

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Agenda

Wednesday 11 December 2024



Council Chambers, Leongatha
Commencing at 2:00 PM



*South Gippsland
Shire Council*



OUR COUNCIL VISION

We care deeply about our people, the land and the 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 following Strategic Objectives of the Council Plan 2022-2026:

- ◆ Connecting our People and Places ◆
 - ◆ Economy and Industry ◆
- ◆ Healthy and Engaged Communities ◆
 - ◆ Leading with Integrity ◆
- ◆ Protecting and Enhancing our Environment ◆
 - ◆ Sustainable Growth ◆

SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting of the
South Gippsland Shire Council will be held on Wednesday 11 December 2024
in the Council Chambers, Leongatha, commencing at 2:00pm

TABLE OF CONTENTS

1. PRELIMINARY MATTERS	5
1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER	5
1.2. WELCOME TO THE COUNCIL MEETING	5
1.3. OPENING PRAYER.....	5
1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS	6
1.5. APOLOGIES	6
1.6. CONFIRMATION OF MINUTES	6
1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS	7
1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF.....	8
2. COUNCIL REPORTS.....	9
2.1. DOMESTIC ANIMAL MANAGEMENT PLAN (DAMP) - ANNUAL IMPLEMENTATION REPORT	9
2.2. PETITION RESPONSE: ACCESS & INCLUSION	50
2.3. ORGANISATIONAL PERFORMANCE REPORT - JULY 2024 TO SEPTEMBER 2024.....	53
2.4. INSTRUMENT OF DELEGATION - S6 COUNCIL TO MEMBERS OF STAFF	88
2.5. INSTRUMENT OF APPOINTMENT - S11A PLANNING AND ENVIRONMENT ACT 1987	225
2.6. SUMMARY OF STRATEGIC BRIEFINGS - 8 NOVEMBER TO 21 NOVEMBER 2024	233
2.7. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 OCTOBER 2024 -12 NOVEMBER 2024	239
2.8. COUNCILLOR APPOINTMENT TO MYLI	242
3. NOTICES OF MOTION AND/OR RESCISSION.....	244
3.1. NIL.....	244
4. COUNCILLOR REPORTS.....	245
4.1. REQUESTS FOR LEAVE OF ABSENCE	245
4.2. COUNCILLOR UPDATES.....	245
5. URGENT BUSINESS	246
6. PUBLIC QUESTIONS	247

6.1. PETITIONS AND JOINT LETTERS247
6.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE.....248
6.3. SUBMITTED PUBLIC QUESTIONS249
7. CLOSED SESSION250
8. MEETING CLOSED251



Kerryn Ellis
Chief Executive Officer

Privacy Statement
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.

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

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Meeting held on 27 November 2024 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.

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.

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

2. COUNCIL REPORTS

2.1. DOMESTIC ANIMAL MANAGEMENT PLAN (DAMP) - ANNUAL IMPLEMENTATION REPORT

Directorate:	Future Communities
Department:	Community Health and Safety

Council Plan

Objective - Healthy and Engaged Communities

Objective - Protecting and Enhancing our Environment

This report relates to the South Gippsland Shire Council – Council Plan 2022-2026 Strategic Objectives Healthy and Engaged Communities and Protecting and Enhancing our Environment.

EXECUTIVE SUMMARY

The purpose of this report is to highlight Council’s progress and achievements implementing the Domestic Animal Management Plan (DAMP) 2022-2025 with 97% of actions completed or on track for completion in the final year of the plan.

An Annual Progress Report for 2023-2024 **Attachment [2.1.1]** will be presented and a copy provided to the Minister for Agriculture.

