

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Meeting Agenda

21 February 2024

**Council Meeting No.491**

**Council Chambers, Leongatha  
Commencing at 2:00pm**



# agenda



*South Gippsland  
Shire Council*

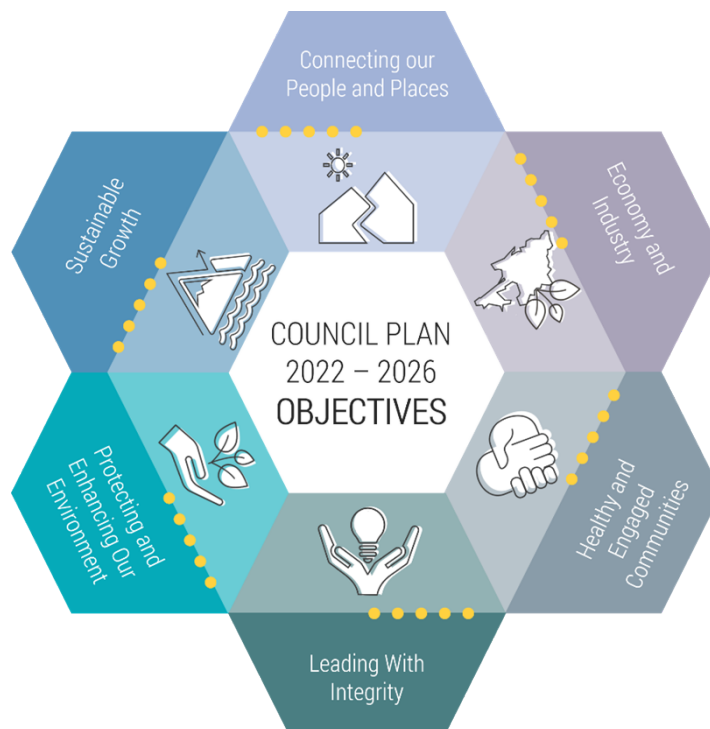
*Come for the beauty, Stay for the lifestyle*

## OUR COUNCIL VISION

***We care deeply about our people, the land and future of South Gippsland.***

***Our vision is to support the whole Shire in creating economic, environmental and social prosperity for this and future generations.***

The Council Agenda relates to the Strategic Objectives of the *Council Plan 2022-2026* indicated in this diagram:



### **Privacy**

Council is required to keep minutes of each Council meeting. The minutes contain details of proceedings which may include personal information about community members disclosed as part of presentations, submissions and questions. The minutes of Council meetings are a public record and can be inspected by members of the public.

The Council Meeting is streamed live, recorded and published in accordance with Council's *Live Streaming in Council Meetings Policy*.

Access to the live stream is available on Council's website – [Link](#).

A copy of the *Policy* is located on Council's website - [Link](#).

## **SOUTH GIPPSLAND SHIRE COUNCIL**

Notice is hereby given that Council Meeting No.491 of the South Gippsland Shire Council will be held on 21 February 2024 in the Council Chambers, Leongatha, commencing at 12:00 AM

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**Kerryn Ellis**  
**Chief Executive Officer**

## **1. PRELIMINARY MATTERS**

### **1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER**

This Council Meeting is being streamed live, recorded and published in accordance with Council's Live Streaming in Council Meetings Policy.

Access to the live stream through Council's Internet is an option to view the 'open' component of a Council Meeting. Link to the Live Stream on Council's website: [Live Streaming | Live Streaming | South Gippsland Shire Council](#)

The Chair and/or the CEO have the discretion and authority at any time to direct the termination or interruption of live streaming. Such direction will only be given in exceptional circumstances where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

Today's Meeting is being streamed live as well as recorded and published on Council's website.

Thank you

### **1.2. WELCOME TO THE COUNCIL MEETING**

#### ***Public Questions***

In accordance with *Governance Rules (C82)*, clause 56.4(d) the placement of public questions has now closed. Questions must be received prior to the commencement of the Council Meeting and placed in the receptacle at Governance Officers table. Questions received after the commencement of the Meeting will be considered at the next Council Meeting.

### **1.3. OPENING PRAYER**

As we gather here from diverse backgrounds and beliefs, may we hold privilege with good care and trust. As we deliberate and discuss, may we be wise in our discernment, fair in our decisions and visionary in our planning. May we be guided by our common goal of a strong and united South Gippsland.

#### **1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

We acknowledge the Bunurong and Gunaikurnai people as the Traditional Custodians of South Gippsland and pay respect to their Elders, past, present, and future, for they hold the memories, traditions, culture, and hopes of Aboriginal and Torres Strait Islander people of Australia.

#### **1.5. APOLOGIES**

**Councillor Nathan Hersey, Deputy Mayor**

#### **1.6. CONFIRMATION OF MINUTES**

##### **RECOMMENDATION**

**That the Minutes of the South Gippsland Shire Council Meeting No.490, held on Wednesday 13 December 2023 in the Council Chambers, Leongatha be confirmed.**

## 1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

The *Local Government Act 2020* (the Act), Division 2 sets out the requirements relating to Conflict of Interest. Disclosure of a conflict of interest in respect of a matter to be considered at a Council Meeting is required under section 130(1)(a) and specifically applies to a relevant person being a Councillor, member of a delegated committee who is not a Councillor and a member of Council staff.

Council's *Governance Rules (C82)* (the Rules), clause 3.0 Disclosure of a Conflict of Interest at a Council Meeting sets out the prescribed manner required to disclose a conflict of interest at South Gippsland Shire Council.

The Rules require a Councillor and/ or staff member who has a conflict of interest in a matter being considered at a Council Meeting to announce before the matter is considered and disclose this in a written notice to the Chief Executive Officer. The details included in the disclosure, explain the nature conflict of interest, whether it is classified as general or material (s.127 and s.128), the name of the relevant person(s) and their relationship to them.

Failure to comply with disclosures of conflict of interest (s.130) may be subject to penalty points and/ or other disciplinary measures depending on the nature of the conflict.

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au).

Council's *Governance Rules (C82)* can be accessed from [Council's Policies](#) webpage.

## 1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

The *Local Government Act 2020* (the Act), Division 2 sets out the requirements relating to Conflict of Interest. Disclosure of a conflict of interest in respect of a matter to be considered at a Council Meeting is required under section 130(1)(a) and specifically applies to a relevant person being a Councillor, member of a delegated committee who is not a Councillor and a member of Council staff.

Council's *Governance Rules (C82) (the Rules)*, Chapter 5, clause 7, 8 and 9 sets the prescribed manner required for staff to disclose a conflict of interest when:

- Preparing Reports for Meetings
- Exercise of Delegated Power
- Exercise of a Statutory Function

Council staff must immediately upon becoming aware of a conflict of interest provide a written notice to the Chief Executive Officer disclosing the conflict of interest, explain the nature of the conflict and how it will be managed. Upon becoming aware and declaring a conflict of interest, a staff member may not exercise a power or perform a function in the matter. All prepared reports will record that staff member(s) have considered a conflict of interest and include if any, the details of a disclosure.

Failure to comply with disclosures of conflict of interest (s.130) may be subject to penalty points and/ or other disciplinary measures depending on the nature of the conflict.

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au).

Council's *Governance Rules (C82)* can be accessed from Council's Policies webpage.



## 2. OBJECTIVE - ECONOMY AND INDUSTRY

### 2.1. ARTS POLICIES

|              |                                  |
|--------------|----------------------------------|
| Directorate: | Economy and Community            |
| Department:  | Economy Community and Investment |

#### **Council Plan**

*Objective - Economy and Industry*

*This report relates to a Council Plan major initiative for 2023/2024, 'Implement the annual actions of the Arts, Culture and Creative Industries Strategy'*

#### **EXECUTIVE SUMMARY**

The purpose of this report is to update Council on its consideration of the Arts Policies which at its 13 December 2023 deferred until its February 2024 Council meeting.

Due to the recent storm event which occurred on the 13 February 2024 and subsequently caused significant damage and power outages across the Gippsland region, it is proposed that consideration of the Arts Policies is deferred to the March 2024 Council meeting.

#### **RECOMMENDATION**

**That Council:**

- 1. Defers the consideration of the Arts Policies until the Council Meeting in March 2024.**

#### **REPORT**

##### **Background**

The following Art Policies were presented to Council on 16 December 2023 for consideration:

- Draft Arts and Artefacts Collection Policy (C69) – Amended and renamed to Arts and Civic Memorabilia Collection Policy.
- Arts and Culture Policy (C03) – revoke.
- Draft Public Arts Collection Policy (C91) – new.

Council passed the following resolution at its 16 December 2023 Council meeting:

*“That Agenda Item 2.1 Arts Policies consideration be deferred until the proposed Council Meeting in February 2024.”*

Due to the recent storm event which occurred on the 13 February 2024 and subsequently caused significant damage and power outages across the Gippsland region, it is proposed that consideration of the Arts Policies is deferred to the March 2024 Council meeting.

#### **CONSULTATION / COMMUNITY ENGAGEMENT**

Nil

#### **RESOURCES / FINANCIAL VIABILITY**

Nil, there is no financial impact to deferring the Arts Policies until the March 2024 Council meeting.

#### **RISKS**

All current risks associated with these policies will continue to be managed and not impacted by deferring until the March 2024 Council meeting.

#### **STAFF DISCLOSURE**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

#### **ATTACHMENTS**

*Attachments are available on Council's website at the following [LINK](#).*

Nil

#### **REFERENCE DOCUMENTS**

##### **Council's Good Governance Framework**

Pillar 1. Direction & Leadership

Pillar 3. Decision Making

##### **Council Policy / Strategy / Plans**

*Documents are available on Council's website at the following [LINK](#).*

Arts and Culture Policy (C03)

Arts, Culture and Creative Industry Strategy

##### **Legislative Provisions**

Nil

##### **Regional, State and National Plan and Policies**

Code of Ethics for Museums (ICOM 2006)

### 3. OBJECTIVE - LEADING WITH INTEGRITY

#### 3.1. Audit and Risk Committee - 5 December 2023 Minutes and Bi Annual Chair Report

|              |                            |
|--------------|----------------------------|
| Directorate: | Performance and Innovation |
| Department:  | Financial Strategy         |

#### Council Plan

*Objective - Leading with Integrity*

*Council's risk management and governance is strengthened by effectively monitoring and reporting on the activities and advice provided by the Audit and Risk Committee.*

#### EXECUTIVE SUMMARY

##### Draft Minutes

The draft minutes of the Audit and Risk Committee meeting held on 5 December 2023 (**Attachment [3.1.1]**) are provided to Council for noting.

Audit and Risk Committee members at the meeting included:

- Ms Jen Johanson (Audit Committee Chair)
- Mr Mick Jaensch
- Ms Marilyn Kearney
- Cr Sarah Gilligan (Council member)
- Cr Jenni Keerie (Council member)

##### Bi Annual Chair Report

June 2023 to December 2023 Bi Annual Chair report (**Attachment [3.1.2]**) are provided to Council for noting.

#### RECOMMENDATION

**That Council:**

1. **Notes the draft Audit and Risk Committee Minutes – 5 December 2023 (Attachment [3.1.1]); and**
2. **Notes the Audit and Risk Committee Chair report to Council by Committee Chair Ms Jen Johanson. (Attachment [3.1.2])**

## **REPORT**

### Draft Minutes

The matters considered by the Audit and Risk Committee at the 5 December 2023 meeting are contained in (**Attachment [3.1.1]**).

### Bi Annual Chair Report

The Audit and Risk Committee Charter requires the Committee Chair provide a report to Council twice each year summarising the activities undertaken, raising any issues of concern. Presenting the report in person to Council provides the opportunity for Councillors to make further enquiry on matters of interest. The report from the Committee Chair is provided in (**Attachment [3.1.2]**).

## **CONSULTATION / COMMUNITY ENGAGEMENT**

The draft Audit and Risk Committee Minutes for 5 December 2023 (**Attachment [3.1.1]**) have been circulated to the Audit and Risk Committee for feedback which is included in the attached, and will be formally accepted by the Committee at the next meeting.

The bi-annual report from the Committee Chair (**Attachment [3.1.2]**) was also circulated to the Committee as a part of the 5 December 2023 meeting and was accepted by the Committee as noted in the meeting minutes.

## **RESOURCES / FINANCIAL VIABILITY**

Budget allowances for Council's three Independent Audit and Risk Committee Members' attendance fees are included within Council's current and forward budgets.

## **RISKS**

Council must establish an Audit and Risk Committee under s.53 of the Local Government Act 2020. The Committee supports Council in discharging its oversight responsibilities as set out in the Audit and Risk Committee Charter, including risk management.

## **STAFF DISCLOSURE**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

## **ATTACHMENTS**

*Attachments are available on Council's website at the following [LINK](#).*

1. Audit and Risk Committee - Draft Minutes - 5 December 2023 [**3.1.1** - 18 pages]
2. Bi Annual Chair Report - July 2023 to December 2023 [**3.1.2** - 5 pages]

## **REFERENCE DOCUMENTS**

### **Council's Good Governance Framework**

Pillar 7. Risk & Compliance

### **Council Policy / Strategy / Plans**

*Documents are available on Council's website at the following [LINK](#).*

Audit and Risk Committee Charter (C08)

Audit and Risk Committee Charter and Terms of Reference

**Legislative Provisions**

Local Government Act 2020

**Regional, State and National Plan and Policies**

Nil

SOUTH GIPPSLAND SHIRE COUNCIL

# Audit & Risk Committee

5 December 2023  
Hybrid Meeting  
Commencing at 9:00am

## Draft Minutes



*South Gippsland  
Shire Council*

*Come for the beauty, Stay for the lifestyle*

Committee will provide advice and recommendations to the Council, contributing to a systematic and disciplined approach to evaluating and improving the effectiveness of financial management, risk management, internal controls and governance processes within Council. This includes oversight responsibilities of monitoring, reviewing, endorsing and advising related to:

- Financial and Performance Reporting
- Strategic Risk Management
- Fraud prevention systems and control
- Maintenance of a sound internal control environment

Reviewing Council's performance with regard to compliance with its policies and legislative and regulatory requirements.

Ensuring that Council's policies and procedures comply with the overarching Governance Principles, the Local Government Act and regulations and any Ministerial Directions.

## Audit & Risk Committee Confidentiality

### Closed Information – not in public interest to be released

The Chief Executive Officer designates Audit & Risk Committee Minutes, Agendas and associated documents (attachments) as 'internal working documents – not to be released without prior Executive approval' in accordance with Council's *Public Transparency Policy (C75)* and is classified as closed (or confidential) information.

The grounds for designation have been made as the information is in draft form and may cause unnecessary confusion if released prior to any formal decision made, or provided by third party suppliers that have contractual rights associated with the information.

### Open (Public) Information – not confidential

The Chief Executive Officer designates that the following agenda items and related documents and associated attachments as open (public) information and are not confidential.

**Agenda Items:**

- Nil

### Minutes of the Previous Meeting

The Chief Executive Officer designates that the Minutes of this 5 December 2023 are confidential information until these Minutes are made public in the Agenda of the next Council Meeting, which is anticipated to be February 2024.



*Kerryn Ellis*  
Chief Executive Officer



| AUDIT & RISK COMMITTEE AGENDA |   |          |  |
|-------------------------------|---|----------|--|
| Date<br>Time                  | 5 December 2023<br>9:00am   | Location | Meeting Room 1 and via<br>Video Conference |
| Attendees                     | Ms Jen Johanson (Audit and Risk Committee Chair)<br>Mr Mick Jaensch<br>Ms Marilyn Kearney<br>Cr Sarah Gilligan<br>Cr Jenni Keerie   |          |  |
| Ex-officio<br>Member          |   |          |  |
| Support Staff                 | Kerryn Ellis, Chief Executive Officer; Allison Jones, Director Performance & Innovation; Taryn Abrahamsson, Acting Manager Financial Strategy; Karina Strybosch, Risk and Procurement Coordinator; Lynn Behmer, Risk & Compliance Officer; Ray Farr, Coordinator Technology Operations, Gemma Meik, Coordinator Information Compliance & Data Integrity; Vera Burns, Risk and Procurement Coordinator |          |  |
| Internal Audit                | Crowe: Andrew Zavitsanos, Lynda Cooper & Cass Pelino  |          |  |
| External Audit                | Victorian Auditor General's Office: Jung Yau, Audit Manager, Local Government; Anoja Bassa-Hewayalaya, Assistant Manager  |          |  |
| Disclosure of<br>Interest     | All officers involved in the preparation of these reports in the Audit and Risk Committee Agenda have considered and determined that they do not have a conflict of interest in the matter.   |          |  |

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*HM Ellis.*

**Kerryn Ellis**  
**Chief Executive Officer**

## 1. IN CAMERA – CONFIDENTIAL AUDIT & RISK REPORTS

### 1.1. IN CAMERA COMMITTEE ONLY

### 1.2. IN CAMERA COMMITTEE WITH CEO

## 2. PRELIMINARY MATTERS

### 2.1. WELCOME

The Audit and Risk Committee Chair welcomed Cr. Clare Williams as the newly appointed Mayor who will be attending future meetings. The Chair also welcomed Vera Burns' return to the organisation.

### 2.2. ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Bunurong and Gunaikurnai people as the Traditional Custodians of South Gippsland and pay respect to their Elders, past, present, and future, for they hold the memories, traditions, culture, and hopes of Aboriginal and Torres Strait Islander people of Australia.

### 2.3. ATTENDEES

|                  |  |
|------------------|--|
| <b>Attendees</b> | Attendees are as noted above with the exception of any apologies found at Item 2.4 |
|------------------|--|

### 2.4. APOLOGIES

|                  |   |
|------------------|---|
| <b>Apologies</b> | Mayor Cr Clare Williams<br>Travis Derricott – VAGO Sector Director<br>Lynda Cooper – Crowe Australasia<br>Renae Littlejohn – Director Economy & Community<br>Tony Peterson – Director Sustainable Infrastructure<br>Simon Dean – Manager Digital & Technology |
|------------------|---|

## 2.5. DECLARATION OF CONFLICTS OF INTEREST OR DUTIES

### Ms. Jen Johanson

- Independent Member – Finance Risk and Audit Committee Education Services Australia
- Independent Member – Audit and Risk Management Committee – IBAC
- Chair – Audit and Risk Committee – Hume City Council
- External Member – Audit and Risk Committee – Bayside City Council
- External Member – Audit and Risk Committee – City of Greater Dandenong
- Independent Member – Audit and Risk Committee – City of Whittlesea
- Independent Member – Audit and Risk Committee – City of Stonnington
- Advisory Board Member – iAM OMNI
- Independent Member – Audit and Risk Committee – Brimbank City Council
- Independent Member – Audit & Risk Committee – City of Melbourne
- Independent Member – Risk Management Committee – Life Without Barriers
- Chair - Finance Risk and Audit Committee - Education Services Australia
- Board Member – Education Services Australia

### Mr Mick Jaensch

- Director – MIK2 Consulting Services
- Non-Executive Director – Southeast Leisure Pty Ltd
- Independent Member – Audit and Risk Committee – West Wimmera Shire Council
- Independent Member – Audit and Risk Committee – Bayside City Council
- Independent Member – Audit and Risk Committee – City of Greater Geelong
- Independent Member – Audit and Risk Committee – Brimbank City Council
- Independent Member – Audit and Risk Committee – Knox City Council
- Consulting – South Gippsland Shire Council – Financial Sustainability Review

### Ms Marilyn Kearney

- Chair & Independent Member – Audit and Risk Committee – Maribyrnong City Council
- Independent Member – Audit and Risk Committee – Merri Bek City Council
- Independent Member – Audit and Risk Committee – Mitchell Shire Council
- Independent Member – CEO Employment & Remuneration Committee – Murrindindi Shire Council
- Independent Member – Audit and Risk Committee – Calisthenics Victoria
- Director Finance, Administration & Revenue – Chirnside Park Football Club
- Director Government & Public Services – KPMG
- Independent Member – Audit and Risk Committee – Horsham Rural City Council

### Ms. Kerryn Ellis

- Board Member – Gippsland Women’s Health (for noting only)

## **2.6. CONFIRMATION AND ACTIONS ARISING FROM PREVIOUS MINUTES**

### Discussion

The Committee noted that the Minutes of the previous meeting held 26 September 2023 were reported to Council on 15 November 2023 and notes the Action Items confirmed as at 26 September 2023.

