***That the Audit Committee receives the Fraud Control Program Report for the period 1 November 2015 to 31 January 2016.***

~~~~~  
RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Stephen Hart

That the Audit Committee receives the Fraud Control Program Report for the period 1 November 2015 to 31 January 2016.

CARRIED 4 : 0

Alison Richardson left the meeting at 10:18am

Alison Richardson returned to the meeting at 10:20am

AUDIT COMMITTEE MEETING
AC160203-5

OFFICERS' REPORTS
8.6 C - INTERNAL AUDIT PROGRESS

AC160203-5 8.6 C - INTERNAL AUDIT PROGRESS

| | | | |
|-------------|--------------------|-----------|------------|
| AUTHOR: | Jenny Wood | ENDORSED: | Mark Lyons |
| DEPARTMENT: | Corporate Services | FILE REF: | F15/5694 |

Original Recommendation

That the Audit Committee notes the Internal Audit Progress Report for the period of July 2014 to February 2016.

~~~~~  
**RESOLUTION**

**MOVED Linda MacRae seconded Cr Terry Woodcroft**

**That the Audit Committee notes the Internal Audit Progress Report for the period of July 2014 to February 2016 and further the 2016-2017 Internal Audit Plan be tabled at the next meeting for consideration.**

**CARRIED 4 : 0**

**Margaret Giudice arrived at the meeting 10:25am**

AUDIT COMMITTEE MEETING  
AC160203-6

OFFICERS' REPORTS  
8.7 A EXTERNAL AUDIT - STRATEGY FOR  
THE FINANCIAL YEAR ENDING 30 JUNE  
2016

**AC160203-6 8.7 A EXTERNAL AUDIT - STRATEGY FOR THE FINANCIAL YEAR  
ENDING 30 JUNE 2016**

AUTHOR:	Ashley Roberts	ENDORSED:	Mark Lyons
DEPARTMENT:	Corporate Services	FILE REF:	F15/5694

**Original Recommendation**

**That the Audit Committee notes the External Audit Strategy from the Victorian Auditor-Generals office for the financial year ending 30 June 2016.**

**RESOLUTION**

**MOVED Cr Stephen Hart seconded Linda MacRae**

**That:**

- 1. The Audit Committee notes the External Audit Strategy from the Victorian Auditor General's office for the financial year ending 30 June 2016.**
- 2. A schedule outlining the key dates for preparation of the 2015 – 2016 Financial and Performance Statements be tabled at the June meeting of the Committee.**

**CARRIED 4 : 0**

**Sandra Wade arrived at the meeting 11:00am**

AUDIT COMMITTEE MEETING  
AC160203-7

OFFICERS' REPORTS  
8.8 D - COMPLIANCE REGISTER

**AC160203-7 8.8 D - COMPLIANCE REGISTER**

AUTHOR:	Jenny Wood	ENDORSED:	Mark Lyons
DEPARTMENT:	Corporate Services	FILE REF:	F15/5694