RECOMMENDATION

That Council notes the progress and advises the Minister for Agriculture of the Domestic Animal Management Plan 2022-2025 – Annual Progress Report 2023-2024 [Attachment 2.1.1]

REPORT

In accordance with section 68A of the *Domestic Animals Act 1994 (Vic)*, Council is required to prepare a Domestic Animal Management Plan (DAMP) every four years. The DAMP 2022-2025 (**Attachment [2.1.2]**) was adopted at the 16 November 2022 Council Meeting and outlines the services, programs and policies established to address the administration of the Domestic Animals Act. It also ensures responsible pet ownership with consideration to the wider environment and municipality.

The DAMP includes nine priority areas and identifies 34 action items to be completed during its three-year life cycle. The progress of these actions is reported annually, with a copy sent to the Minister of Agriculture at the end of each calendar year. **Attachment [2.1.1]** details the progress of the Domestic Animal Management Plan 2022-2025 – Annual Progress Report 2023-2024.

Councils progress of the 34 actions is noted below:

- 38% Completed (13 actions);
- 59% On Track (20 actions) with high confidence these will be completed in Year Three; and
- 3% Monitor (1 action) and will continue to be reviewed as part of operational deliverables in relation to 'Dangerous, Menacing and Restricted Breed Dogs.

Council has made significant progress, with 97% of actions complete or on track to complete in the final year.

CONSULTATION / COMMUNITY ENGAGEMENT

There was an extensive consultation period during the development of the Domestic Animal Management Plan 2022-2025. Future actions, specifically those associated with new Council Orders, will be subject to additional community engagement and consultation programs. It is anticipated consultation for new Council Orders will commence in 2025 in preparation for the development of the new DAMP 2025-2029.

RESOURCES / FINANCIAL VIABILITY

The implementation of actions included in the DAMP are accommodated from within the Community Safety team operational budget.

RISKS

If Council does not endorse the Domestic Animal Management Plan 2022-2025 – Annual Progress Report 2023-2024, it will not be able to meet its legislative obligations, including the report being forwarded to the Minister for Agriculture.

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. Domestic Animal Management Plan 2022-2025 - Progress Reporting [2.1.1 - 4 pages]
2. Domestic Animal Management Plan 2022 2025 [2.1.2 - 34 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Pillar 8. Monitoring & Performance Review

Council Policy / Strategy / Plans

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

Compliance and Enforcement Policy (C64)

General Local Law 2024

Domestic Animal Management Plan

Legislative Provisions

Domestic Animals Act 1994

Gender Equity Act 2020

Local Government Act 2020

Local Government (Planning and Reporting) Regulations 2020

Domestic Animal Management Plan 2022-2025

Council Plan Objective – Healthy and Engaged Communities
 Council Plan Objective - Protecting and Enhancing our Environment

Initiative Status - Not Started, On Track, Monitor,
 Delays/Off Track & Completed