### Action Items

Nil

Moved: Mick Jaensch

Seconded: Marilyn Kearney

## **3. AUDIT REPORTS**

### **3.1. VAGO STATUS REPORT AND UPDATE**

#### Discussion

Report was taken as read.

#### Action Items

Nil

Moved: Marilyn Kearney

Seconded: Cr. Jenni Keerie

### **3.2. EXTERNAL AUDIT REPORT - FINAL MANAGEMENT LETTER & CLOSING REPORT**

#### Discussion

VAGO presented the Final Report informing the Committee that the open action items are expected to be closed out at the next audit.

Management advised the Committee that preparation work for the 2024 audit has already commenced.

The Committee received and noted the Final Letter and Report. The Committee also inquired with VAGO on the timing of the next audit and whether consideration had been given on Council moving into a caretaker period. VAGO confirmed that this has been noted.

#### Action Items

Nil

Moved: Cr. Jenni Keerie

Seconded: Cr. Sarah Gilligan

### **3.3. INTERNAL AUDIT - REVIEW AND ENDORSE THE ANNUAL AUDIT PLAN AND STRATEGIC PLAN**

#### Discussion

Management introduced the report, outlining the proposed schedule for 2024 and requested the Committee note and receive the Internal Audit Plan.

The Committee discussed the details contained in the Internal Audit Plan and endorsed the Internal Audit Plan for 2024.

#### Action Items

Nil

Moved: Cr. Sarah Gilligan

Seconded: Mick Jaensch

### **3.4. INTERNAL AUDIT OPEN ACTION ITEMS**

#### Discussion

Taken as read.

#### Action Items

Nil

Moved: Mick Jaensch

Seconded: Marilyn Kearney

### **3.5. REVIEW INTERNAL AUDIT REPORTS**

#### Discussion

Management introduced the Final Audit Report on the Child Safety Audit requesting the Committee's feedback.

Invited by the Committee for comment, the Internal Auditor summarised the findings of the audit and the report recommendations, commenting that the Standards are quite onerous for the Local Government sector, resulting in a number of actions for the organisation to address.

The Internal Auditor thanked those involved in the audit process for their assistance and time spent in developing a roadmap to maturity in this area.

Management advised that work on the actions has already commenced and thanked the Internal Audit team for recognising the organisation's limited resourcing and working collaboratively on ways that a risk assessment focus can ensure the recommendations be implemented effectively.

#### Action Items

Nil

Moved: Marilyn Kearney  
Seconded: Cr. Jenni Keerie

### **3.6. INTERNAL AUDIT - REVIEW AND ENDORSE SCOPES**

#### Discussion

The Committee reviewed the scopes for four internal audits that will be undertaken during 2024.

#### Asset Management Audit

Council's Internal Auditor, Crowe Australasia advised the Committee that this is currently a focus area in the Local Government Sector. The audit will cover a broad range of items, such as Strategies through to Disposal, review of the Asset Register and how it is linked to other parts of the organisation and the controls and processes currently in place.

After addressing several Questions on Notice, the Committee endorsed the audit scope.

#### Fraud Management Audit

The Internal Auditor advised the Committee that this is a governance audit to the revised Australian Standards. The audit will include a survey that will be conducted across the organisation to obtain an understanding of the level of awareness. The Audit Report will provide findings, comments and recommendations to the Standards.

After addressing several Questions on Notice, the Committee endorsed the audit scope.

#### Risk Management Audit

The Internal Auditor advised the Committee that the audit will be conducted on two levels. Firstly, how the Risk Management Framework aligns with the ISO Standard and then how this has been embedded across the organisation.

After addressing several Questions on Notice, the Committee endorsed the audit scope.

#### Road Management Plan Audit



The Internal Auditor advised the Committee that the audit will review the organisation's Road Management Plan and the supporting evidence such as record keeping, inspections, consistency of intervention level actions and reporting on statistics and compliance to the Plan.

The Committee requested that Financial Objectives also be included in the scope, being a high-level review of the relationship between the Road Management Plan and Council's long-term Financial Plan. Crowe Australasia agreed that this would be added to the scope.

Audit to include review of insurance claims relating specifically to roads. Subject to these amendments, the Committee endorsed the audit scope.

#### Action Items

Crowe Australasia to add a high-level review of the Financial Objects to the Road Management Plan audit.

Moved: Cr. Jenni Keerie

Seconded: Cr. Sarah Gilligan

## **4. FINANCIAL AND PERFORMANCE REPORTS**

### **4.1 ANNUAL FINANCIAL REPORT & PERFORMANCE STATEMENT**

#### Discussion

Management presented the first quarter report informing the Committee that it is on track and in some cases ahead of expectations.

The Committee received and noted the report and praised the positive result achieved.

#### Action Items

Nil

Moved: Cr. Sarah Gilligan

Seconded: Cr. Jenni Keerie

## **5. GOVERNANCE AND COMPLIANCE REPORTS**

### **5.1 COMPLIANCE REPORT**

#### Discussion

Management introduced this new report that combines three reports tabled separately at previous meetings.

The Committee noted the improvement of the report style and information and will assist with suggestions on further developing the report for future meetings.

#### Action Items

Mick Jaensch to provide examples of continuous improvement suggestions for the report out of session.

Moved: Mick Jaensch  
Seconded: Cr. Sarah Gilligan

### **5.2. REVIEW OF DELEGATIONS**

#### Discussion

Report taken as read.

#### Action Items

Nil

Moved: Marilyn Kearney  
Seconded: Mick Jaensch

### **5.3. FRAUD AND CORRUPTION REPORT**

#### Discussion

Management advised the Committee that due to illness, an update was unable to be provided at the meeting. A response will be provided out of session.

#### Action Items

Management has provided an update to the Committee out of session.

Moved: Cr. Jenni Keerie  
Seconded: Marilyn Kearney

## **6. RISK REPORTS**

### **6.1 QUARTERLY RISK MANAGEMENT REPORT**

#### Discussion

Management introduced the report, informing the Committee that the Strategic Risks were adopted by Council at the October 2023 Council meeting.

The Committee received and noted the report, and the work undertaken to reach this point.

#### Action Items

Nil

Moved: Cr. Sarah Gilligan  
Seconded: Cr. Jenni Keerie

## **6.2. INSURANCE CLAIMS AND UPDATE REPORT**

### Discussion

The Committee discussed with Management the changing insurance landscape, particularly around emerging liabilities on climate change. Management advised that in developing the Resilience Plan, there will be a briefing to Councillors from Council's insurers on this topic.

### Action Items

Nil

Moved: Mick Jaensch  
Seconded: Cr. Sarah Gilligan

## **6.3. DISASTER RECOVERY PLAN**

### Discussion

The Committee noted some gaps in information in the Disaster Recovery Plan but as these are mainly around contact details, recognised that is mainly administrative.

The Committee commended the excellence of the work that has been completed.

### Action Items

Nil

Moved: Marilyn Kearney  
Seconded: Mick Jaensch

## **7. GENERAL BUSINESS AND COMMITTEE REPORTS**

### **7.1. DIRECTORATE REPORT - PERFORMANCE AND INNOVATION**

#### Discussion

The Director of Performance and Innovation presented the Report, discussing the make-up of the Directorate's Departments and the focus on building connections between them to foster business partnering, ensuring that the whole

organisation works together on developing and delivering Budgets, cyber security and statutory and regulatory compliance.

The Director discussed the investment in its people through improved inductions, governance workshops, and celebrating wins, citing low staff turnover as evidence of the success of these initiatives.

The Committee thanked the Director for an extremely informative presentation, commenting that a maturity in the culture throughout the organisation is evident.

#### Action Items

Nil

Moved: Cr. Jenni Keerie

Seconded: Marilyn Kearney

### **7.2. REVIEW AUDIT AND RISK COMMITTEE MEETING PERFORMANCE**

#### Discussion

The Chair requested comments from attendees on the meeting performance. The Committee agreed that the meeting had run smoothly, despite being hybrid which can be a challenging environment.

The Chair commented on the improvements of the Questions on Notice process but will look to Management to extend the lead time before meetings to allow time for the Committee to consider Management responses.

#### Action Items

Nil

Moved: Cr. Sarah Gilligan

Seconded: Cr. Jenni Keerie

### **7.3. AUDIT AND RISK COMMITTEE - WORK PLAN AND 2024 MEETING DATES**

#### Discussion

The Committee endorsed the meeting schedule proposed for 2024 –

- 5 March 2024
- 11 June 2024
- 20 August 2024
- 17 September 2024
- 3 December 2024

The Chair requested that the December meeting be held as hybrid to cater for other commitments and asked that the Committee members attend all other meetings in person if possible.

Action Items

Nil

Moved: Mick Jaensch  
Seconded: Cr. Sarah Gilligan

**7.4. REVIEW AUDIT AND RISK COMMITTEE ANNUAL SURVEY QUESTIONS**Discussion

The Committee endorsed the Survey questions as proposed.

Action Items

Nil

Moved: Marilyn Kearney  
Seconded: Mick Jaensch

**7.5. BI-ANNUAL CHAIR REPORT**Discussion

The Audit & Risk Committee Chair presented the Bi-Annual Chair Report to the Committee.

The Committee endorsed the Bi-Annual Report that will be tabled at the February 2024 Council meeting.

Action Items

Nil

Moved: Cr. Jenni Keerie  
Seconded: Marilyn Kearney

**7.6. ANNUAL CHAIR APPOINTMENT**Discussion

Management informed the Committee that Jen Johanson has been appointed for a second term to the Audit and Risk Committee at the November 2023 Council meeting.

Management advised that the process of appointing the Audit and Risk Committee Chair for next year will be undertaken early in January 2024.

Action Items

Nil

Moved: Cr. Sarah Gilligan  
Seconded: Cr. Jenni Keerie

## **7.7. REVIEW INTERNAL AUDITOR PERFORMANCE**

### Discussion

The Audit and Risk Committee Chair requested that the Internal Auditor, Crowe Australasia exit the meeting while this agenda item was discussed.

Management commended the approach and professionalism of the Internal Auditor. The Internal audits have a well-planned approach with an understanding of the organisation's resourcing resulting in each audit providing a high level of assurance with a pragmatic approach to continuous improvement.

The Committee congratulated the Internal Auditor on the positive feedback when they re-entered the meeting. In turn, the Internal Auditor commended the organisation for embracing the audit process and the commitment to continuous improvement.

The Committee suggested a re-introduction of more in-person meetings and interaction that would improve the effectiveness of each audit. Crowe Australasia welcomed this continuous improvement suggestion.

### Action Items

Nil

Moved: Mick Jaensch  
Seconded: Cr. Sarah Gilligan

## **8. OTHER BUSINESS**

The Committee congratulated Management on their recent win of the State Award for Planning Excellence for their South Gippsland Coastal Strategy, recognising the terrific work by the organisation for this achievement.

## **9. MEETING CLOSED**

The Chair thanked Management for the support provided to the Committee during the year and wished everyone a very happy festive period.

The meeting was declared closed at 11:17am



SOUTH GIPPSLAND SHIRE COUNCIL

# Audit and Risk Activity Report



December 2023



*South Gippsland*  
Shire Council



### 1. Period of this Report

This report covers Audit and Risk Committee (ARC or Committee) activity from July 2023 to December 2023. In that period the Committee has met twice – on 26 September 2023 and 5 December 2023. This report has been reviewed by all Committee members.

### 2. Purpose

This report meets the reporting requirements to Council as mandated by the *Local Government Act 2020* (LGA) pursuant to section 54(5) and importantly provides Council with a summary of the matters that the ARC has addressed in the reporting period in discharging its responsibilities under its Charter.

### 3. Committee Charter

The ARC's Charter is set by Council and was last reviewed and approved by Council on February 2023. The revised Charter became effective on 15 February 2023.

### 4. Committee Business

The agendas for our meetings are driven by the Committee's Annual Work Plan (AWP) and are fulsome. There is always a challenge to complete the agendas for each meeting. At the meetings held in this reporting period, the key (but not all) matters considered are summarised in the table below.

#### Key Matters Considered at Recent Meetings

|   | Topic  |
|---|--|
| 1 | Review of risk management activity in the following areas:<br>a) New Strategic Risks developed with Councillors and adopted at the Council meeting in October  |
| 2 | Review of external audit activity as follows:<br>a) Officer progress in closing out audit recommendations<br>b) Annual Financial Statements<br>c) Management Letter for year ending 30 June 2023<br>d) Performance Statement for year ending 30 June 2023  |
| 3 | Review of internal audit activity as follows:<br>a) Monitor delivery of the 2022/23 audit plan<br>b) Monitor officer progress in closing out audit recommendations<br>c) Internal Audits:<br>26 September 2023 – Child Safety Standards – Initial Report<br>26 September 2023 – IT Cyber Essential Eight – Scope Endorsed 5<br>December 2023 – Child Safety Standards – Final Report |
| 4 | Review of compliance management matters as follows:<br>a) Review and refresh of Council policies and procedures<br>b) Legislative compliance matters   |
| 5 | Review of integrity agency reports issued in the reporting period by   |

|   |  |
|---|--|
|   | VAGO, Ombudsman Victoria, IBAC and the Local Government Inspectorate.  |
| 6 | Review of internal control framework matters as follows: <ul style="list-style-type: none"> <li>a) Fraud and Corruption Reporting</li> <li>b) Compliance Reporting</li> <li>c) Draft Strategic Risks</li> <li>d) Business Continuity Plan Testing</li> <li>e) C22 – Information Privacy Policy</li> <li>f) C89 – Electronic Surveillance Policy</li> </ul> |

## 5. Meetings

Independent Member and Councillor representative attendance at both meetings has been excellent with all members in attendance for all meetings.

The Council Members are Cr Sarah Gilligan and Cr Jenni Keerie, and the independent members of the Committee appointed by Council are Jennifer (Jen) Johanson (Chair), Mick Jaensch, and Marilyn Kearney.

The Committee enjoys a strong and healthy working relationship with Council officers and would like to express its thanks for the support provided.

The quality of the meeting agendas and papers is high, and officers engage strongly and positively both during and outside meetings. Officer support for the work of the Committee is excellent.

## 6. The Committee's Annual Work Plan

The Committee has dealt with all matters scheduled for consideration in the Audit & Risk Committee Annual Work Plan in the reporting period.

The Work Plan also includes the mandatory statutory obligations of the Committee. These include:

- 1) adopting an Annual Work Plan for the Committee; and
- 2) undertaking an annual performance assessment of Committee activities against its Charter.

These matters have been incorporated into the Committee's Annual Work Plan. The Annual Work Plan is reviewed at the beginning of each meeting to ensure its continued relevance.

## 7. Frequency and Timing of Activity Reports

As indicated earlier in this report, these reports are required to be provided to Council at least twice per annum.

The Committee is of the view that these reports need to be informative about the business of the Committee and should be provided to Council on a timely basis to assist Council in discharging its responsibilities in the areas for which the Committee is responsible.

Feedback on this report by Council is welcomed, and any suggestions for improvement will be incorporated into future such reports.

### **8. Meeting Schedule for 2024**

The Committee's meeting schedule for 2024 is as follows, with an additional meeting scheduled to focus specifically on the year-end financial reports and processes:

- 5 March
- 11 June
- 20 August
- 17 September
- 3 December

Yours sincerely

**Jen Johanson**

**Chair**

**On behalf of the Audit & Risk Committee**

**5 December 2023**

SOUTH GIPPSLAND SHIRE COUNCIL

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Facebook: [www.facebook.com/southgippslandshirecouncil](http://www.facebook.com/southgippslandshirecouncil)



## 3.2. Appointment of Chair of the Audit and Risk Committee 2024

|              |                            |
|--------------|----------------------------|
| Directorate: | Performance and Innovation |
| Department:  | Financial Strategy         |

### Council Plan

*Objective - Leading with Integrity*

*The Audit and Risk Committee acts as an advisory committee to Council overseeing and monitoring the integrity of internal risk and financial controls and other audit functions. This oversight strengthens the organisation's governance functions through scrutiny of operational practices, financial and performance management and control of risks.*

### EXECUTIVE SUMMARY

The purpose of this report is for Council to appoint the Chair of the Audit and Risk Committee for a 12-month period.

Council's Audit and Risk Committee consists of three Independent Members and two Councillors of the Council. Councillors of the Council are ineligible to apply for the role in line with the *Local Government Act 2020*. Nominations from the independent members of the Audit and Risk Committee interested in fulfilling the role of Chair were requested by the CEO by email on January 3, 2024. Council have been advised of all nominations received for the role of Chair.

### RECOMMENDATION

**That Council appoints Independent Audit and Risk Committee Member, Ms Jen Johanson, as Chair of the South Gippsland Shire Council Audit and Risk Committee for the period from February 2024 until the Council Meeting in February 2025.**

### REPORT

The Audit and Risk Committee (the Committee) is an advisory committee to Council, established under Section 53 of the *Local Government Act 2020*, with the purpose of supporting Council to discharge its oversight responsibilities related to financial and performance reporting, risk management, fraud prevention systems and controls, maintenance of a sound internal control environment, assurance activities including internal and external audit and Council's performance with regard to compliance with its policies and legislative and regulatory requirements.

In accordance with the Committee Charter, the Chairperson of the Committee must be an Independent Member, will be appointed by Council and the term of the Chair is to be one (calendar) year. Independent members of the Audit and Risk Committee are Ms Jen Johanson, Mr Michael Jaensch and Ms Marilyn Kearney.

Ms Jen Johanson was appointed as current Chair of the Committee at the Ordinary Meeting of Council held on 15 February 2023 for a 12-month period.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Nominations from Independent members of the Audit and Risk Committee to be appointed as Chair for 2024 were requested by the CEO following the Committee meeting in December 2023. Council have been advised of all nominations received.

No external community engagement or consultation was required or undertaken for this item.

### **RESOURCES / FINANCIAL VIABILITY**

Budget allowances for Council's three Independent Audit Committee Members' attendance fees (including indexation of fees) are made within Council's current and forward budgets.

### **RISKS**

The Audit Committee undertakes an integral and active role in risk mitigation (including financial) and oversees organisational compliance with legislation. Failure to appoint a Chair of the Committee would expose Council to a breach of the *Local Government Act 2020*.

### **STAFF DISCLOSURE**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

### **ATTACHMENTS**

*Attachments are available on Council's website at the following [LINK](#).*

Nil

### **REFERENCE DOCUMENTS**

#### **Council's Good Governance Framework**

Pillar 1. Direction & Leadership

#### **Council Policy / Strategy / Plans**

*Documents are available on Council's website at the following [LINK](#).*

Audit and Risk Committee Charter (C08)

Audit and Risk Committee Charter and Terms of Reference

Audit Policy (C55)

Risk Management Framework (C35)

Risk Management Policy (C35)

#### **Legislative Provisions**

Local Government Act 2020

Local Government (General) Regulations 2015

Local Government (Planning and Reporting) Regulations 2020

**Regional, State and National Plan and Policies**

Nil

### 3.3. SUMMARY OF STRATEGIC BRIEFINGS - 13 NOVEMBER 2023 TO 12 JANUARY 2024

|              |                            |
|--------------|----------------------------|
| Directorate: | Performance and Innovation |
| Department:  | Governance                 |

#### Council Plan

*Objective - Leading with Integrity*

*Council's transparency and governance is strengthened by regularly reporting on summaries of briefings held, that assist Council to make informed decisions in Council Meetings on behalf of the community.*

#### EXECUTIVE SUMMARY

Council, in its requirement to give effect to the overarching governance principles and supporting principles of the *Local Government Act 2020*, section 9(2)(i), s.9(3)(b) and s.58, aims to assist the transparency of Council decisions, actions and information through the provision of public summaries of information. The types of information summarised are usually strategic briefing and public presentations to items that will subsequently come before Council for a future decision. The information is summarised so that it is accessible, understandable, relevant and timely.