**Original Recommendation**

1. ***That the Audit Committee notes the report on the Compliance Register at 17 February 2016.***

~~~~~

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Stephen Hart

That the Audit Committee notes the report on the Compliance Register at 17 February 2016.

CARRIED 4 : 0

Linda MacRae left the meeting at 11:09am

Margaret Giudice left the meeting at 11:09am

Linda MacRae returned to the meeting at 11:11am

AUDIT COMMITTEE MEETING
AC160203-8

OFFICERS' REPORTS
8.10 A OTHER - REVIEW AUDIT
COMMITTEE PLAN

AC160203-8 8.10 A OTHER - REVIEW AUDIT COMMITTEE PLAN

| | | | |
|-------------|--------------------|-----------|------------|
| AUTHOR: | Jenny Wood | ENDORSED: | Mark Lyons |
| DEPARTMENT: | Corporate Services | FILE REF: | F15/5694 |

Original Recommendation

That the Audit Committee notes the updated Audit Committee Plan for 2016.

RESOLUTION

MOVED Linda MacRae seconded Cr Terry Woodcroft

That the Audit Committee notes the updated Audit Committee Plan for 2016.

CARRIED 4 : 0

AUDIT COMMITTEE MEETING
AC160203-9

OFFICERS' REPORTS
INDEPENDENT BROAD-BASED ANTI-
CORRUPTION COMMISSION (IBAC)
SURVEY

**AC160203-9 INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION
(IBAC) SURVEY**

| | | | |
|-------------|--------------------|-----------|------------|
| AUTHOR: | Jenny Wood | ENDORSED: | Mark Lyons |
| DEPARTMENT: | Corporate Services | FILE REF: | F15/5694 |

Original Recommendation

That the Audit Committee notes the progress report on the IBAC survey.

RESOLUTION

MOVED Cr Stephen Hart seconded Linda MacRae

That the Audit Committee notes the progress report on the IBAC survey and request that a further follow up report be provided in due course.

CARRIED 4 : 0

David Testa left the meeting at 11:15am

David Testa returned to the meeting at 11:17am

AUDIT COMMITTEE MEETING
AC160203-10

BUSHFIRE RECOVERY
BUSHFIRE RECOVERY

AC160203-10 BUSHFIRE RECOVERY

| | | | |
|-------------|-------------------|-----------|---------------|
| AUTHOR: | Sandra Wade | ENDORSED: | Sue Wilkinson |
| DEPARTMENT: | Bushfire Recovery | FILE REF: | F15/6079 |

Original Recommendation

That the Audit Committee note the report on the Wye River – Separation Creek bushfire recovery.

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Stephen Hart

- 1. That the Audit Committee note the report on the Wye River – Separation Creek bushfire recovery and further requests an update report be tabled at each meeting in the 2016 Calendar year.***

CARRIED 4 : 0

Ashley Roberts left the meeting at 11:18

Ashley Roberts returned to the meeting 11:22

Sandra Wade left the meeting at 11:23am

TO BE CONFIRMED AT THE MEETING HELD ON 1 JUNE 2016

**OM162303-17 NOTICE OF MOTION - VICROADS BARONGAROOK CREEK BRIDGE (CR
MICHAEL DELAHUNTY)**

TAKE NOTICE that it is my intention to move at the Ordinary Council Meeting of the Colac Otway Shire to be held on 23 March 2016:

That Council:

- 1. Requests the CEO instruct the infrastructure department to invite Vicroads to discuss the practical implementation of design features along the lines of the Donald Walker concept for the pedestrian bridges crossing the Barongarook Creek at Murray Street.*

Attachments

Nil

Recommendation

That Council consider the contents of this Notice of Motion.

~~~~~



**OM162303-18 NOTICE OF MOTION - FORMER CEO REPORT (CR CHRIS SMITH)**

TAKE NOTICE that it is my intention to move at the Ordinary Council Meeting of the Colac Otway Shire to be held on 23 March 2016:

*That Council supports:*

1. *A motion of no confidence in the CEO and Mayor, due to the decision to remove the CEO's report from the monthly Council meeting*
2. *The reinstatement of the CEO report to the monthly Council meeting*

**Attachments**

Nil

**Recommendation**

***That Council consider the contents of this Notice of Motion.***

~~~~~


**OM162303-19 NOTICE OF MOTION - INSTALLATION OF TRAFFIC LIGHTS -
INTERSECTION MURRAY AND ARMSTRONG STREETS (CR CHRIS SMITH)**

TAKE NOTICE that it is my intention to move at the Ordinary Council Meeting of the Colac Otway Shire to be held on 23 March 2016:

That Council:

- 1. Writes to the State Government and VicRoads expressing Council's very strong support, of the community, in the push for the installation of traffic lights at the corner of Murray Street and Armstrong Street Colac.*

Attachments

Nil

Recommendation

That Council consider the contents of this Notice of Motion.

~~~~~

## IN COMMITTEE

### Recommendation

***That pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public and Council move "In-Committee" in order to deal with:***

<b>SUBJECT</b>	<b>REASON</b>	<b>SECTION OF ACT</b>
<b>Minutes of In-Committee Council Meeting held on 24 February 2016</b>	this matter deals with contractual matters; AND this matter may prejudice the Council or any person.	Section 89 (2) (d) & (h)
Contract 1601 - Retail Electricity, Natural Gas and Associated Services (Procurement Australia Ref 1906/0625)	this matter deals with contractual matters	Section 89 (2) (d)
Consideration of Confidential Contract	this matter deals with contractual matters; AND this matter deals with legal advice	Section 89 (2) (d) (f)
COPACC	this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (d) (h)