The information provided in this report is recorded from sessions held between 13 November and 12 January 2024.

#### RECOMMENDATION

**That Council receives and notes this report.**

#### REPORT

| Meeting Title   | Details  |
|---|--|
| <b>Wednesday 15 November 2023</b>   |  |
| <b>Council Meeting<br/>Agenda Topic<br/>Discussion –<br/>15 November 2023</b> | <p><b>Councillors Attending:</b><br/>Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie.</p> <p><b>Conflict of Interest:</b><br/>Ms Kerryn Ellis, Chief Executive Officer has declared a material conflict of interest in Agenda Item 4.2. CEO EMPLOYMENT &amp; REMUNERATION POLICY, as the matter relates to her employment and remuneration in her current role as Chief Executive Officer. The matter was not discussed.</p> |



| Meeting Title   | Details   |
|---|---|
| <b>Information Privacy Policy</b>                                 | <p><b>Councillors Attending:</b><br/>Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>  |
| <b>Submission Hearing Davis Street, Nyora</b>                     | <p><b>Councillors Attending:</b><br/>Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey and Jenni Keerie.</p> <p><b>Conflict of Interest:</b><br/>Ms Renae Littlejohn, Director Economy &amp; Community has declared a direct material interest in Agenda Item 6.2 Planning Application 2020/438 29-32 Davis Street Nyora - Develop land with a supermarket and six associated shops, as she owns property adjacent to the subject site. Ms Littlejohn was not present in the meeting.</p>  |
| <b>Wednesday 6 December 2023</b>                                  |   |
| <b>Regional Assessment Service</b>                                | <p><b>Councillors Attending:</b><br/>Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>  |
| <b>Council Meeting Agenda Topic Discussion – 13 December 2023</b> | <p><b>Councillors Attending:</b><br/>Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey and Jenni Keerie.</p> <p><b>Conflict of Interest:</b><br/><b>Councillor Jenni Keerie</b> has a declared material conflict of interest in Agenda Item 6.3 Proposed Sale of Council Land, as one of the land parcels presented relates to her place of employment. Cr Keerie left the meeting at 10.59am, when the matter was discussed and returned at 11.07am.</p> <p><b>Councillor John Schelling</b> has declared a reasonable apprehension of bias or actual bias in Confidential Agenda Item 13.1 Australia Day Awards Recipients 2024, as he signed a letter in support of a nominee of the Awards. Cr Schelling left the meeting at 11.07am, when the matter was discussed and returned at 11.10am.</p> <p><b>Councillor Jenni Keerie</b> has declared a material interest in Confidential Agenda Item 13.2 2023-2024</p> |

| Meeting Title                                      | Details   |
|--|---|
|  | <p>Community Grants - Round 1, as she is employed by an organisation that auspiced a community grant application on behalf of another organisation. The matter was not discussed.</p> <p><b>Councillor Adrian Darakai</b> has declared a material interest in Confidential Agenda Item 13.2 2023-2024 Community Grants - Round 1, as a family member who is a member on a Committee has made an application to the Community Grants Program. The matter was not discussed.</p> <p><b>Councillor Clare Williams</b> has declared a material conflict of interest in Confidential Agenda Item 13.3 Award Contract CON/388 - Simons Lane Stage 2, as a family member is a subcontractor to a company that has submitted a tender. Cr Williams left the meeting at 10.38am, when the matter was discussed and returned at 10.50am.</p> <p><b>Ms Renae Littlejohn</b>, Director Economy &amp; Community has declared a direct material interest in Agenda Item 6.2 Planning Application 2020/438 29-32 Davis Street Nyora - Develop land with a supermarket and six associated shops, as she owns property adjacent to the subject site. Ms Littlejohn left the meeting at 10.53am, when the matter was discussed and returned at 11.01am.</p> |
| <p><b>Coal Creek Community Park and Museum</b></p> | <p><b>Councillors Attending:</b><br/>Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>  |
| <p><b>Planning Briefing</b></p>                    | <p><b>Councillors Attending:</b><br/>Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>  |
| <p><b>General Local Law</b></p>                    | <p><b>Councillors Attending:</b><br/>Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Michael Felton and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>   |
| <p><b>Wednesday 13 December 2023</b></p>           |   |
| <p><b>Council Meeting Agenda Topic</b></p>         | <p><b>Councillors Attending:</b></p>  |

| Meeting Title                                   | Details   |
|---|---|
| <p><b>Discussion<br/>- 13 December 2023</b></p> | <p>Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai and Jenni Keerie.</p> <p><b>Conflict of Interest:</b><br/> <b>Councillor Jenni Keerie</b> has a declared material conflict of interest in Agenda Item 6.3 Proposed Sale of Council Land, as one of the land parcels presented relates to her place of employment. The matter was not discussed.<br/> <b>Councillor John Schelling</b> has declared a reasonable apprehension of bias or actual bias in Confidential Agenda Item 13.1 Australia Day Awards Recipients 2024, as he signed a letter in support of a nominee of the Awards. The matter was not discussed.<br/> <b>Councillor Jenni Keerie</b> has declared a material interest in Confidential Agenda Item 13.2 2023-2024 Community Grants - Round 1, as she is employed by an organisation that auspiced a community grant application on behalf of another organisation. The matter was not discussed.<br/> <b>Councillor Adrian Darakai</b> has declared a material interest in Confidential Agenda Item 13.2 2023-2024 Community Grants - Round 1, as a family member who is a member on a Committee has made an application to the Community Grants Program. The matter was not discussed.<br/> <b>Councillor Clare Williams</b> has declared a material conflict of interest in Confidential Agenda Item 13.3 Award Contract CON/388 - Simons Lane Stage 2, as a family member is a subcontractor to a company that has submitted a tender. Cr Williams left the meeting at 10.42am, when the matter was discussed and returned at 10.44am.<br/> <b>Ms Renae Littlejohn</b>, Director Economy &amp; Community has declared a direct material interest in Agenda Item 6.2 Planning Application 2020/438 29-32 Davis Street Nyora - Develop land with a supermarket and six associated shops, as she owns property adjacent to the subject site. The matter was not discussed.</p> |
| <p><b>Heritage Overlay</b></p>                  | <p><b>Councillors Attending:</b><br/>           Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>  |

| Meeting Title                       | Details   |
|-------------------------------------|---|
| <b>Nyora Placemaking</b>            | <p><b>Councillors Attending:</b><br/>Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling and Jenni Keerie.<br/><b>Conflict of Interest:</b> Nil disclosed.</p>  |
| <b>Community Leadership Program</b> | <p><b>Councillors Attending:</b><br/>Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Nathan Hersey, Michael Felton and Jenni Keerie.<br/><b>Conflict of Interest:</b> Nil disclosed.</p>                 |
| <b>Emergency Management</b>         | <p><b>Councillors Attending:</b><br/>Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie.<br/><b>Conflict of Interest:</b> Nil disclosed.</p> |
| <b>Wednesday 20 December 2023</b>   |   |
| <b>Privacy Training</b>             | <p><b>Councillors Attending:</b><br/>Mohya Davies, Scott Rae, Clare Williams, John Schelling and Jenni Keerie.<br/><b>Conflict of Interest:</b> Nil disclosed.</p>  |

#### STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

#### ATTACHMENTS

Nil

#### REFERENCE DOCUMENTS

##### **Council's Good Governance Framework**

Pillar 3. Decision Making

##### **Council Policy / Strategy / Plans**

*Documents are available on Council's website at the following [LINK](#).*

Governance Rules (C82)

Public Transparency Policy (C75)

##### **Legislative Provisions**

Local Government Act 2020

### 3.4. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 NOVEMBER 2023 TO 12 JANUARY 2024

|              |                   |
|--------------|-------------------|
| Directorate: | Office of the CEO |
| Department:  | Office of the CEO |

#### **Council Plan**

*Objective - Leading with Integrity*

*Council's transparency of financial decisions made and overall financial sustainability is strengthened by regularly reporting on documents sealed, contracts awarded, varied or extended under the CEO's delegation.*

#### **EXECUTIVE SUMMARY**

This report documents the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 13 November 2023 to 12 January 2024. Council's *Procurement Policy (C32)* requires the CEO to report to Council any of the following actions undertaken to the next appropriate Meeting:

- Documents sealed;
- Contracts awarded after a public tender process within the CEO's delegation; and
- Contracts varied or extended by the CEO which exceeded the CEO's delegation.

#### **RECOMMENDATION**

**That Council receives and notes this report.**

#### **REPORT**

##### **Documents Sealed**

Under the *Local Government Act 2020* (the Act), s.14 states that each Council is a body corporate with perpetual succession; and must have a common seal. Sealing a document makes it an official document of Council as a corporate body. Documents that require sealing include agreements, leases or any other contractual or legally binding document that binds Council to another party.

Use of the Local Law No. 2 2020, Part 9, clause 107(h)(iv) – Common Seal of Council, states that if the Chief Executive Officer (CEO) uses the Common Seal in a manner prescribed by sub-clause (c), this means on the authority of a Council resolution, then Council must be advised of such use on a regular basis.

In accordance with the Local Law No. 2 2020, Part 9, clause 107(h)(iv), the following are presented to Council as documents sealed during the period from 13 November 2023 to 12 January 2024.

1. Australian Government Department of Industry, Science and Resources, Variation Contract. Building Better Regions Fund – Infrastructure Projects Stream – Round 5. Seal applied 2 January 2024.

Section 173 Agreements are prepared in accordance with s.173 of the *Planning and Environment Act 1987*, allowing Council to enter into agreements relating to the use or development of land, conditions to which the land may be used or developed or any matter that relates to planning or planning schemes in Victoria. Section 174 of the *Planning and Environment Act 1987* requires that such an agreement be under seal and must bind the owner to the covenants specified in the agreement.

In accordance with the Local Law, Instrument of Delegation and *Planning and Environment Act 1987*, the following are presented to Council as documents sealed during the period from 13 November 2023 to 12 January 2024.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 77 Gibson Street, Leongatha for a multilot subdivision and removal of native vegetation. Seal applied 27 November 2023.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 25-27 Lewis Street, Port Welshpool for a development associated with a dwelling. Seal applied 12 December 2023.
3. Section 173 Agreement between South Gippsland Shire Council and the owner of 2476 Drouin-Korumburra Road, Poowong for a development of group accommodation. Seal applied 12 December 2023.

### **Contracts Awarded, Varied or Extended**

In accordance with Council's Procurement Policy where contracts are awarded under delegation, varied or extended, they are required to be reported to the next practicable Council Meeting.

1. Contracts awarded by Council after a public tender process, signed by the CEO between 13 November 2023 to 12 January 2024.
  - a. CON/387 for the Leongatha Municipal Office Redevelopment – Exterior Refurbishment awarded to McLeod, Dowel and Courtney Pty Ltd T/A MDC Building Group, signed by the CEO 12 December 2023.
  - b. CON/373-A for the Design and Construct of Landslips Repair – Various Locations – Package A; Project 3 – Grand Ridge Road (Site 1), Trida (Hallston) and Project 4 – Grand Ridge Road (Site 2) Trida awarded to Fulton Hogan Industries Pty Ltd, signed by the CEO 21 December 2023.

2. Contracts awarded by Council after a public tender process, signed by the CEO between 13 September 2023 to 12 October 2023, and not previously reported at the 15 November 2023 meeting.
  - a. CON/373-C for the Design and Construct of Landslips Repair – Various Locations – Package C; Project 1 Nippards Track, Foster North (Woorarra West) and Project 2 Popes Road, Wonga awarded to Earthtec Pty Ltd, signed by the CEO 6 October 2023.
3. Contracts awarded after a public tender process within the CEO's delegation between 13 November 2023 to 12 January 2024.
  - a. CON/383 for the Black Spot Funding – Koonwarra-Inverloch Road Intersection Reconstruction awarded to Fowlers Asphaltting Pty Ltd and signed by the CEO 22 November 2023.
  - b. CON/377 for the Design and Construct of Public Amenities and Shelters at Korumburra and Leongatha Railway Precincts awarded to GR Design and Construct Pty Ltd and signed by the CEO 12 December 2023.
  - c. CON/378 for the Korumburra Commercial Street Streetscape – Civil Construction awarded to Hugh Patrick Pty Ltd T/A BJs Earthmoving, signed by the CEO 3 January 2024.
4. Contract variations approved by the CEO between 13 November 2023 to 12 January 2024.
  - a. CON/369 for the Construction of Cell 5 at Koonwarra Landfill was awarded to Goldsmith Civil and Environmental Pty Ltd. Variations were recommended to allow for necessary additional works to be undertaken to progress this project. A Contract Variation of \$773,976.08 was approved by the CEO after consultation with the Mayor and Councillors on 6 December 2023.
5. Contract extensions approved by the CEO up to 12 January 2024, and not previously reported.
  - a. CON/238 for the Provision of Catering Services awarded to Brent Sinclair 11 November 2019 for a three-year term with the option of two one-year extensions. An extension of a second one-year term was approved and signed by the CEO 26 October 2023.

## **STAFF DISCLOSURE**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

## **ATTACHMENTS**

Nil

## **REFERENCE DOCUMENTS**

### **Council's Good Governance Framework**

Pillar 3. Decision Making

### **Council Policy / Strategy / Plans**

*Documents are available on Council's website at the following [LINK](#).*

Governance Rules (C82)

Local Law No. 2 2020, Processes of Municipal Government (Meeting Procedures and Common Seal)

Procurement Policy (C32)

### **Legislative Provisions**

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987



### 3.5. INSTRUMENT OF DELEGATION - S6 COUNCIL TO MEMBERS OF STAFF

|              |                            |
|--------------|----------------------------|
| Directorate: | Performance and Innovation |
| Department:  | Governance                 |

#### Council Plan

*Objective - Leading with Integrity*

*Ensuring that the authorising environment for Council staff to undertake their duties is up to date and that no Council staff undertake duties that they are not authorised to perform is in keeping with Leading with Integrity.*

#### EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council adopts an updated Instrument of Delegation to Council Staff to reflect improvements recommended through legal advice and positional changes to Council's organisational structure.

#### RECOMMENDATION

**That Council resolves that, in the exercise of the powers conferred by s.11(1) of the *Local Government Act 2020* and the other legislation referred to in the attached Instrument of Delegation (Instrument of Delegation) Council to Members of Staff (Attachment [3.5.1]):**

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in (Attachment [3.5.1]) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument of Delegation;**
- 2. The Instrument of Delegation Attachment [3.5.1] to staff comes into force immediately after the Chief Executive Officer's signature is affixed to the Instrument of Delegation;**
- 3. On the coming into force of the Instrument of Delegation (Attachment [3.5.1]): all previous delegations from Council to members of Council staff (other than the Instrument of Delegation to the Chief Executive Officer) are revoked; and**
- 4. The duties and functions set out in the Instrument of Delegation (Attachment [3.5.1]) must be performed, and the powers set out in the Instrument of Delegation must be executed, in accordance with any guidelines or policies that Council may adopt.**

## **REPORT**

The allocation of delegations to the Chief Executive Officer or other employees contributes to the effective functioning of Council. It is important to update delegations to reflect changes in personnel / legislation and improvements recommended by legal advisors to ensure decisions made are valid. The current version of the Instrument of Delegation has been in place since 18 October 2023.

There are two changes in the updated delegation, those being:

- Changing of the position title of Director Economic & Community to Director Future Communities.
- Delegate r15(3) of the Residential Tenancies (*Caravan Parks and Movable Dwellings Registration and Standards*) Regulations 2020 to the Coordinator Environmental Health and Manager Community Health & Safety.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

Nil

## **RESOURCES / FINANCIAL VIABILITY**

Nil

## **RISKS**

Failure to update an Instrument of Delegation could result in the decisions of delegated Officers being declared invalid or unenforceable.

## **STAFF DISCLOSURE**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

## **ATTACHMENTS**

*Attachments are available on Council's website at the following [LINK](#).*

1. S6 Instrument of Delegation Council to Members of Staff 21 01 2024 [3.5.1 - 137 pages]

## **REFERENCE DOCUMENTS**

### **Council's Good Governance Framework**

Pillar 4. Structure, Systems & Policies

### **Council Policy / Strategy / Plans**

*Documents are available on Council's website at the following [LINK](#).*

Nil

### **Legislative Provisions**

Local Government Act 2020

### **Regional, State and National Plan and Policies**

Nil



*South Gippsland  
Shire Council*

**Instrument of Delegation**

**S6 Instrument of Delegation – Council to Members of  
Staff**

**21 February 2024**

South Gippsland Shire Council

**S6 Instrument of Delegation – Council to Members of Staff**

**Instrument of Delegation**

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

- 1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
- 2. record that references in the Schedule are as outlined below in Positions
- 3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 21 February 2024 and

3.2 the delegation:

- 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
- 3.2.2 remains in force until varied or revoked;
- 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
- 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

3.3 the delegate must not determine the issue, take the action or do the act or thing:

- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
- 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
  - (a) policy; or
  - (b) strategy adopted by Council;
- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

Signed by the Chief Executive Officer of Council in the presence of:

Date: .....

Witness

Date: .....

South Gippsland Shire Council

**Delegation Sources**

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

**Positions**

| <b>Abbreviation</b> | <b>Position</b>                              | <b>Name</b> |
|---------------------|--|-------------|
| ASSETSO             | Asset Systems Officer                        |             |
| B&PCC               | Building and Planning Compliance Coordinator |             |
| B&PEO               | Building and Planning Enforcement Officer    |             |
| CCAS                | Coordinator Civil Assets Strategy            |             |
| CCSafe              | Coordinator Community Safety                 |             |
| CEO                 | Chief Executive Officer                      |             |
| CP                  | Coordinator Property                         |             |
| CPC                 | Caravan Park Caretaker                       |             |
| CR                  | Coordinator Risk & Procurement               |             |
| DFC                 | Director Future Communities                  |             |

## South Gippsland Shire Council

| <b>Abbreviation</b> | <b>Position</b>                            | <b>Name</b> |
|---------------------|--|-------------|
| DPI                 | Director Performance and Innovation        |             |
| DSI                 | Director Sustainable Infrastructure        |             |
| EHC                 | Environmental Health Coordinator           |             |
| EHO                 | Environmental Health Officer               |             |
| MCHSafety           | Manager Community Health & Safety          |             |
| MFS                 | Manager Financial Strategy                 |             |
| MID                 | Manager Infrastructure Delivery            |             |
| MIM                 | Manager Infrastructure Maintenance         |             |
| MIP                 | Manager Infrastructure Planning            |             |
| MOS&E               | Manager Open Space and Environment         |             |
| MPBS                | Manager Planning and Building Services     |             |
| No delegate         | No delegate                                |             |
| Not applicable      | Not applicable                             |             |
| P&C Admin Officer   | People and Culture Administration Officer  |             |
| PBAO                | Planning & Building Administration Officer |             |
| PCA                 | People and Culture Advisor                 |             |
| PLA                 | Planning Liaison Officer                   |             |

## South Gippsland Shire Council

| <b>Abbreviation</b> | <b>Position</b>                   | <b>Name</b> |
|---------------------|-----------------------------------|-------------|
| Plan Off            | Planning Officer                  |             |
| SCSO                | Senior Community Safety Officer   |             |
| Sen Stat Plan Off   | Senior Statutory Planning Officer |             |
| Sen Strat Plan Off  | Senior Strategic Planning Officer |             |
| Stat Plan Coord     | Statutory Planning Coordinator    |             |
| Stat Plan Off       | Statutory Planning Officer        |             |
| Strat Plan Coord    | Strategic Planning Coordinator    |             |
| Strat Plan Off      | Strategic Planning Officer        |             |
| TPO                 | Technical Planning Officer        |             |
| WWO                 | Wastewater Officer                |             |

South Gippsland Shire Council

## S6 Instrument of Delegation - Members of Staff

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

| Food Act 1984 |   |                     |                            |
|---------------|---|---------------------|----------------------------|
| Provision     | Power and Functions Delegated   | Delegate            | Conditions and Limitations |
| s 19(2)(a)    | Power to direct by written order that the food premises be put into a clean and sanitary condition                                | EHO, EHC, MCHSafety | If s 19(1) applies         |
| s 19(2)(b)    | Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable | EHO, EHC, MCHSafety | If s 19(1) applies         |



## South Gippsland Shire Council

| <b>Food Act 1984</b> |   |                     |   |
|----------------------|---|---------------------|---|
| <b>Provision</b>     | <b>Power and Functions Delegated</b>  | <b>Delegate</b>     | <b>Conditions and Limitations</b>   |
| s 19(3)              | Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process | EHO, EHC, MCHSafety | If s 19(1) applies<br><br>Only in relation to temporary food premises or mobile food premises |
| s 19(4)(a)           | Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise  | EHO, EHC, MCHSafety | If s 19(1) applies  |
| s 19(6)(a)           | Duty to revoke any order under section 19 if satisfied that an order has been complied with   | EHO, EHC, MCHSafety | If s 19(1) applies  |
| s 19(6)(b)           | Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with  | EHO, EHC, MCHSafety | If s 19(1) applies  |

## South Gippsland Shire Council

| <b>Food Act 1984</b> |  |                        |  |
|----------------------|--|------------------------|--|
| <b>Provision</b>     | <b>Power and Functions Delegated</b>   | <b>Delegate</b>        | <b>Conditions and Limitations</b>  |
| s 19AA(2)            | Power to direct, by written order, that a person must take any of the actions described in (a)-(c).  | EHO, EHC,<br>MCHSAFETY | Where Council is the registration authority  |
| s 19AA(4)(c)         | Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises | EHO, EHC,<br>MCHSAFETY | Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution |
| s 19AA(7)            | Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with  | EHO, EHC,<br>MCHSAFETY | Where Council is the registration authority  |
| s 19CB(4)(b)         | Power to request copy of records   | EHO, EHC,<br>MCHSAFETY | Where Council is the registration authority  |
| s 19E(1)(d)          | Power to request a copy of the food safety program   | EHO, EHC,<br>MCHSAFETY | Where Council is the registration authority  |

## South Gippsland Shire Council

| <b>Food Act 1984</b> |   |                        |   |
|----------------------|---|------------------------|---|
| <b>Provision</b>     | <b>Power and Functions Delegated</b>  | <b>Delegate</b>        | <b>Conditions and Limitations</b>   |
| s 19EA(3)            | Function of receiving copy of revised food safety program   | EHO, EHC,<br>MCHSafety | 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 | EHO, EHC,<br>MCHSafety | Where Council is the registration authority   |
| s19IA(1)             | Power to form opinion that the food safety requirements or program are non-compliant.   | EHO, EHC,<br>MCHSafety | Where Council is the registration authority   |
| s 19IA(2)            | Duty to give written notice to the proprietor of the premises   | EHO, EHC,<br>MCHSafety | Where Council is the registration authority<br>Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3)) |
| s 19M(4)(a) & (5)    | Power to conduct a food safety audit and take actions where deficiencies are identified   | EHO, EHC,<br>MCHSafety | Where Council is the registration authority   |

## South Gippsland Shire Council

| <b>Food Act 1984</b> |  |                        |   |
|----------------------|--|------------------------|---|
| <b>Provision</b>     | <b>Power and Functions Delegated</b>   | <b>Delegate</b>        | <b>Conditions and Limitations</b>   |
| s 19N(2)             | Function of receiving notice from the auditor  | EHO, EHC,<br>MCHSafety | Where Council is the registration authority   |
| s 19NA(1)            | Power to request food safety audit reports   | EHO, EHC,<br>MCHSafety | 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    | EHC,<br>MCHSafety      |   |
| s 19UA               | Power to charge fees for conducting a food safety assessment or inspection                     | EHC,<br>MCHSafety      | Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39. |
| s 19W                | Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB | EHO, EHC,<br>MCHSafety | Where Council is the registration authority   |

## South Gippsland Shire Council

| <b>Food Act 1984</b> |  |                     |  |
|----------------------|--|---------------------|--|
| <b>Provision</b>     | <b>Power and Functions Delegated</b>   | <b>Delegate</b>     | <b>Conditions and Limitations</b>  |
| s 19W(3)(a)          | Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction  | EHO, EHC, MCHSafety | Where Council is the registration authority  |
| s 19W(3)(b)          | Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises | EHO, EHC, MCHSafety | Where Council is the registration authority  |
|                      | Power to register or renew the registration of a food premises   | EHO, EHC, MCHSafety | Where Council is the registration authority<br><br>Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2)) |
| s 36A                | Power to accept an application for registration or notification using online portal  | EHO, EHC            | Where Council is the registration authority  |

## South Gippsland Shire Council

| <b>Food Act 1984</b> |  |                     |   |
|----------------------|--|---------------------|---|
| <b>Provision</b>     | <b>Power and Functions Delegated</b>   | <b>Delegate</b>     | <b>Conditions and Limitations</b>           |
| s 36B                | Duty to pay the charge for use of online portal  | EHO, EHC            | Where Council is the registration authority |
| s 38AA(5)            | Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt | EHO, EHC, MCHSafety | Where Council is the registration authority |
| s 38AB(4)            | Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)                         | EHO, EHC, MCHSafety | Where Council is the registration authority |
| s 38A(4)             | Power to request a copy of a completed food safety program template  | EHO, EHC, MCHSafety | Where Council is the registration authority |
| s 38B(1)(a)          | Duty to assess the application and determine which class of food premises under s 19C the food premises belongs                            | EHO, EHC, MCHSafety | Where Council is the registration authority |

## South Gippsland Shire Council

| <b>Food Act 1984</b> |  |                        |   |
|----------------------|--|------------------------|---|
| <b>Provision</b>     | <b>Power and Functions Delegated</b>   | <b>Delegate</b>        | <b>Conditions and Limitations</b>           |
| s 38B(1)(b)          | Duty to ensure proprietor has complied with requirements of s 38A  | EHO, EHC,<br>MCHSafety | Where Council is the registration authority |
| s 38B(2)             | Duty to be satisfied of the matters in s 38B(2)(a)-(b)   | EHO, EHC,<br>MCHSafety | Where Council is the registration authority |
| s 38D(1)             | Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39 | EHO, EHC,<br>MCHSafety | Where Council is the registration authority |
| s 38D(2)             | Duty to be satisfied of the matters in s 38D(2)(a)-(d)   | EHO, EHC,<br>MCHSafety | Where Council is the registration authority |
| s 38D(3)             | Power to request copies of any audit reports   | EHO, EHC,<br>MCHSafety | Where Council is the registration authority |
| s 38E(2)             | Power to register the food premises on a conditional basis   | EHO, EHC,<br>MCHSafety | Where Council is the registration authority |

## South Gippsland Shire Council

| <b>Food Act 1984</b> |  |                        |  |
|----------------------|--|------------------------|--|
| <b>Provision</b>     | <b>Power and Functions Delegated</b>   | <b>Delegate</b>        | <b>Conditions and Limitations</b>                              |
|                      |  |                        | not exceeding the prescribed time limit defined under s 38E(5) |
| s 38E(4)             | Duty to register the food premises when conditions are satisfied   | EHO, EHC,<br>MCHSafety | Where Council is the registration authority                    |
| s 38F(3)(b)          | Power to require proprietor to comply with requirements of this Act  | EHO, EHC,<br>MCHSafety | Where Council is the registration authority                    |
| s 38G(1)             | Power to require notification of change of the food safety program type used for the food premises                           | EHO, EHC               | Where Council is the registration authority                    |
| s 38G(2)             | Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises | EHO, EHC,<br>MCHSafety | Where Council is the registration authority                    |
| s 38G(4)             | Power to require the proprietor of the food premises to comply with any requirement of the Act                               | EHO, EHC               | Where Council is the registration authority                    |



## South Gippsland Shire Council

| <b>Food Act 1984</b> |  |                        |  |
|----------------------|--|------------------------|--|
| <b>Provision</b>     | <b>Power and Functions Delegated</b>   | <b>Delegate</b>        | <b>Conditions and Limitations</b>  |
| s 39(2)              | Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed                          | EHO, EHC,<br>MCHSAFETY |  |
| s 39A                | Power to register, or renew the registration of a food premises despite minor defects  | EHO, EHC,<br>MCHSAFETY | Where Council is the registration authority<br><br>Only if satisfied of matters in s 39A(2)(a)-(c) |
| s 39A (6)            | Duty to comply with a direction of the Secretary   | EHO, EHC,<br>MCHSAFETY |  |
| s 40(1)              | Duty to give the person in whose name the premises is to be registered a certificate of registration   | EHO, EHC,<br>MCHSAFETY | Where Council is the registration authority  |
| s 40(2)              | Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008 | EHO, EHC,<br>MCHSAFETY |  |

## South Gippsland Shire Council

| <b>Food Act 1984</b> |  |                     |   |
|----------------------|--|---------------------|---|
| <b>Provision</b>     | <b>Power and Functions Delegated</b>   | <b>Delegate</b>     | <b>Conditions and Limitations</b>           |
| s 40C(2)             | Power to grant or renew the registration of food premises for a period of less than 1 year   | EHO, EHC, MCHSafety | Where Council is the registration authority |
| s 40D(1)             | Power to suspend or revoke the registration of food premises   | EHO, EHC, MCHSafety | Where Council is the registration authority |
| s 40E                | Duty to comply with direction of the Secretary   | EHO, EHC, MCHSafety |   |
| s 40F                | Power to cancel registration of food premises  | EHO, EHC            | Where Council is the registration authority |
| s 43                 | Duty to maintain records of registration   | EHO, EHC, MCHSafety | Where Council is the registration authority |
| s 43F(6)             | Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business | EHO, EHC, MCHSafety | Where Council is the registration authority |

## South Gippsland Shire Council

| <b>Food Act 1984</b> |   |                     |   |
|----------------------|---|---------------------|---|
| <b>Provision</b>     | <b>Power and Functions Delegated</b>  | <b>Delegate</b>     | <b>Conditions and Limitations</b>           |
| 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   | EHO, EHC, MCHSafety | Where Council is the registration authority |
| s 45AC               | Power to bring proceedings  | EHO, EHC, MCHSafety |   |
| 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 | EHC, MCHSafety      | Where Council is the registration authority |

## South Gippsland Shire Council

| <b>Heritage Act 2017</b> |  |                 |   |
|--------------------------|--|-----------------|---|
| <b>Provision</b>         | <b>Power and Functions Delegated</b>                                   | <b>Delegate</b> | <b>Conditions and Limitations</b>   |
| s 116                    | Power to sub-delegate Executive Director's functions, duties or powers | No delegate     | Must first obtain Executive Director's written consent<br><br>Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation |

| <b>Local Government Act 1989</b> |   |                             |                                   |
|----------------------------------|---|-----------------------------|-----------------------------------|
| <b>Provision</b>                 | <b>Power and Functions Delegated</b>                      | <b>Delegate</b>             | <b>Conditions and Limitations</b> |
| s 185L(4)                        | Power to declare and levy a cladding rectification charge | No delegate, Not applicable |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |   |                                   |
|--|--|---|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>   | <b>Conditions and Limitations</b> |
| s 4B                                     | Power to prepare an amendment to the Victorian Planning Provisions   | Sen Strat Plan Off, Strat Plan Off, DFC, Plan Off, MPBS, Strat Plan Coord | If authorised by the Minister     |
| s 4G                                     | Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister                                 | Sen Strat Plan Off, Strat Plan Off, DFC, Plan Off, MPBS, Strat Plan Coord |                                   |
| s 4H                                     | Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements                         | Sen Strat Plan Off, Strat Plan Off, DFC, Plan Off, MPBS, Strat Plan Coord |                                   |
| s 4I(2)                                  | Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements | Sen Strat Plan Off, Strat Plan Off, DFC, Plan Off, MPBS, Strat Plan Coord |                                   |
| s 8A(2)                                  | Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A  | DFC, MPBS   |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |  |                                   |
|--|---|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
|  |   |  |                                   |
| s 8A(3)                                  | Power to apply to Minister to prepare an amendment to the planning scheme   | Sen Strat Plan Off, Plan Off, Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 8A(5)                                  | Function of receiving notice of the Minister's decision   | DFC, MPBS  |                                   |
| 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 | DFC, MPBS  |                                   |
| s 8B(2)                                  | Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district              | DFC, MPBS  |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |  |                                   |
|--|--|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
| s 12(3)                                  | Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |
| s 12B(1)                                 | Duty to review planning scheme   | MPBS   |                                   |
| s 12B(2)                                 | Duty to review planning scheme at direction of Minister  | MPBS   |                                   |
| s.12B(5)                                 | duty to report findings of review of planning scheme to Minister without delay   | MPBS   |                                   |

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| <b>Provision</b>                         | <b>Power and Functions Delegated</b>                           | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
| s 14                                     | Duties of a Responsible Authority as set out in s 14(a) to (d) | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |
| s 17(1)                                  | Duty of giving copy amendment to the planning scheme           | Sen Strat Plan Off, Plan Off, Stat Plan Off, MPBS, Strat Plan Coord, TPO   |                                   |
| s 17(2)                                  | Duty of giving copy s 173 agreement                            | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |



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| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>   | <b>Conditions and Limitations</b>  |
| s 17(3)                                  | Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days  | DFC, MPBS   |  |
| s 18                                     | Duty to make amendment etc. available in accordance with public availability requirements   | Sen Strat Plan Off, Plan Off, Stat Plan Off, MPBS, Strat Plan Coord, TPO  | Until the proposed amendment is approved or lapsed   |
| s 19                                     | Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme | Sen Strat Plan Off, Strat Plan Off, DFC, Plan Off, MPBS, Strat Plan Coord |  |
| s 19                                     | Function of receiving notice of preparation of an amendment to a planning scheme  | Sen Strat Plan Off, Strat Plan Off, DFC, Plan Off, MPBS, Strat Plan Coord | Where Council is not the planning authority and the amendment affects land within Council's municipal district; or |

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| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>   | <b>Conditions and Limitations</b>  |
|  |  |   | 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                 | Sen Strat Plan Off, Strat Plan Off, DFC, Plan Off, MPBS, Strat Plan Coord | Where Council is a planning authority  |
| s 21(2)                                  | Duty to make submissions available in accordance with public availability requirements | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord      | Until the end of 2 months after the amendment comes into operation or lapses                       |
| s 21A(4)                                 | Duty to publish notice   | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord      |  |

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| <b>Planning and Environment Act 1987</b> |  |  |  |
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| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>  | <b>Conditions and Limitations</b>  |
| s 22(1)                                  | Duty to consider all submissions received before the date specified in the notice                      | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord                         | Except submissions which request a change to the items in s 22(5)(a) and (b) |
| s 22(2)                                  | Power to consider a late submission<br>Duty to consider a late submission, if directed by the Minister | Sen Strat Plan Off, Strat Plan Off, Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |  |
| s 23(1)(b)                               | Duty to refer submissions which request a change to the amendment to a panel                           | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord                         |  |
| s 23(2)                                  | Power to refer to a panel submissions which do not require a change to the amendment                   | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord                         |  |

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| <b>Planning and Environment Act 1987</b> |  |  |                                   |
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| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
| s 24                                     | Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D) | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord |                                   |
| s 26(1)                                  | Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act       | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord |                                   |
| s 26(2)                                  | Duty to keep report of panel available in accordance with public availability requirements                           | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord | During the inspection period      |
| s 27(2)                                  | Power to apply for exemption if panel's report not received  | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord |                                   |

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| <b>Planning and Environment Act 1987</b> |  |   |  |
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| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>   | <b>Conditions and Limitations</b>  |
| s 28(1)                                  | Duty to notify the Minister if abandoning an amendment   | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord                              | Note: the power to make a decision to abandon an amendment cannot be delegated |
| s 28(2)                                  | Duty to publish notice of the decision on Internet site  | Strat Plan Off, Stat Plan Coord, PBAO, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, TPO |  |
| s 28(4)                                  | Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months | Strat Plan Off, Stat Plan Coord, PBAO, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, TPO |  |
| s 30(4)(a)                               | Duty to say if amendment has lapsed  | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord                              |  |

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| <b>Planning and Environment Act 1987</b> |   |  |                                   |
|--|---|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>                | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
| s 30(4)(b)                               | Duty to provide information in writing upon request | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord |                                   |
| s 32(2)                                  | Duty to give more notice if required                | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord |                                   |
| s 33(1)                                  | Duty to give more notice of changes to an amendment | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord |                                   |
| s 36(2)                                  | Duty to give notice of approval of amendment        | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord |                                   |
| s 38(5)                                  | Duty to give notice of revocation of an amendment   | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord |                                   |

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| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>   | <b>Conditions and Limitations</b> |
| s 39                                     | Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT  | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord                              |                                   |
| s 40(1)                                  | Function of lodging copy of approved amendment  | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord                              |                                   |
| s 41(1)                                  | Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period   | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord                              |                                   |
| s 41(2)                                  | Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends | Strat Plan Off, Stat Plan Coord, PBAO, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, TPO |                                   |

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| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>  | <b>Conditions and Limitations</b>  |
| s 42(2)                                  | Duty to make copy of planning scheme available in accordance with the public availability requirements  | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord |  |
| s 46AAA                                  | Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity | Not applicable   | Where Council is a responsible public entity and is a planning authority<br><br>Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils |
| s 46AW                                   | Function of being consulted by the Minister   | CEO, DFC, MPBS   | Where Council is a responsible public entity   |
| s 46AX                                   | Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy   | CEO, DFC, MPBS   | Where Council is a responsible public entity   |



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| <b>Planning and Environment Act 1987</b> |  |  |   |
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| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>  | <b>Conditions and Limitations</b>   |
|  | Power to endorse the draft Statement of Planning Policy  |  |   |
| s 46AZC(2)                               | Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity                  | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord   | Where Council is a responsible public entity  |
| s 46AZK                                  | Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO | Where Council is a responsible public entity  |
| s 46GI(2)(b)(i)                          | Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction  | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO | Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency |

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| <b>Planning and Environment Act 1987</b> |  |                 |  |
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| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b> | <b>Conditions and Limitations</b>      |
| s 46GJ(1)                                | Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans  | CEO, DFC, MPBS  |  |
| s 46GK                                   | Duty to comply with a Minister's direction that applies to Council as the planning authority   | CEO, DFC, MPBS  |  |
| s 46GN(1)                                | Duty to arrange for estimates of values of inner public purpose land   | CEO, DFC, MPBS  |  |
| s 46GO(1)                                | Duty to give notice to owners of certain inner public purpose land   | CEO, DFC, MPBS  |  |
| s 46GP                                   | Function of receiving a notice under s 46GO  | CEO, DFC, MPBS  | Where Council is the collecting agency |
| s 46GQ                                   | Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land | CEO, DFC, MPBS  |  |

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| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b> | <b>Conditions and Limitations</b> |
| s 46GR(1)                                | Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO   | CEO, DFC, MPBS  |                                   |
| s 46GR(2)                                | Power to consider a late submission<br><br>Duty to consider a late submission if directed to do so by the Minister   | CEO, DFC, MPBS  |                                   |
| s 46GS(1)                                | Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ   | CEO, DFC, MPBS  |                                   |
| s 46GS(2)                                | Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general | CEO, DFC, MPBS  |                                   |
| s 46GT(2)                                | Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference   | CEO, DFC, MPBS  |                                   |

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| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b> | <b>Conditions and Limitations</b>      |
| s 46GT(4)                                | Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land  | CEO, DFC, MPBS  |  |
| s 46GT(6)                                | Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)   | CEO, DFC, MPBS  |  |
| s 46GU                                   | Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met | CEO, DFC, MPBS  |  |
| s 46GV(3)                                | Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution<br><br>Power to specify the manner in which the payment is to be made  | CEO, DFC, MPBS  | Where Council is the collecting agency |

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| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>   | <b>Conditions and Limitations</b>       |
| s 46GV(3)(b)                             | Power to enter into an agreement with the applicant   | CEO   | Where Council is the collecting agency  |
| s 46GV(4)(a)                             | Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)  | CEO, DFC, MPBS  | Where Council is the development agency |
| s 46GV(4)(b)                             | Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)  | CEO   | Where Council is the collecting agency  |
| s 46GV(7)                                | Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area        | CEO, DFC, MPBS  |   |
| s 46GV(9)                                | Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction | CEO, DFC, MPBS  | Where Council is the collecting agency  |
| s 46GX(1)                                | Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable                        | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, MPBS, Strat Plan Coord | Where Council is the collecting agency  |

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| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b> | <b>Conditions and Limitations</b>   |
| s 46GX(2)                                | Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan | CEO, DFC, MPBS  | Where Council is the collecting agency  |
| s 46GY(1)                                | Duty to keep proper and separate accounts and records  | DFC, MFS, MPBS  | Where Council is the collecting agency  |
| s 46GY(2)                                | Duty to keep the accounts and records in accordance with the Local Government Act 2020   | DFC, MFS, MPBS  | Where Council is the collecting agency  |
| s 46GZ(2)(a)                             | Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs  | DFC, MFS, MPBS  | Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is that planning authority |
| s 46GZ(2)(a)                             | Function of receiving the monetary component   | DFC, MFS, MPBS  | Where the Council is the planning authority   |

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| Planning and Environment Act 1987 |   |   |   |
|-----------------------------------|---|---|---|
| Provision                         | Power and Functions Delegated   | Delegate  | Conditions and Limitations  |
|                                   |   |   | This duty does not apply where Council is also the collecting agency  |
| s 46GZ(2)(b)                      | Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, MPBS, Strat Plan Coord | Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This provision does not apply where Council is also the relevant development agency |
| s 46GZ(2)(b)                      | Function of receiving the monetary component  | DFC, MFS, MPBS  | Where Council is the development agency under an approved infrastructure contributions plan<br><br>This provision does not apply where Council is also the collecting agency          |

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|  |   |   |   |
| s 46GZ(4)                                | Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)   | DFC, MFS, MPBS  | Where Council is the collecting agency under an approved infrastructure contributions plan  |
| s 46GZ(5)                                | Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, MPBS, Strat Plan Coord | Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This provision does not apply where Council is also the relevant development agency |
| s 46GZ(5)                                | Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land  | DFC, MFS, MPBS  | Where Council is the development agency specified in the approved infrastructure contributions plan   |



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| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>   | <b>Conditions and Limitations</b>  |
|  |   |   | This provision does not apply where Council is also the collecting agency  |
| s 46GZ(7)                                | Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW | DFC, MFS, MPBS  | Where Council is the collecting agency under an approved infrastructure contributions plan   |
| s 46GZ(9)                                | Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, MPBS, Strat Plan Coord | If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)<br><br>Where Council is the collecting agency under an approved infrastructure contributions plan |

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| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>   | <b>Conditions and Limitations</b>   |
|  |  |   | This duty does not apply where Council is also the development agency   |
| s 46GZ(9)                                | Function of receiving the fee simple in the land                                       | CEO, DFC, MFS, MPBS   | Where Council is the development agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the collecting agency |
| s 46GZA(1)                               | Duty to keep proper and separate accounts and records                                  | DFC, MFS, MPBS  | Where Council is the development agency under an approved infrastructure contributions plan   |
| s 46GZA(2)                               | Duty to keep the accounts and records in accordance with the Local Government Act 2020 | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, MPBS, Strat Plan Coord | Where Council is a development agency under an approved infrastructure contributions plan   |

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| <b>Planning and Environment Act 1987</b> |  |   |  |
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| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>                         | <b>Conditions and Limitations</b>  |
| s 46GZB(3)                               | Duty to follow the steps set out in s 46GZB(3)(a) – (c)  | DFC, MFS, MPBS                          | Where Council is a development agency under an approved infrastructure contributions plan  |
| s 46GZB(4)                               | Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA | Stat Plan Coord, MPBS, Strat Plan Coord | If the VPA is the collecting agency under an approved infrastructure contributions plan<br><br>Where Council is a development agency under an approved infrastructure contributions plan |
| s 46GZD(2)                               | Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)   | DFC, MFS, MPBS                          | Where Council is the development agency under an approved infrastructure contributions plan  |
| s 46GZD(3)                               | Duty to follow the steps set out in s 46GZD(3)(a) and (b)  | DFC, MFS, MPBS                          | Where Council is the collecting agency under an approved infrastructure contributions plan   |
| s 46GZD(5)                               | Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)   | Stat Plan Coord, MPBS, Strat Plan Coord | Where Council is the collecting agency under an approved infrastructure contributions plan   |

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| s 46GZE(2)                               | Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires | Stat Plan Coord, MPBS,<br>Strat Plan Coord | Where Council is the development agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the collecting agency |
| s 46GZE(2)                               | Function of receiving the unexpended land equalisation amount   | DFC, MFS, MPBS                             | Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the development agency |
| s 46GZE(3)                               | Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)   | DFC, MFS, MPBS                             | Where Council is the collecting agency under an approved infrastructure contributions plan  |

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| s 46GZF(2)                               | Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land | CEO, DFC, MFS, MPBS | Where Council is the development agency under an approved infrastructure contributions plan  |
| s.46GZF(3)                               | Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)   | CEO, DFC, MFS, MPBS | Where Council is the development agency under an approved infrastructure contributions plan  |
| s 46GZF(3)                               | Function of receiving proceeds of sale  | CEO, DFC, MFS, MPBS | Where Council is the collection agency under an approved infrastructure contributions plan<br><br>This provision does not apply where Council is also the development agency |
| s 46GZF(4)                               | Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)      | CEO, DFC, MFS, MPBS | Where Council is the collecting agency under an approved infrastructure contributions plan   |

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| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>                         | <b>Conditions and Limitations</b>  |
| s 46GZF(6)                               | Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)  | CEO, DFC, MFS, MPBS                     | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZH                                  | Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction                    | CEO, DFC, MFS, MPBS                     | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZI                                  | Duty to prepare and give a report to the Minister at the times required by the Minister  | Stat Plan Coord, MPBS, Strat Plan Coord | Where Council is a collecting agency or development agency                                 |
| s 46GZK                                  | Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council   | CEO, DFC, MFS, MPBS                     | Where Council is a collecting agency or development agency                                 |
| s 46LB(3)                                | Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2) | CEO, DFC, MFS, MPBS                     |  |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |   |                                   |
|--|--|---|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>   | <b>Conditions and Limitations</b> |
| s 46N(1)                                 | Duty to include condition in permit regarding payment of development infrastructure levy                               | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord  |                                   |
| s 46N(2)(c)                              | Function of determining time and manner for receipt of development contributions levy                                  | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord  |                                   |
| s 46N(2)(d)                              | Power to enter into an agreement with the applicant regarding payment of development infrastructure levy               | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DFC, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| 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 | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO      |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |   |                                   |
|--|--|---|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>   | <b>Conditions and Limitations</b> |
| s 46O(1)(d) & (2)(d)                     | Power to enter into agreement with the applicant regarding payment of community infrastructure levy      | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DFC, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 46P(1)                                 | Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured             | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DFC, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 46P(2)                                 | Power to accept provision of land, works, services or facilities in part or full payment of levy payable | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DFC, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |



## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |  |   |
|--|---|--|---|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>  | <b>Conditions and Limitations</b>                                   |
| s 46Q(1)                                 | Duty to keep proper accounts of levies paid   | Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, TPO                                 |   |
| s 46Q(1A)                                | Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency | Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, TPO                                  |   |
| s 46Q(2)                                 | Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc                             | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, Strat Plan Coord, TPO |   |
| s 46Q(3)                                 | Power to refund any amount of levy paid if it is satisfied the development is not to proceed  | MPBS   | Only applies when levy is paid to Council as a 'development agency' |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |  |   |
|--|---|--|---|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>  | <b>Conditions and Limitations</b>   |
| s 46Q(4)(c)                              | Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a) | Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, TPO                                       | Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister |
| s 46Q(4)(d)                              | Duty to submit to the Minister an amendment to the approved development contributions plan  | MPBS   | Must be done in accordance with Part 3  |
| s46Q(4)(e)                               | Duty to expend that amount on other works etc.  | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO | 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   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen  |   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |  |  |
|--|---|--|--|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>                            | <b>Conditions and Limitations</b>                          |
|  |   | Stat Plan Off, MPBS, Strat Plan Coord, TPO |  |
| s 46QD                                   | Duty to prepare report and give a report to the Minister  | Stat Plan Coord, MPBS, Strat Plan Coord    | Where Council is a collecting agency or development agency |
| s 46V(3)                                 | Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period                 | Not applicable                             |  |
| s 46V(4)                                 | Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period | Stat Plan Coord, MPBS, Strat Plan Coord    |  |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |  |                                   |
|--|---|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
| s 46V(5)                                 | Duty to keep a copy of the approved strategy plan incorporating all amendments to it  | Stat Plan Coord, MPBS, Strat Plan Coord  |                                   |
| s 46V(6)                                 | Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements | Stat Plan Coord, MPBS, Strat Plan Coord  |                                   |
| s 46Y                                    | Duty to carry out works in conformity with the approved strategy plan   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 47                                     | Power to decide that an application for a planning permit does not comply with that Act   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |   |                                   |
|--|--|---|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>   | <b>Conditions and Limitations</b> |
| s 49(1)                                  | Duty to keep a register of all applications for permits and determinations relating to permits         | Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, TPO                                       |                                   |
| s 49(2)                                  | Duty to make register available for inspection in accordance with the public availability requirements | Stat Plan Coord, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, TPO   |                                   |
| s 50(4)                                  | Duty to amend application  | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 50(5)                                  | Power to refuse to amend application   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen   |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |  |                                   |
|--|--|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
|  |  | Stat Plan Off, MPBS, Strat Plan Coord, TPO   |                                   |
| s 50(6)                                  | Duty to make note of amendment to application in register                                    | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 50A(1)                                 | Power to make amendment to application   | Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, TPO                                       |                                   |
| s 50A(3)                                 | Power to require applicant to notify owner and make a declaration that notice has been given | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |  |                                   |
|--|---|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
| s 50A(4)                                 | Duty to note amendment to application in register   | Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, TPO                                       |                                   |
| s 51                                     | Duty to make copy of application available for inspection in accordance with the public availability requirements   | Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, TPO                                  |                                   |
| 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 | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 52(1)(b)                               | Duty to give notice of the application to other municipal council where appropriate   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |  |                                   |
|--|--|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
| s 52(1)(c)                               | Duty to give notice of the application to all persons required by the planning scheme  | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| 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              | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| 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 | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 52(1)(d)                               | Duty to give notice of the application to other persons who may be detrimentally effected  | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen  |                                   |



## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |  |                                   |
|--|---|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
|  |   | Stat Plan Off, MPBS, Strat Plan Coord, TPO   |                                   |
| s.52(1AA)                                | Duty to give notice of an application to remove or vary a registered restrictive covenant | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 52(3)                                  | Power to give any further notice of an application where appropriate                      | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 53(1)                                  | Power to require the applicant to give notice under s 52(1) to persons specified by it    | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |  |                                   |
|--|--|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>                                 | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
| s 53(1A)                                 | Power to require the applicant to give the notice under s 52(1AA)    | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 54(1)                                  | Power to require the applicant to provide more information           | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 54(1A)                                 | Duty to give notice in writing of information required under s 54(1) | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 54(1B)                                 | Duty to specify the lapse date for an application                    | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen  |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |   |                                   |
|--|---|---|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>   | <b>Conditions and Limitations</b> |
|  |   | Stat Plan Off, MPBS, Strat Plan Coord, TPO  |                                   |
| s 54A(3)                                 | Power to decide to extend time or refuse to extend time to give required information  | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO      |                                   |
| s 54A(4)                                 | Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO      |                                   |
| s 55(1)                                  | Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |   |                                   |
|--|---|---|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>   | <b>Conditions and Limitations</b> |
| s 57(2A)                                 | Power to reject objections considered made primarily for commercial advantage for the objector          | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO      |                                   |
| s 57(3)                                  | Function of receiving name and address of persons to whom notice of decision is to go                   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 57(5)                                  | Duty to make a copy of all objections available in accordance with the public availability requirements | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |                 |                                   |
|--|---|-----------------|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b> | <b>Conditions and Limitations</b> |
| s 57A(4)                                 | Duty to amend application in accordance with applicant's request, subject to s 57A(5) | MPBS            |                                   |
| s 57A(5)                                 | Power to refuse to amend application  | MPBS            |                                   |
| s 57A(6)                                 | Duty to note amendments to application in register                                    | MPBS            |                                   |
| s 57B(1)                                 | Duty to determine whether and to whom notice should be given                          | MPBS            |                                   |
| s 57B(2)                                 | Duty to consider certain matters in determining whether notice should be given        | MPBS            |                                   |
| s 57C(1)                                 | Duty to give copy of amended application to referral authority                        | MPBS            |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |  |                                   |
|--|---|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>                            | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
| s 58                                     | Duty to consider every application for a permit                 | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 58A                                    | Power to request advice from the Planning Application Committee | DFC, MPBS  |                                   |
| s 60                                     | Duty to consider certain matters                                | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 60(1A)                                 | Duty to consider certain matters                                | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen  |                                   |

## South Gippsland Shire Council

| Planning and Environment Act 1987 |  |  |  |
|-----------------------------------|--|--|--|
| Provision                         | Power and Functions Delegated  | Delegate   | Conditions and Limitations   |
|                                   |  | Stat Plan Off, MPBS, Strat Plan Coord, TPO   |  |
| s 60(1B)                          | Duty to consider number of objectors in considering whether use or development may have significant social effect  | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO | <p>In accordance with Council Resolution 25 August 2010 Item B2 the delegate must not determine to grant a planning permit and must instead refer the permit application to Council for Council determination where:</p> <p>a) Five or more objection to the grant of the permit are received by Council, or</p> <p>b) In the Chief Executive Officers opinion, the permit application raises significant issues of Council policy or public interest.</p> |
| 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 | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO | <p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</p> <p>In accordance with Council Resolution 25 August 2010 Item B2 the delegate must not</p>   |

## South Gippsland Shire Council

| Planning and Environment Act 1987 |  |   |  |
|-----------------------------------|--|---|--|
| Provision                         | Power and Functions Delegated  | Delegate  | Conditions and Limitations   |
|                                   |  |   | determine to grant a planning permit and must instead refer the permit application to Council for Council determination where:<br>a) Five or more objections to the grant of the permit are received by Council, or<br>b) In the Chief Executive Officer's opinion, the permit application raises significant issues of Council policy or public interest. |
| s 61(2)                           | Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit       | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO      |  |
| s 61(2A)                          | Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DFC, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |  |



## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |  |                                   |
|--|---|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
| s 61(3)(a)                               | Duty not to decide to grant a permit to use coastal Crown land without Minister's consent                 | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 61(3)(b)                               | Duty to refuse to grant the permit without the Minister's consent   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 61(4)                                  | Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 62(1)                                  | Duty to include certain conditions in deciding to grant a permit  | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen  |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |  |                                   |
|--|--|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
|  |  | Stat Plan Off, MPBS, Strat Plan Coord, TPO   |                                   |
| s 62(2)                                  | Power to include other conditions  | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 62(4)                                  | Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 62(5)(a)                               | Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |  |                                   |
|--|---|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
| s 62(5)(b)                               | Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement                 | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 62(5)(c)                               | Power to include a permit condition that specified works be provided or paid for by the applicant   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 62(6)(a)                               | Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5) | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| 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                             | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen  |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |  |  |
|--|--|--|--|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>  | <b>Conditions and Limitations</b>  |
|  | planning scheme requires to be included as referred to in s 62(1)(a)                                 | Stat Plan Off, MPBS, Strat Plan Coord, TPO   |  |
| s 63                                     | Duty to issue the permit where made a decision in favour of the application (if no one has objected) | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |  |
| s 64(1)                                  | Duty to give notice of decision to grant a permit to applicant and objectors                         | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO | This provision applies also to a decision to grant an amendment to a permit - see s 75 |
| s 64(3)                                  | Duty not to issue a permit until after the specified period  | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO | This provision applies also to a decision to grant an amendment to a permit - see s 75 |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |   |   |
|--|---|---|---|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>   | <b>Conditions and Limitations</b>   |
| s 64(5)                                  | Duty to give each objector a copy of an exempt decision   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO      | This provision applies also to a decision to grant an amendment to a permit - see s 75  |
| s 64A                                    | Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DFC, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO | This provision applies also to a decision to grant an amendment to a permit - see s 75A |
| s 65(1)                                  | Duty to give notice of refusal to grant permit to applicant and person who objected under s 57  | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO      |   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |   |   |
|--|---|---|---|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>   | <b>Conditions and Limitations</b>   |
| s 66(1)                                  | Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO      |   |
| s 66(2)                                  | Duty to give a recommending referral authority notice of its decision to grant a permit             | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DFC, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO | 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            | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DFC, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO | 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                             |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |   |   |
|--|--|---|---|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>   | <b>Conditions and Limitations</b>   |
| s 66(6)                                  | Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65 | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DFC, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO | 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  | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO      |   |
| s 69(1A)                                 | Function of receiving application for extension of time to complete development  | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO      |   |
| s 69(2)                                  | Power to extend time   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord,  |   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |  |                                   |
|--|---|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
|  |   | Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO  |                                   |
| s 70                                     | Duty to make copy permit available for inspection in accordance with the public availability requirements | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 71(1)                                  | Power to correct certain mistakes   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 71(2)                                  | Duty to note corrections in register  | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |



## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |  |                                   |
|--|--|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
| s 73                                     | Power to decide to grant amendment subject to conditions   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 74                                     | Duty to issue amended permit to applicant if no objectors  | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 76                                     | Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 76A(1)                                 | Duty to give relevant determining referral authorities copy of amended permit and copy of notice | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen  |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |  |   |
|--|--|--|---|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>  | <b>Conditions and Limitations</b>   |
|  |  | Stat Plan Off, MPBS, Strat Plan Coord, TPO   |   |
| s 76A(2)                                 | Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit  | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO | 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   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO | If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit                             |
| s 76A(6)                                 | Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76 | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO | 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                             |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |  |                                   |
|--|---|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
| s 76D                                    | Duty to comply with direction of Minister to issue amended permit   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 83                                     | Function of being respondent to an appeal   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 83B                                    | Duty to give or publish notice of application for review  | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 84(1)                                  | Power to decide on an application at any time after an appeal is lodged against failure to grant a permit | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen  |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |  |                                   |
|--|---|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
|  |   | Stat Plan Off, MPBS, Strat Plan Coord, TPO   |                                   |
| 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    | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| 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 | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 84(6)                                  | Duty to issue permit on receipt of advice within 3 business days  | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |  |                                   |
|--|---|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
| s 84AB                                   | Power to agree to confining a review by the Tribunal                                    | Stat Plan Coord, DFC, MPBS   |                                   |
| s 86                                     | Duty to issue a permit at order of Tribunal within 3 business days                      | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 87(3)                                  | Power to apply to VCAT for the cancellation or amendment of a permit                    | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 90(1)                                  | Function of being heard at hearing of request for cancellation or amendment of a permit | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |  |                                   |
|--|--|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
| s 91(2)                                  | Duty to comply with the directions of VCAT   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 91(2A)                                 | Duty to issue amended permit to owner if Tribunal so directs   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 92                                     | Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90 | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 93(2)                                  | Duty to give notice of VCAT order to stop development  | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen  |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |  |                                   |
|--|---|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>                                  | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
|  |   | Stat Plan Off, MPBS, Strat Plan Coord, TPO   |                                   |
| s 95(3)                                  | Function of referring certain applications to the Minister            | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 95(4)                                  | Duty to comply with an order or direction                             | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 96(1)                                  | Duty to obtain a permit from the Minister to use and develop its land | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |  |                                   |
|--|---|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
| s 96(2)                                  | Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 96A(2)                                 | Power to agree to consider an application for permit concurrently with preparation of proposed amendment          | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 96C                                    | Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 96F                                    | Duty to consider the panel's report under s 96E   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen  |                                   |



## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |  |                                   |
|--|---|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
|  |   | Stat Plan Off, MPBS, Strat Plan Coord, TPO   |                                   |
| s 96G(1)                                 | Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996 | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 96H(3)                                 | Power to give notice in compliance with Minister's direction  | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 96J                                    | Duty to issue permit as directed by the Minister  | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |   |                                   |
|--|---|---|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>   | <b>Conditions and Limitations</b> |
| s 96K                                    | Duty to comply with direction of the Minister to give notice of refusal   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DFC, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 96Z                                    | Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate      | MPBS  |                                   |
| s 97C                                    | Power to request Minister to decide the application   | DFC, MPBS   |                                   |
| s 97D(1)                                 | Duty to comply with directions of Minister to supply any document or assistance relating to application                     | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO      |                                   |
| 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 | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen   |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |  |                                   |
|--|---|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
|  |   | Stat Plan Off, MPBS, Strat Plan Coord, TPO   |                                   |
| s 97G(6)                                 | Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 97L                                    | Duty to include Ministerial decisions in a register kept under s 49   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 97MH                                   | Duty to provide information or assistance to the Planning Application Committee                                     | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |   |                                   |
|--|---|---|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>   | <b>Conditions and Limitations</b> |
| s 97MI                                   | Duty to contribute to the costs of the Planning Application Committee or subcommittee                                     | DFC   |                                   |
| s 97O                                    | Duty to consider application and issue or refuse to issue certificate of compliance                                       | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO                          |                                   |
| s 97P(3)                                 | Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |
| s 97Q(2)                                 | Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate                        | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat  |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |   |                                   |
|--|--|---|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>   | <b>Conditions and Limitations</b> |
|  |  | Plan Off, MPBS,<br>MCHSafety, Strat Plan<br>Coord, TPO  |                                   |
| s 97Q(4)                                 | Duty to comply with directions of VCAT   | B&PCC, Sen Strat Plan<br>Off, Strat Plan Off, Stat<br>Plan Coord, B&PEO, Plan<br>Off, Stat Plan Off, Sen Stat<br>Plan Off, MPBS,<br>MCHSafety, Strat Plan<br>Coord, TPO |                                   |
| s 97R                                    | Duty to keep register of all applications for certificate of<br>compliance and related decisions | B&PCC, Sen Strat Plan<br>Off, Strat Plan Off, Stat<br>Plan Coord, B&PEO, Plan<br>Off, Stat Plan Off, Sen Stat<br>Plan Off, MPBS,<br>MCHSafety, Strat Plan<br>Coord, TPO |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |  |                                   |
|--|---|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
| s 98(1)&(2)                              | Function of receiving claim for compensation in certain circumstances                     | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 98(4)                                  | Duty to inform any person of the name of the person from whom compensation can be claimed | Sen Strat Plan Off, Strat Plan Off, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO                  |                                   |
| s 101                                    | Function of receiving claim for expenses in conjunction with claim                        | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |                                   |
| s 103                                    | Power to reject a claim for compensation in certain circumstances                         | B&PCC, Stat Plan Coord, B&PEO, MPBS,   |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |   |                                   |
|--|--|---|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>           | <b>Delegate</b>   | <b>Conditions and Limitations</b> |
|  |  | MCHSafety, Strat Plan Coord   |                                   |
| s.107(1)                                 | Function of receiving claim for compensation   | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |
| s 107(3)                                 | Power to agree to extend time for making claim | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |   |                                   |
|--|---|---|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>   | <b>Conditions and Limitations</b> |
| s 113(2)                                 | Power to request a declaration for land to be proposed to be reserved for public purposes | Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord  |                                   |
| s 114(1)                                 | Power to apply to the VCAT for an enforcement order                                       | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |
| s 117(1)(a)                              | Function of making a submission to the VCAT where objections are received                 | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |



## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |   |                                   |
|--|---|---|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>   | <b>Conditions and Limitations</b> |
| s 120(1)                                 | Power to apply for an interim enforcement order where s 114 application has been made | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |
| s 123(1)                                 | Power to carry out work required by enforcement order and recover costs               | DSI, DFC  |                                   |
| s 123(2)                                 | Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)  | DSI, DFC  | Except Crown Land                 |
| s 129                                    | Function of recovering penalties  | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |   |  |
|--|--|---|--|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>   | <b>Conditions and Limitations</b>                |
| s 130(5)                                 | Power to allow person served with an infringement notice further time  | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |  |
| s 149A(1)                                | Power to refer a matter to the VCAT for determination  | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |  |
| s 149A(1A)                               | power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement         | Stat Plan Coord, DFC, MPBS, Strat Plan Coord  |  |
| s 156                                    | Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat   | Where Council is the relevant planning authority |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |   |                                   |
|--|--|---|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>   | <b>Conditions and Limitations</b> |
|  | reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4) | Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO   |                                   |
| s 171(2)(f)                              | Power to carry out studies and commission reports  | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |
| s 171(2)(g)                              | Power to grant and reserve easements   | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO                          |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |                 |  |
|--|---|-----------------|--|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b> | <b>Conditions and Limitations</b>  |
| s 172C                                   | Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan   | CEO             | Where Council is a development agency specified in an approved infrastructure contributions plan   |
| s 172D(1)                                | Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)   | CEO             | Where Council is a collecting agency specified in an approved infrastructure contributions plan    |
| s 172D(2)                                | Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4) | CEO             | Where Council is the development agency specified in an approved infrastructure contributions plan |
| s 173(1)                                 | Power to enter into agreement covering matters set out in s 174   | No delegate     | Chief Executive Officer  |
| s 173(1A)                                | Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing   | No delegate     | Where Council is the relevant responsible authority  |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |  |                                   |
|--|--|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
|  |  |  | Chief Executive Officer           |
|  | Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority | B&PCC, CP, B&PEO, MPBS, MCHSafety  |                                   |
|  | Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority           | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |
| s 177(2)                                 | Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9   | CP, DFC, MPBS  |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |                 |                                   |
|--|--|-----------------|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b> | <b>Conditions and Limitations</b> |
| 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 | CP, DFC, MPBS   |                                   |
| s 178A(1)                                | Function of receiving application to amend or end an agreement   | CP, DFC, MPBS   |                                   |
| s 178A(3)                                | Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)   | CP, DFC, MPBS   |                                   |
| s 178A(4)                                | Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal   | CP, DFC, MPBS   |                                   |
| s 178A(5)                                | Power to propose to amend or end an agreement  | CP, DFC, MPBS   |                                   |
| s 178B(1)                                | Duty to consider certain matters when considering proposal to amend an agreement   | CP, DFC, MPBS   |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |                 |                                   |
|--|---|-----------------|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b> | <b>Conditions and Limitations</b> |
|  |   |                 |                                   |
| s 178B(2)                                | Duty to consider certain matters when considering proposal to end an agreement  | CP, DFC, MPBS   |                                   |
| s 178C(2)                                | Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end | CP, DFC, MPBS   |                                   |
| s 178C(4)                                | Function of determining how to give notice under s 178C(2)  | CP, DFC, MPBS   |                                   |
| s 178E(1)                                | Duty not to make decision until after 14 days after notice has been given   | CP, DFC, MPBS   |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |                 |   |
|--|---|-----------------|---|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b> | <b>Conditions and Limitations</b>   |
| s.178E(2)(a)                             | Power to amend or end the agreement in accordance with the proposal                                   | CP, DFC, MPBS   | If no objections are made under s 178D<br><br>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 | CP, DFC, MPBS   | If no objections are made under s 178D<br><br>Must consider matters in s 178B |
| s 178E(2)(c)                             | Power to refuse to amend or end the agreement   | CP, DFC, MPBS   | If no objections are made under s 178D<br><br>Must consider matters in s 178B |
| s 178E(3)(a)                             | Power to amend or end the agreement in accordance with the proposal                                   | CP, DFC, MPBS   | After considering objections, submissions and matters in s 178B               |



## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |                         |   |
|--|---|-------------------------|---|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>         | <b>Conditions and Limitations</b>                               |
| s 178E(3)(b)                             | Power to amend or end the agreement in a manner that is not substantively different from the proposal | CP, DFC, MPBS           | 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     | MIP, CP, DSI, DFC, MPBS | After considering objections, submissions and matters in s.178B |
| s 178E(3)(d)                             | Power to refuse to amend or end the agreement   | MIP, CP, DSI, DFC, MPBS | 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)   | MIP, CP, DSI, DFC, MPBS |   |
| s 178F(2)                                | Duty to give notice of its decision under s 178E(2)(c) or (3)(d)                                      | MIP, CP, DSI, DFC, MPBS |   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |                    |                                   |
|--|--|--------------------|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>    | <b>Conditions and Limitations</b> |
| 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 | MIP, CP, DFC, MPBS |                                   |
| s 178G                                   | Duty to sign amended agreement and give copy to each other party to the agreement  | No delegate        | Chief Executive Officer           |
| 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  | MIP, CP, DFC, MPBS |                                   |
| s 178I(3)                                | Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land  | MIP, CP, DFC, MPBS |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |   |                                   |
|--|---|---|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>   | <b>Conditions and Limitations</b> |
| s 179(2)                                 | Duty to make copy of each agreement available in accordance with the public availability requirements | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO  |                                   |
| s 181                                    | Duty to apply to the Registrar of Titles to record the agreement                                      | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, PBAO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |
| s 181(1A)(a)                             | Power to apply to the Registrar of Titles to record the agreement                                     | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, PBAO, Plan Off, Stat Plan Off, Sen Stat Plan Off,  |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |   |                                   |
|--|--|---|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>   | <b>Conditions and Limitations</b> |
|  |  | MPBS, MCHSafety, Strat Plan Coord, TPO  |                                   |
| s 181(1A)(b)                             | Duty to apply to the Registrar of Titles, without delay, to record the agreement | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, PBAO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |
| s 182                                    | Power to enforce an agreement  | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO       |                                   |
| s 183                                    | Duty to tell Registrar of Titles of ending/amendment of agreement                | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan   |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |   |                                   |
|--|---|---|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>   | <b>Conditions and Limitations</b> |
|  |   | Off, Stat Plan Off, PLA,<br>Sen Stat Plan Off, MPBS,<br>MCHSafety, Strat Plan<br>Coord, TPO   |                                   |
| 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                           | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |
| 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 | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |   |                                   |
|--|---|---|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>   | <b>Conditions and Limitations</b> |
| s 184F(3)                                | Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |
| s 184F(5)                                | Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision  | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |
| s 184G(2)                                | Duty to comply with a direction of the Tribunal   | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS,                                  |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |   |                                   |
|--|---|---|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>   | <b>Conditions and Limitations</b> |
|  |   | MCHSafety, Strat Plan Coord, TPO  |                                   |
| s 184G(3)                                | Duty to give notice as directed by the Tribunal   | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |
| s 185B(1)                                | Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice | Stat Plan Coord, MPBS, Strat Plan Coord   |                                   |
| s 198(1)                                 | Function to receive application for planning certificate  | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS,                             |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |  |                                   |
|--|--|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>                                   | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
|  |  | MCHSafety, Strat Plan Coord, TPO   |                                   |
| s 199(1)                                 | Duty to give planning certificate to applicant                         | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |
| s 201(1)                                 | Function of receiving application for declaration of underlying zoning | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |
| s 201(3)                                 | Duty to make declaration   | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan  |                                   |



## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |   |                                   |
|--|--|---|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>   | <b>Conditions and Limitations</b> |
|  |  | Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO   |                                   |
|  | 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        | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |
|  | 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 | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |   |   |                                   |
|--|---|---|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>  | <b>Delegate</b>   | <b>Conditions and Limitations</b> |
|  | Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |
|  | Power to give written authorisation in accordance with a provision of a planning scheme   | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |
| s 201UAB(1)                              | Function of providing the Victoria Planning Authority with information relating to any land within municipal district                               | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS,                             |                                   |

## South Gippsland Shire Council

| <b>Planning and Environment Act 1987</b> |  |  |                                   |
|--|--|--|-----------------------------------|
| <b>Provision</b>                         | <b>Power and Functions Delegated</b>   | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
|  |  | MCHSafety, Strat Plan Coord, TPO   |                                   |
| s 201UAB(2)                              | Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible | B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, TPO |                                   |

| <b>Residential Tenancies Act 1997</b> |   |                     |                                   |
|---------------------------------------|---|---------------------|-----------------------------------|
| <b>Provision</b>                      | <b>Power and Functions Delegated</b>  | <b>Delegate</b>     | <b>Conditions and Limitations</b> |
| s 518F                                | Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements | EHO, EHC, MCHSafety |                                   |

## South Gippsland Shire Council

| <b>Residential Tenancies Act 1997</b> |  |  |   |
|---------------------------------------|--|--|---|
| <b>Provision</b>                      | <b>Power and Functions Delegated</b>   | <b>Delegate</b>                                  | <b>Conditions and Limitations</b>   |
| s 522(1)                              | Power to give a compliance notice to a person  | EHO, DFC, EHC,<br>MCHSafety                      |   |
| s 525(2)                              | Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case) | No delegate                                      | Chief Executive Officer   |
| s 525(4)                              | Duty to issue identity card to authorised officers   | PCA, DPI, P&C Admin<br>Officer, CR, MFS,<br>MPBS |   |
| s 526(5)                              | Duty to keep record of entry by authorised officer under s 526                                       | EHO, EHC,<br>MCHSafety                           |   |
| s 526A(3)                             | Function of receiving report of inspection   | EHO, EHC,<br>MCHSafety, CPC                      | Caravan Parks Coordinator to only receive reports relating to Council managed Caravan Parks |

## South Gippsland Shire Council

| <b>Residential Tenancies Act 1997</b> |   |                 |                                   |
|---------------------------------------|---|-----------------|-----------------------------------|
| <b>Provision</b>                      | <b>Power and Functions Delegated</b>  | <b>Delegate</b> | <b>Conditions and Limitations</b> |
| s 527                                 | Power to authorise a person to institute proceedings (either generally or in a particular case) | DFC, MCHSafety  |                                   |

| <b>Road Management Act 2004</b> |  |                        |  |
|---------------------------------|--|------------------------|--|
| <b>Provision</b>                | <b>Power and Functions Delegated</b>   | <b>Delegate</b>        | <b>Conditions and Limitations</b>                    |
| s 11(1)                         | Power to declare a road by publishing a notice in the Government Gazette                     | MIP, CP, MID, DSI, MIM | Obtain consent in circumstances specified in s 11(2) |
| s 11(8)                         | Power to name a road or change the name of a road by publishing notice in Government Gazette | MIP, CP, MID, DSI, MIM |  |
| s 11(9)(b)                      | Duty to advise Registrar   | MIP, CP, MID, DSI, MIM |  |

## South Gippsland Shire Council

| <b>Road Management Act 2004</b> |   |                        |  |
|---------------------------------|---|------------------------|--|
| <b>Provision</b>                | <b>Power and Functions Delegated</b>  | <b>Delegate</b>        | <b>Conditions and Limitations</b>  |
| s 11(10)                        | Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc. | MIP, CP, MID, DSI, MIM | Subject to s 11(10A)   |
| s 11(10A)                       | Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person | MIP, CP, MID, DSI, MIM | Where Council is the coordinating road authority   |
| s 12(2)                         | Power to discontinue road or part of a road   | MIP, CP, MID, DSI, MIM | Where Council is the coordinating road authority   |
| s 12(4)                         | Duty to publish, and provide copy, notice of proposed discontinuance                                | MIP, CP, MID, DSI, MIM | Power of coordinating road authority where it is the discontinuing body<br><br>Unless s 12(11) applies |
| s 12(5)                         | Duty to consider written submissions received within 28 days of notice                              | MIP, CP, MID, DSI, MIM | Duty of coordinating road authority where it is the discontinuing body                                 |

## South Gippsland Shire Council

| <b>Road Management Act 2004</b> |   |                        |  |
|---------------------------------|---|------------------------|--|
| <b>Provision</b>                | <b>Power and Functions Delegated</b>  | <b>Delegate</b>        | <b>Conditions and Limitations</b>  |
|                                 |   |                        | Unless s 12(11) applies  |
| s 12(6)                         | Function of hearing a person in support of their written submission         | MIP, CP, MID, DSI, MIM | Function of coordinating road authority where it is the discontinuing body<br><br>Unless s 12(11) applies  |
| s 12(7)                         | Duty to fix day, time and place of meeting under s 12(6) and to give notice | MIP, CP, MID, DSI, MIM | Duty of coordinating road authority where it is the discontinuing body<br><br>Unless s 12(11) applies  |
| s 12(10)                        | Duty to notify of decision made   | MIP, CP, MID, DSI, MIM | Duty of coordinating road authority where it is the discontinuing body<br><br>Does not apply where an exemption is specified by the regulations or given by the Minister |

## South Gippsland Shire Council

| <b>Road Management Act 2004</b> |  |                        |  |
|---------------------------------|--|------------------------|--|
| <b>Provision</b>                | <b>Power and Functions Delegated</b>   | <b>Delegate</b>        | <b>Conditions and Limitations</b>  |
| s 13(1)                         | Power to fix a boundary of a road by publishing notice in Government Gazette   | MIP, CP, MID, DSI, MIM | Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate |
| s 14(4)                         | Function of receiving notice from the Head, Transport for Victoria   | MIP, DSI, MIM          |  |
| s 14(7)                         | Power to appeal against decision of the Head, Transport for Victoria   | MIP, DSI, MIM          |  |
| s 15(1)                         | Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport | MIP, DSI, MIM          |  |
| s 15(1A)                        | Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority   | MIP, DSI, MIM          |  |



## South Gippsland Shire Council

| <b>Road Management Act 2004</b> |   |                              |  |
|---------------------------------|---|------------------------------|--|
| <b>Provision</b>                | <b>Power and Functions Delegated</b>                                      | <b>Delegate</b>              | <b>Conditions and Limitations</b>                |
|                                 |   |                              |  |
| s 15(2)                         | Duty to include details of arrangement in public roads register           | MIP, CCAS, DSI, MIM, ASSETSO |  |
| s 16(7)                         | Power to enter into an arrangement under s 15                             | MIP, DSI, MIM                |  |
| s 16(8)                         | Duty to enter details of determination in public roads register           | MIP, CCAS, DSI, MIM, ASSETSO |  |
| s 17(2)                         | Duty to register public road in public roads register                     | MIP, CCAS, DSI, MIM, ASSETSO | Where Council is the coordinating road authority |
| s 17(3)                         | Power to decide that a road is reasonably required for general public use | MIP, DSI, MIM                | Where Council is the coordinating road authority |

## South Gippsland Shire Council

| <b>Road Management Act 2004</b> |   |                              |  |
|---------------------------------|---|------------------------------|--|
| <b>Provision</b>                | <b>Power and Functions Delegated</b>  | <b>Delegate</b>              | <b>Conditions and Limitations</b>  |
| s 17(3)                         | Duty to register a road reasonably required for general public use in public roads register         | MIP, CCAS, DSI, MIM, ASSETSO | Where Council is the coordinating road authority   |
| s 17(4)                         | Power to decide that a road is no longer reasonably required for general public use                 | MIP, DSI, MIM                | Where Council is the coordinating road authority   |
| s 17(4)                         | Duty to remove road no longer reasonably required for general public use from public roads register | MIP, CCAS, DSI, MIM, ASSETSO | Where Council is the coordinating road authority   |
| s 18(1)                         | Power to designate ancillary area   | MIP, DSI, MIM                | Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2) |
| s 18(3)                         | Duty to record designation in public roads register   | MIP, CCAS, DSI, MIM, ASSETSO | Where Council is the coordinating road authority   |

## South Gippsland Shire Council

| <b>Road Management Act 2004</b> |  |                              |  |
|---------------------------------|--|------------------------------|--|
| <b>Provision</b>                | <b>Power and Functions Delegated</b>   | <b>Delegate</b>              | <b>Conditions and Limitations</b>                    |
| s 19(1)                         | Duty to keep register of public roads in respect of which it is the coordinating road authority          | MIP, CCAS, DSI, MIM, ASSETSO |  |
| s 19(4)                         | Duty to specify details of discontinuance in public roads register                                       | MIP, CCAS, DSI, MIM, ASSETSO |  |
| s 19(5)                         | Duty to ensure public roads register is available for public inspection                                  | MIP, CCAS, DSI, MIM, ASSETSO |  |
| s 21                            | Function of replying to request for information or advice  | MIP, DSI, MIM                | Obtain consent in circumstances specified in s 11(2) |
| s 22(2)                         | Function of commenting on proposed direction   | MIP, DSI, MIM                |  |
| s 22(4)                         | Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report. | MIP, DSI, MIM                |  |

## South Gippsland Shire Council

| <b>Road Management Act 2004</b> |   |                 |   |
|---------------------------------|---|-----------------|---|
| <b>Provision</b>                | <b>Power and Functions Delegated</b>  | <b>Delegate</b> | <b>Conditions and Limitations</b>                           |
| s 22(5)                         | Duty to give effect to a direction under s 22                                       | MIP, DSI, MIM   |   |
| s 40(1)                         | Duty to inspect, maintain and repair a public road.                                 | MIP, DSI, MIM   |   |
| s 40(5)                         | Power to inspect, maintain and repair a road which is not a public road             | MIP, DSI, MIM   |   |
| s 41(1)                         | Power to determine the standard of construction, inspection, maintenance and repair | MIP, DSI, MIM   |   |
| s 42(1)                         | Power to declare a public road as a controlled access road                          | MIP, DSI, MIM   | Power of coordinating road authority and sch 2 also applies |
| s 42(2)                         | Power to amend or revoke declaration by notice published in Government Gazette      | MIP, DSI, MIM   | Power of coordinating road authority and sch 2 also applies |

## South Gippsland Shire Council

| <b>Road Management Act 2004</b> |  |                 |  |
|---------------------------------|--|-----------------|--|
| <b>Provision</b>                | <b>Power and Functions Delegated</b>   | <b>Delegate</b> | <b>Conditions and Limitations</b>  |
|                                 |  |                 |  |
| s 42A(3)                        | Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified   | DSI, MIM        | Where Council is the coordinating road authority<br><br>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   | MIP, DSI, MIM   | Where Council is the coordinating road authority<br><br>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) | MIP, DSI, MIM   | Where Council is the responsible road authority, infrastructure manager or works manager   |
| s 48M(3)                        | Function of consulting with the relevant authority for purposes of developing guidelines under s 48M   | MIP, DSI, MIM   |  |

## South Gippsland Shire Council

| <b>Road Management Act 2004</b> |  |                 |                                   |
|---------------------------------|--|-----------------|-----------------------------------|
| <b>Provision</b>                | <b>Power and Functions Delegated</b>   | <b>Delegate</b> | <b>Conditions and Limitations</b> |
| s 49                            | Power to develop and publish a road management plan  | MIP, DSI, MIM   |                                   |
| s 51                            | Power to determine standards by incorporating the standards in a road management plan                            | MIP, DSI, MIM   |                                   |
| s 53(2)                         | Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan | MIP, DSI, MIM   |                                   |
| s 54(2)                         | Duty to give notice of proposal to make a road management plan   | MIP, DSI, MIM   |                                   |
| s 54(5)                         | Duty to conduct a review of road management plan at prescribed intervals   | MIP, DSI, MIM   |                                   |

## South Gippsland Shire Council

| <b>Road Management Act 2004</b> |  |                 |  |
|---------------------------------|--|-----------------|--|
| <b>Provision</b>                | <b>Power and Functions Delegated</b>   | <b>Delegate</b> | <b>Conditions and Limitations</b>                |
| s 54(6)                         | Power to amend road management plan  | MIP, DSI, MIM   |  |
| s 54(7)                         | Duty to incorporate the amendments into the road management plan                                   | MIP, DSI, MIM   |  |
| s 55(1)                         | Duty to cause notice of road management plan to be published in Government Gazette and newspaper   | MIP, DSI, MIM   |  |
| s 63(1)                         | Power to consent to conduct of works on road   | MIP, DSI, MIM   | Where Council is the coordinating road authority |
| s 63(2)(e)                      | Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency | MIP, DSI, MIM   | Where Council is the infrastructure manager      |

## South Gippsland Shire Council

| <b>Road Management Act 2004</b> |  |                        |  |
|---------------------------------|--|------------------------|--|
| <b>Provision</b>                | <b>Power and Functions Delegated</b>   | <b>Delegate</b>        | <b>Conditions and Limitations</b>                            |
| s 64(1)                         | Duty to comply with cl 13 of sch 7   | MIP, DSI               | Where Council is the infrastructure manager or works manager |
| s 66(1)                         | Power to consent to structure etc  | MIP, DSI, SCSO, CCSafe | Where Council is the coordinating road authority             |
| s 67(2)                         | Function of receiving the name & address of the person responsible for distributing the sign or bill | MIP, DSI, SCSO, CCSafe | Where Council is the coordinating road authority             |
| s 67(3)                         | Power to request information   | MIP, DSI, SCSO, CCSafe | Where Council is the coordinating road authority             |
| s 68(2)                         | Power to request information   | MIP, DSI, SCSO, CCSafe | Where Council is the coordinating road authority             |
| s 71(3)                         | Power to appoint an authorised officer   | No delegate            | Chief Executive Officer                                      |



## South Gippsland Shire Council

| <b>Road Management Act 2004</b> |   |  |                                   |
|---------------------------------|---|--|-----------------------------------|
| <b>Provision</b>                | <b>Power and Functions Delegated</b>                      | <b>Delegate</b>  | <b>Conditions and Limitations</b> |
| s 72                            | Duty to issue an identity card to each authorised officer | MIP, MID, PCA, DSI,<br>P&C Admin Officer,<br>SCSO, MIM, CR,<br>MFS, CCSafe,<br>MOS&E |                                   |
| s 85                            | Function of receiving report from authorised officer      | MIP, DSI, SCSO,<br>CCSafe  |                                   |
| s 86                            | Duty to keep register re s 85 matters                     | MIP, DSI   |                                   |
| s 87(1)                         | Function of receiving complaints                          | MIP, DSI, SCSO,<br>CCSafe  |                                   |
| s 87(2)                         | Duty to investigate complaint and provide report          | MIP, DSI, SCSO,<br>CCSafe  |                                   |

## South Gippsland Shire Council

| <b>Road Management Act 2004</b> |  |                        |                                   |
|---------------------------------|--|------------------------|-----------------------------------|
| <b>Provision</b>                | <b>Power and Functions Delegated</b>   | <b>Delegate</b>        | <b>Conditions and Limitations</b> |
| s 96                            | Power to authorise a person for the purpose of instituting legal proceedings   | CEO                    |                                   |
| s 112(2)                        | Power to recover damages in court  | MIP, DSI, SCSO, CCSafe |                                   |
| s 116                           | Power to cause or carry out inspection   | MIP, DSI               |                                   |
| s 119(2)                        | Function of consulting with the Head, Transport for Victoria   | MIP, DSI               |                                   |
| s 120(1)                        | Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)             | MIP, DSI, SCSO, CCSafe |                                   |
| s 120(2)                        | Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1) | MIP, DSI, SCSO, CCSafe |                                   |

## South Gippsland Shire Council

| <b>Road Management Act 2004</b> |   |                           |                                   |
|---------------------------------|---|---------------------------|-----------------------------------|
| <b>Provision</b>                | <b>Power and Functions Delegated</b>                                      | <b>Delegate</b>           | <b>Conditions and Limitations</b> |
| s 121(1)                        | Power to enter into an agreement in respect of works                      | MIP, DSI, SCSO,<br>CCSafe |                                   |
| s 122(1)                        | Power to charge and recover fees  | MIP, DSI, SCSO,<br>CCSafe |                                   |
| s 123(1)                        | Power to charge for any service   | MIP, DSI, SCSO,<br>CCSafe |                                   |
| sch 2 cl<br>2(1)                | Power to make a decision in respect of controlled access roads            | MIP, DSI, SCSO,<br>CCSafe |                                   |
| sch 2 cl<br>3(1)                | Duty to make policy about controlled access roads                         | MIP, DSI, SCSO,<br>CCSafe |                                   |
| sch 2 cl<br>3(2)                | Power to amend, revoke or substitute policy about controlled access roads | MIP, DSI, SCSO,<br>CCSafe |                                   |

## South Gippsland Shire Council

| <b>Road Management Act 2004</b> |  |                        |  |
|---------------------------------|--|------------------------|--|
| <b>Provision</b>                | <b>Power and Functions Delegated</b>   | <b>Delegate</b>        | <b>Conditions and Limitations</b>                            |
|                                 |  |                        |  |
| sch 2 cl 4                      | Function of receiving details of proposal from the Head, Transport for Victoria  | MIP, DSI, SCSO, CCSafe |  |
| sch 2 cl 5                      | Duty to publish notice of declaration  | MIP, DSI, SCSO, CCSafe |  |
| sch 7 cl 7(1)                   | Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve   | MIP, DSI, SCSO, CCSafe | Where Council is the infrastructure manager or works manager |
| sch 7 cl 8(1)                   | Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road | MIP, DSI, SCSO, CCSafe | Where Council is the infrastructure manager or works manager |

## South Gippsland Shire Council

| <b>Road Management Act 2004</b> |  |                        |  |
|---------------------------------|--|------------------------|--|
| <b>Provision</b>                | <b>Power and Functions Delegated</b>   | <b>Delegate</b>        | <b>Conditions and Limitations</b>  |
| sch 7 cl 9(1)                   | Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works | MIP, DSI, SCSO, CCSafe | Where Council is the infrastructure manager or works manager responsible for non-road infrastructure |
| sch 7 cl 9(2)                   | Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance  | MIP, DSI, SCSO, CCSafe | Where Council is the infrastructure manager or works manager   |
| sch 7 cl 10(2)                  | Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected   | MIP, DSI, SCSO, CCSafe | Where Council is the infrastructure manager or works manager   |
| sch 7 cl 12(2)                  | Power to direct infrastructure manager or works manager to conduct reinstatement works   | MIP, DSI               | Where Council is the coordinating road authority   |

## South Gippsland Shire Council

| <b>Road Management Act 2004</b> |   |                 |  |
|---------------------------------|---|-----------------|--|
| <b>Provision</b>                | <b>Power and Functions Delegated</b>  | <b>Delegate</b> | <b>Conditions and Limitations</b>                |
|                                 |   |                 |  |
| sch 7 cl 12(3)                  | Power to take measures to ensure reinstatement works are completed  | MIP, DSI, MIM   | Where Council is the coordinating road authority |
| sch 7 cl 12(4)                  | Duty to ensure that works are conducted by an appropriately qualified person  | MIP, DSI        | Where Council is the coordinating road authority |
| sch 7 cl 12(5)                  | Power to recover costs  | MIP, DSI        | Where Council is the coordinating road authority |
| sch 7 cl 13(1)                  | Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2) | MIP, DSI        | Where Council is the works manager               |
| sch 7 cl 13(2)                  | Power to vary notice period   | MIP, DSI        | Where Council is the coordinating road authority |

## South Gippsland Shire Council

| <b>Road Management Act 2004</b> |   |                 |   |
|---------------------------------|---|-----------------|---|
| <b>Provision</b>                | <b>Power and Functions Delegated</b>  | <b>Delegate</b> | <b>Conditions and Limitations</b>   |
| sch 7 cl 13(3)                  | Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1) | MIP, DSI        | Where Council is the infrastructure manager   |
| sch 7 cl 16(1)                  | Power to consent to proposed works  | MIP, DSI        | Where Council is the coordinating road authority  |
| sch 7 cl 16(4)                  | Duty to consult   | MIP, DSI        | Where Council is the coordinating road authority, responsible authority or infrastructure manager |
| sch 7 cl 16(5)                  | Power to consent to proposed works  | MIP, DSI        | Where Council is the coordinating road authority  |
| sch 7 cl 16(6)                  | Power to set reasonable conditions on consent   | MIP, DSI        | Where Council is the coordinating road authority  |

## South Gippsland Shire Council

| <b>Road Management Act 2004</b> |  |                 |  |
|---------------------------------|--|-----------------|--|
| <b>Provision</b>                | <b>Power and Functions Delegated</b>   | <b>Delegate</b> | <b>Conditions and Limitations</b>                |
| sch 7 cl 16(8)                  | Power to include consents and conditions   | MIP, DSI        | Where Council is the coordinating road authority |
| sch 7 cl 17(2)                  | Power to refuse to give consent and duty to give reasons for refusal   | MIP, DSI        | Where Council is the coordinating road authority |
| sch 7 cl 18(1)                  | Power to enter into an agreement   | MIP, DSI        | Where Council is the coordinating road authority |
| sch 7 cl 19(1)                  | Power to give notice requiring rectification of works  | MIP, DSI        | Where Council is the coordinating road authority |
| sch 7 cl 19(2) & (3)            | Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred | MIP, DSI        | Where Council is the coordinating road authority |
| sch 7 cl 20(1)                  | Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure                                   | MIP, DSI        | Where Council is the coordinating road authority |



## South Gippsland Shire Council

| <b>Road Management Act 2004</b> |   |                 |   |
|---------------------------------|---|-----------------|---|
| <b>Provision</b>                | <b>Power and Functions Delegated</b>  | <b>Delegate</b> | <b>Conditions and Limitations</b>   |
|                                 |   |                 |   |
| sch 7A cl 2                     | Power to cause street lights to be installed on roads   | MIP, DSI        | Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road                                  |
| sch 7 cl 3(1)(d)                | Duty to pay installation and operation costs of street lighting - where road is not an arterial road                                  | MIP, DSI        | Where Council is the responsible road authority   |
| sch 7A cl 3(1)(e)               | Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas | MIP, DSI        | Where Council is the responsible road authority   |
| sch 7A cl (3)(1)(f)             | Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4  | MIP, DSI        | Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs) |

## South Gippsland Shire Council

| <b>Planning and Environment Regulations 2015</b> |   |  |  |
|--|---|--|--|
| <b>Provision</b>                                 | <b>Power and Functions Delegated</b>  | <b>Delegate</b>  | <b>Conditions and Limitations</b>  |
| r.6  | function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme  | Sen Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO | where Council is not the planning authority and the amendment affects land within Council's municipal district; or<br><br>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 | Sen Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO |  |
| r.25(a)  | Duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements  | Sen Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO | Where Council is the responsible authority   |

## South Gippsland Shire Council

| <b>Planning and Environment Regulations 2015</b> |   |  |   |
|--|---|--|---|
| <b>Provision</b>                                 | <b>Power and Functions Delegated</b>  | <b>Delegate</b>  | <b>Conditions and Limitations</b>   |
| 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 in accordance with the public availability requirements    | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO | Where Council is not the responsible authority but the relevant land is within Council's municipal district   |
| r.42   | function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application | Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, TPO | 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. |

## South Gippsland Shire Council

| <b>Planning and Environment (Fees) Regulations 2016</b> |  |                 |                                   |
|---|--|-----------------|-----------------------------------|
| <b>Provision</b>  | <b>Power and Functions Delegated</b>   | <b>Delegate</b> | <b>Conditions and Limitations</b> |
| r 19  | Power to waive or rebate a fee relating to an amendment of a planning scheme   | DFC,<br>MPBS    |                                   |
| r 20  | Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme                                | DFC,<br>MPBS    |                                   |
| r 21  | Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20 | DFC,<br>MPBS    |                                   |

| <b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b> |   |                 |                                   |
|--|---|-----------------|-----------------------------------|
| <b>Provision</b>   | <b>Power and Functions Delegated</b>                                    | <b>Delegate</b> | <b>Conditions and Limitations</b> |
| r 7  | Function of entering into a written agreement with a caravan park owner | EHC, MCHSafety  |                                   |
| r 10   | Function of receiving application for registration                      | EHC, MCHSafety  |                                   |

## South Gippsland Shire Council

| <b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b> |   |                         |                                   |
|--|---|-------------------------|-----------------------------------|
| <b>Provision</b>   | <b>Power and Functions Delegated</b>  | <b>Delegate</b>         | <b>Conditions and Limitations</b> |
| r 11   | Function of receiving application for renewal of registration   | EHO, EHC,<br>MCHSAafety |                                   |
| r 12(1)  | Duty to grant the registration if satisfied that the caravan park complies with these regulations                           | EHC, MCHSAafety         |                                   |
| r 12(1)  | Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations            | EHC, MCHSAafety         |                                   |
| r 12(2)  | Duty to renew the registration if satisfied that the caravan park complies with these regulations                           | EHC, MCHSAafety         |                                   |
| r 12(2)  | Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations            | EHO, EHC,<br>MCHSAafety |                                   |
| r 12(3)  | Duty to have regard to matters in determining an application for registration or an application for renewal of registration | EHO, EHC,<br>MCHSAafety |                                   |
| r 12(4) &<br>(5)   | Duty to issue certificate of registration   | EHC, MCHSAafety         |                                   |

## South Gippsland Shire Council

| <b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b> |   |                 |                                   |
|--|---|-----------------|-----------------------------------|
| <b>Provision</b>   | <b>Power and Functions Delegated</b>  | <b>Delegate</b> | <b>Conditions and Limitations</b> |
| r 14(1)  | Function of receiving notice of transfer of ownership   | EHC, MCHSafety  |                                   |
| r 14(3)  | Power to determine where notice of transfer is displayed  | EHC, MCHSafety  |                                   |
| r 15(1)  | Duty to transfer registration to new caravan park owner   | EHC, MCHSafety  |                                   |
| r 15(2)  | Duty to issue a certificate of transfer of registration   | EHC, MCHSafety  |                                   |
| r 15(3)  | Power to determine where certificate of transfer of registration is displayed                                     | EHC, MCHSafety  |                                   |
| r 16(1)  | Power to determine the fee to accompany applications for registration or applications for renewal of registration | EHC, MCHSafety  |                                   |
| r 17   | Duty to keep register of caravan parks  | EHC, MCHSafety  |                                   |
| r 18(4)  | Power to determine where the emergency contact person's details are displayed                                     | EHC, MCHSafety  |                                   |
| r 18(6)  | Power to determine where certain information is displayed   | EHC, MCHSafety  |                                   |

## South Gippsland Shire Council

| <b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b> |  |                 |                                   |
|--|--|-----------------|-----------------------------------|
| <b>Provision</b>   | <b>Power and Functions Delegated</b>   | <b>Delegate</b> | <b>Conditions and Limitations</b> |
| r 22(1)  | Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner | EHC, MCHSafety  |                                   |
| r 22(2)  | Duty to consult with relevant emergency services agencies  | EHC, MCHSafety  |                                   |
| r 23   | Power to determine places in which caravan park owner must display a copy of emergency procedures  | EHC, MCHSafety  |                                   |
| r 24   | Power to determine places in which caravan park owner must display copy of public emergency warnings   | EHC, MCHSafety  |                                   |
| r 25(3)  | Duty to consult with relevant floodplain management authority  | EHC, MCHSafety  |                                   |
| r 26   | Duty to have regard to any report of the relevant fire authority   | EHC, MCHSafety  |                                   |
| r 28(c)  | Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling                             | EHC, MCHSafety  |                                   |

## South Gippsland Shire Council

| <b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b> |   |                 |                                   |
|--|---|-----------------|-----------------------------------|
| <b>Provision</b>   | <b>Power and Functions Delegated</b>  | <b>Delegate</b> | <b>Conditions and Limitations</b> |
| r 40   | Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe | EHC, MCHSafety  |                                   |
| r 40(b)  | Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe           | EHC, MCHSafety  |                                   |
| r 41(4)  | Function of receiving installation certificate  | EHC, MCHSafety  |                                   |
| r 43   | Power to approve use of a non-habitable structure as a dwelling or part of a dwelling                   | EHC, MCHSafety  |                                   |
| sch 3 cl 4(3)  | Power to approve the removal of wheels and axles from unregistrable movable dwelling                    | EHC, MCHSafety  |                                   |



## South Gippsland Shire Council

| <b>Road Management (General) Regulations 2016</b> |  |                 |  |
|---|--|-----------------|--|
| <b>Provision</b>                                  | <b>Power and Functions Delegated</b>   | <b>Delegate</b> | <b>Conditions and Limitations</b>                |
| r 8(1)  | Duty to conduct reviews of road management plan  | MIP,<br>MIM     |  |
| r 9(2)  | Duty to produce written report of review of road management plan and make report available   | MIP,<br>MIM     |  |
| r 9(3)  | Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required) | MIP,<br>MIM     | Where Council is the coordinating road authority |
| r.10  | Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act          | MIP,<br>MIM     |  |
| r 13(1)   | Duty to publish notice of amendments to road management plan   | MIP,<br>MIM     | where Council is the coordinating road authority |
| r 13(3)   | Duty to record on road management plan the substance and date of effect of amendment   | MIP,<br>MIM     |  |

## South Gippsland Shire Council

| <b>Road Management (General) Regulations 2016</b> |  |                 |  |
|---|--|-----------------|--|
| <b>Provision</b>                                  | <b>Power and Functions Delegated</b>   | <b>Delegate</b> | <b>Conditions and Limitations</b>                |
| r 16(3)   | Power to issue permit  | MIP,<br>MIM     | Where Council is the coordinating road authority |
| r 18(1)   | Power to give written consent re damage to road  | MIP,<br>MIM     | Where Council is the coordinating road authority |
| r 23(2)   | Power to make submission to Tribunal   | MIP,<br>MIM     | Where Council is the coordinating road authority |
| r 23(4)   | Power to charge a fee for application under s 66(1) Road Management Act  | MIP,<br>MIM     | Where Council is the coordinating road authority |
| r 25(1)   | Power to remove objects, refuse, rubbish or other material deposited or left on road                               | MIP,<br>MIM     | Where Council is the responsible road authority  |
| r 25(2)   | Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3)) | MIP,<br>MIM     | Where Council is the responsible road authority  |

## South Gippsland Shire Council

| <b>Road Management (General) Regulations 2016</b> |  |                 |                                   |
|---|--|-----------------|-----------------------------------|
| <b>Provision</b>                                  | <b>Power and Functions Delegated</b>   | <b>Delegate</b> | <b>Conditions and Limitations</b> |
| r 25(5)   | Power to recover in the Magistrates' Court, expenses from person responsible | MIP,<br>MIM     |                                   |

| <b>Road Management (Works and Infrastructure) Regulations 2015</b> |   |                 |   |
|--|---|-----------------|---|
| <b>Provision</b>   | <b>Power and Functions Delegated</b>  | <b>Delegate</b> | <b>Conditions and Limitations</b>   |
| r 15   | Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works | MIP,<br>MIM     | Where Council is the coordinating road authority and where consent given under s 63(1) of the Act |
| r 22(2)  | Power to waive whole or part of fee in certain circumstances  | MIP,<br>MIM     | Where Council is the coordinating road authority  |

## 4. OBJECTIVE - SUSTAINABLE GROWTH

### 4.1. Road Discontinuance 16 - 20 Black Avenue Venus Bay

|              |                            |
|--------------|----------------------------|
| Directorate: | Sustainable Infrastructure |
| Department:  | Infrastructure Planning    |

#### Council Plan

*Objective - Protecting and Enhancing our Environment*

*The land sale proposes to consolidate unused road reserve into private ownership reducing Council's liability for maintenance and public liability events.*

#### EXECUTIVE SUMMARY

The purpose of this report is to commence the statutory process to discontinue parts of unused roads within the restructure overlay in Venus Bay and sell the land to the abutting landowner of 16 – 20 Black Avenue, Venus Bay.

The C90 Planning Scheme Amendment created structure overlays over smaller allotments including roads to facilitate a lot size that could be developed. The road discontinuances are key to realising the benefits of the C90 Planning Scheme Amendment.

#### RECOMMENDATION

**That Council:**

- 1. Commences the statutory procedures pursuant to s.206, s.207A, s.223 and Schedule 10 clause 3 of the Local Government Act 1989 to discontinue parts of the following roads and sell to the abutting land owner of 16 - 20 Black Avenue, Venus Bay for no less than a valuation received within six months prior to the sale:**
  - a. Crown Allotment 62<sup>A</sup> (Part), Road 1 (Part) LP56450, Parish of Tarwin, with an area of 739m<sup>2</sup> as shown hatched in the Road Discontinuance Plan in Figure 1.**
- 2. Give public notice with respect to the proposal on Council's website and in the local newspaper in the week commencing 26 February 2024 in accordance with Section 223 of the Local Government Act 1989 on the proposal (item 1 above) inviting written submissions to be received by 5.00pm Wednesday 28 March 2024;**
  - a. If submissions are made to the public notice:**

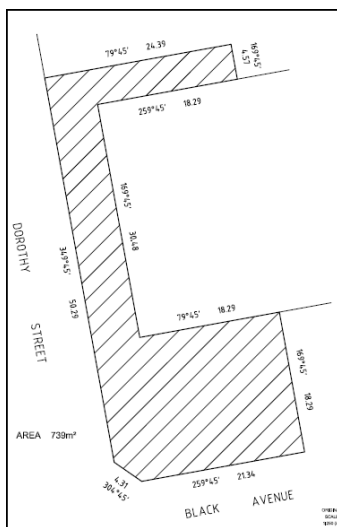
- b. Authorise the Chief Executive Officer to fix the time, date and place of the meeting for the hearing for persons who wish to be heard in support of their submissions;
- c. Receives a further report to consider submissions and determine the outcome at the next available Council meeting;
- d. If no submissions are received to the public notice, implement the proposal in Recommendation 1;
- e. Publish the road discontinuance notice in the Victorian Government Gazette.

## REPORT

The C90 Planning Scheme Amendment created restructure overlays over smaller allotments including roads to facilitate a lot size that could be developed.

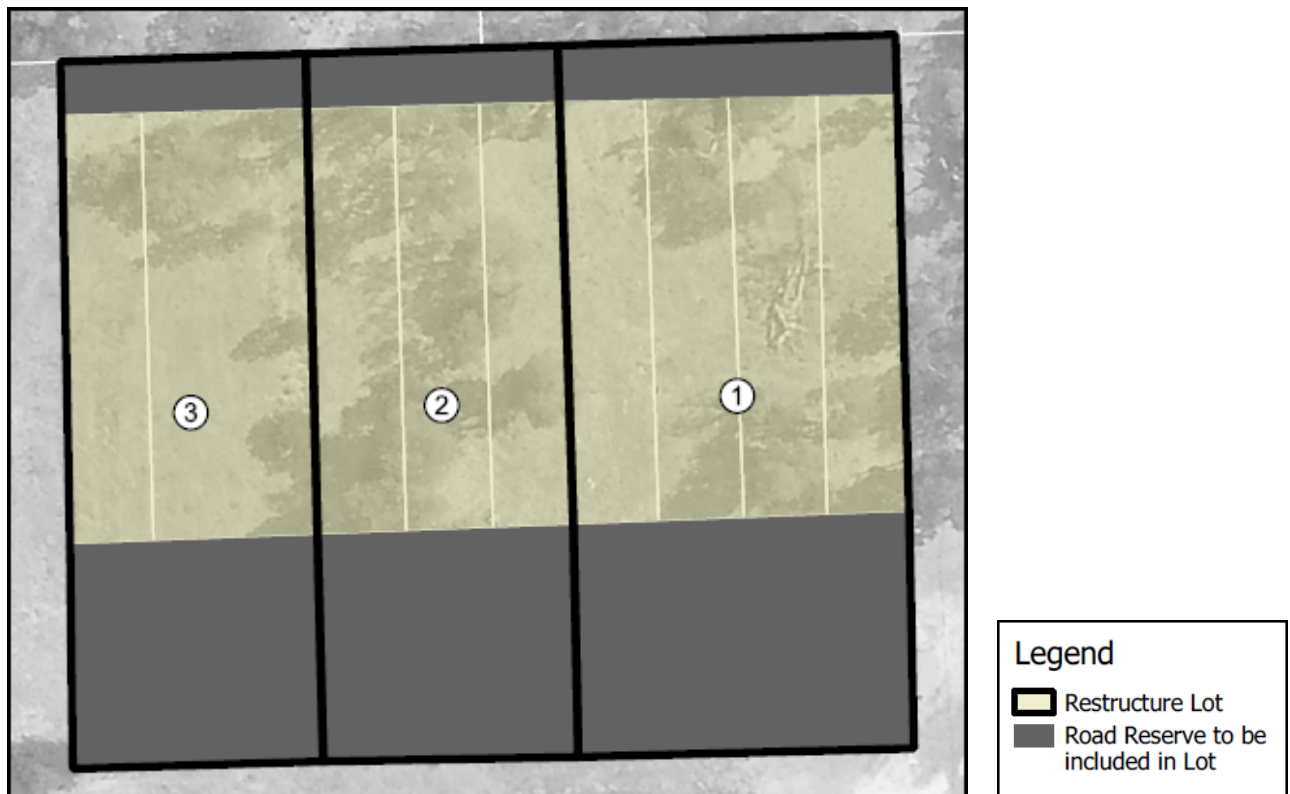
Property Officers have been contacted by the owner of 16 - 18 Black Avenue, Venus Bay (PC356812L Parish of Tarwin) requesting to acquire part of unused road (739m<sup>2</sup>) as shown in hatched in **Figure 1**.

**Figure 1**



The requirements of the C90 Planning Scheme Amendment are once an owner owns all lots within a restructure overlay then the acquisition of any roads can commence as shown in **Figure 2**. The overlay affecting the owner of 16 – 20 Black Avenue Venus Bay is restructure lot 3 shown in **Figure 2**. The proposed road discontinuance also includes the excess unused road between the land title and Dorothy Street which is not included in the restructure overlay plan.

**Figure 2**



The unused road was created as “paper” road on the original plan of subdivision but has not been constructed or used for public traffic.

**CONSULTATION / COMMUNITY ENGAGEMENT**

The C90 Planning Scheme Amendment was advertised widely and all effected parties consulted.

Property Officers will engage with an external valuer to determine the value of the land.

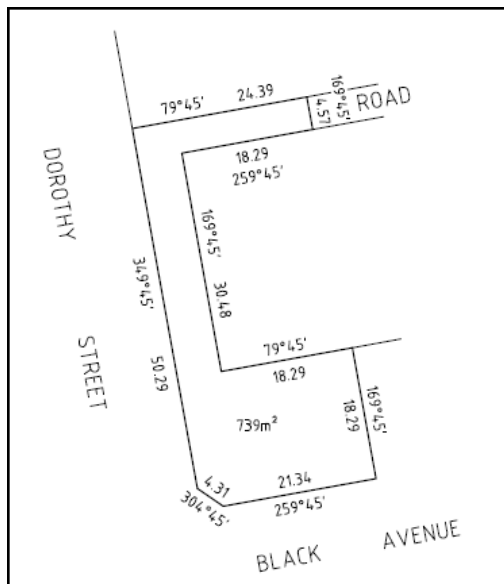
For Council to discontinue a road and sell the land to the adjoining landowner, Council must advertise the proposal and call for public submissions and consider any submissions received in accordance with Section 223 of the Local Government Act 1989.

**RESOURCES / FINANCIAL VIABILITY**

If the roads are discontinued and sold to the landowner of 16-20 Black Avenue, Venus Bay the landowner will consolidate all parcels to create one certificate of title.

The landowner had also paid for the surveying for the road discontinuance plans and title plan as shown in **Figure 1 & 3**.

**Figure 3**



**RISKS**

If Council does not proceed with the proposed road discontinuance and sale, the owners of 16 – 20 Black Avenue, Venus Bay will not be able to develop the land.

**STAFF DISCLOSURE**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

**ATTACHMENTS**

Attachments are available on Council's website at the following [LINK](#).

Nil

**REFERENCE DOCUMENTS**

**Council's Good Governance Framework**

- Pillar 1. Direction & Leadership
- Pillar 3. Decision Making

**Council Policy / Strategy / Plans**

Documents are available on Council's website at the following [LINK](#).

C90 Planning Scheme Amendment

**Legislative Provisions**

Local Government Act 1989

**Regional, State and National Plan and Policies**

Nil

## **5. NOTICES OF MOTION AND/OR RESCISSION**

### **5.1. NIL**



## **6. COUNCILLOR REPORTS**

### **6.1. REQUESTS FOR LEAVE OF ABSENCE**

### **6.2. COUNCILLOR UPDATES**

## 7. URGENT BUSINESS

This section of the Agenda is for urgent business items:

### 1. Urgent Business

Normally no motion should be debated by Councillors unless the matter is already included as an item on the Agenda. However, in some circumstances it is possible to raise urgent motions.

Council's Governance Rules 2020 (clause 22 - Urgent Business) adopted on 19 October 2022, allows for where a situation has not been provided for under the Governance Rules, the Council may determine the matter by resolution.

Established practice has provided for urgent motions to be raised at Council provided the matter cannot be dealt with at the next Council Meeting or by Officers under delegation.

It is necessary for the Councillor wishing to raise a matter of urgent business to raise a motion similar to the following:

'That consideration of (the issue) be dealt with as a matter of urgent business and Councillor....be allowed a 'short period' to indicate the reason(s) why the matter should be considered as a matter of urgent business.' If the Chairperson accepts the motion as meeting the urgent business criteria, normal meeting procedures in Council's Governance Rules 2020 (clause 22) will apply.

If the motion to accept the item as a matter of urgent business is passed by Council, the motion relating to the specific issue can then be put and debated in the normal way.

## 8. PUBLIC QUESTIONS

### 8.1. PETITIONS AND JOINT LETTERS

Petitions and Joint Letters are written requests that have been signed by a number of community members. According to the *Governance Rules (C82)*, *clause 57*, members of the community may submit a valid petition or joint letter to a Councillor or to Council addressed to the Chief Executive Officer.

At the Meeting a petition or joint letter is presented, Council will consider a motion to receive it, the matter itself will not be considered unless determined as urgent business.

The Councillor presenting the petition or joint letter is responsible for ensuring that they are familiar with the contents and purpose of the petition or joint letter and that it does not contain language disrespectful to Council.

The requirements of the lead petitioner are detailed in the *Governance Rules (C82)*, *clause 57*.

Source: [Governance Rules \(C82\)](#) – adopted 19 October 2022.

## **8.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE**

Answers to previous questions taken on notice at a former Council Meeting, are included in the Minutes of this Meeting.

Background material submitted with a question will not be recorded in the Council Meeting Minutes.

Source: [Governance Rules \(C82\)](#) – adopted 19 October 2022.

**Questions received from Mr Eric Hill at the 13 December 2023 Council Meeting were taken on notice. A response to the question is provided in these Minutes.**

### **Question 1**

**Was the contract (CON/213) for Loch Streetscape awarded on 22nd March 2019 to Hugh Patrick Pty Ltd T/A Bj's Earthmoving at a cost of \$634,802.79 awarded under CEO delegation and what date and which Council meeting was it notified to the Council?**

### **Response**

Yes, contract CON/213 was awarded under delegation to the Chief Executive Officer, as resolved by Council at Council Meeting No.424 on 27 June 2018. It appears that the signing of the contract was not reported back for noting by Council due to an administrative error.

### 8.3. SUBMITTED PUBLIC QUESTIONS

All community member questions for Council Meetings are to be written and submitted to the Governance Team by 9.00am on the Monday morning preceding the Council Meeting to allow time for a response to be prepared, where possible, for the Council Meeting. All reasonable attempts will be made to answer pre-submitted questions at the Meeting. When further time is required to prepare an answer, questions may be taken on notice and responses will be provided at the next Council Meeting.

On the day of the Meeting, questions on the prescribed form must be received prior to the commencement of the Council Meeting by 2.00pm and placed in the receptacle at the Governance Officers table. These questions will be taken on notice, included in the Minutes and responses provided at the next Council Meeting.

Public Question Time in Council Meetings is to be used for matters that are relevant to the business or functions of Council and are clear and legible. Questions may not be allowed where the question(s) is deemed to be:

- Related to a matter beyond or outside the powers of Council;
- Trivial or frivolous;
- Defamatory, indecent, abusive or objectionable;
- Derogatory or designed to embarrass a Councillor, a member of Council staff or a member of the community;
- Related to subject matter previously received and responded to;
- Related to a matter already considered and resolved upon by Council;
- Breach Council's confidentiality obligations; and/or
- Illegible, vague or not make sense.

A person may submit a maximum of three (3) questions for any one Council Meeting, this includes a combined total of three (3) questions for related parties or groups. The total word count of all questions submitted is to be 100 words or fewer.

Background material submitted with a question will not be read out or recorded in the Council Meeting Minutes.

The CEO retains the discretion, in consultation with the Mayor, to not refer questions to Council meetings if there is a more effective or appropriate way to respond to the matters raised. Answers to questions from a member of the community who is present in the gallery will be read out at the Council Meeting by the CEO or Mayor.

Source: [Governance Rules \(C82\)](#) – adopted 19 October 2022.

## 9. CLOSED SESSION

The *Local Government Act 2020* (the Act), section 66 provides that if a council or delegated committee determines that a meeting is to be closed to the public to consider confidential information, the Council or delegated committee must record in the minutes of the meeting that are available for public inspection –

- a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of **confidential information** in section 3(1); and
- b) an explanation of why the specified ground or grounds applied.

The Act defines **confidential information** in s.3(1)(a)-(l), and includes information that may prejudice or impact; commercial negotiations, the security of Council, land use planning, law enforcement, legal privilege, personal information, private commercial information, confidential meeting information, internal arbitration, Councillor conduct panel information and information specified under s.77 of the previous *Local Government Act 1989*.

Once confidential information has been considered and decided in a closed session of a Council Meeting, a further resolution to resume open Council is required.

**Nil**

## **10. MEETING CLOSED**

### **NEXT MEETING**

The next Council Meeting open to the public will be held on Wednesday, 20 March 2024 commencing at 2pm in the Council Chambers, Leongatha.