Action Plan Reporting on Activities

				2023			2024
				Year 1			Year 2
STRATEGY	ACTION	Who	When	Progress Update - 1st year	Status	Progress Update - 2nd year	Status 2
Training of Authorised Officers	Ensure all officers have access to the Bureau of Animal Welfare website.	Community Safety Support Officer	Ongoing	Officers have access to all required systems and any changes to staff are communicated appropriately.	Completed	Officers have access to all required systems and any changes to staff are communicated appropriately.	Completed
Training of Authorised Officers	Maintain a training register for individual officers.	Community Safety Coordinator	Annually	Training is identified through PDP process for all staff. Any new training opportunities identified are considered for all relevant staff.	On Track	Training is identified through PDP process for all staff. Any new training opportunities identified are considered for all relevant staff.	Completed
Training of Authorised Officers	Ensure officers attend at least one training / networking session each year.	Community Safety Coordinator	As per training register	Officers attend mandatory training sessions annually, as well as any additional opportunities that are identified through PDPs.	Completed	Officers attend mandatory training sessions annually, as well as any additional opportunities that are identified through PDPs.	Completed
Training of Authorised Officers	Maximise learning and development opportunities to attract and maintain quality staff and performance.	Community Safety Coordinator	As per training opportunities	Through networking and professional relationships with other Councils, State Departments and Authorities and relevant sector organisations we can identify and connect in to other training opportunities to keep officers skilled and engaged.	On Track	Through networking and professional relationships with other Councils, State Departments and Authorities and relevant sector organisations we can identify and connect in to other training opportunities to keep officers skilled and engaged.	On Track
Training of Authorised Officers	Identify additional training and development opportunities as they arise.	Community Safety Coordinator	As per training opportunities	Through networking and professional relationships with other Councils, State Departments and Authorities and relevant sector organisations we can identify and connect in to other training opportunities to keep officers skilled and engaged.	On Track	Through networking and professional relationships with other Councils, State Departments and Authorities and relevant sector organisations we can identify and connect in to other training opportunities to keep officers skilled and engaged.	On Track
Registration and Identification	Continue to conduct registration compliance campaigns across the municipal district targeting townships and rural areas each year.	Community Safety Coordinator	Ongoing	Due to resourcing shortages, this was not conducted in 2023, however with some stability to the team it is prioritised for 2024.	On Track	Registration renewal door knocks undertaken to achieve the following: * take payments to ensure animals are renewed * identify additional animals * cleanse our registration data and remove animals no longer at properties * gather evidence for follow up enforcement * increase community presence * provide education on animal management activities	Completed
Registration and Identification	Introduce an online animal registration application system for new registrations.	Community Safety Support Officer	Ongoing	A prototype form was produced by Councils Communications team which has not been rolled out publicly yet. The development of an e-pathway option is also being explored.	On Track	The development of an online solution through e-pathway has been investigated and is on track for delivery in 2025	On Track
Registration and Identification	Continue to distribute animal information articles on Council's website, social media, telephone on-hold messages and in local newspapers to promote the benefits of registration, microchipping and legislative compliance	Community Safety Support Officer Communications Officer	Ongoing	Due to resourcing shortages, this was not conducted in 2023, however with some stability to the team it is prioritised for 2024.	On Track	A dedicated 'Animals of South Gippsland' Facebook page to share information, educational pieces and animals found or for adoption is under development Display of materials in Council's Customer Service areas. Review of website to ensure relevant information can be found, including links to appropriate other pages, such as Animal Welfare Victoria.	On Track

Registration and Identification	Continue compliance and enforcement activities to achieve greater compliance with all aspects of the Act.	Community Safety Coordinator	Ongoing	The team continues to follow up known breaches of registration, initially through education but will escalate to enforcement measures if compliance is not obtained.	On Track	The team continues to follow up known breaches of registration, initially through education but will escalate to enforcement measures if compliance is not obtained.	On Track
Nuisance	Continue to distribute animal information articles on Council's website, social media, telephone on-hold messages and in local newspapers to promote the issues relating to nuisance dogs and cats	Community Safety Support Officer Communications Officer	Ongoing	Due to resourcing shortages, this was not conducted in 2023, however with some stability to the team it is prioritised for 2024.	On Track	NoiseNet devices installed for ongoing barking dog complaints to gather relevant evidence. Barking dog process reviewed to ensure information materials are distributed and add value. Review of website to ensure relevant information can be found, including links to appropriate other pages, such as Animal Welfare Victoria. Animals of South Gippsland Facebook page to be utilised, if progressed.	On Track
Nuisance	Investigate the introduction of a 'Leash Order' to reduce the incidence of wandering/unrestrained dogs in public places and number of dogs causing a nuisance	Community Safety Coordinator	Future Plan	Considerable feedback was received during the development of the DAMP, and also the review of Council's Local Law, in relation to dogs off leash. Once the new Local Law is in place, we will begin investigating Council's options for Orders under the DAA 1994.	Not Started	Community education on the 'next steps' will be included in consultation for the development of a new Domestic Animal Management Plan 2025-2029.	On Track
Nuisance	Investigate the need for designated 'Dog Off-Leash' parks if a leash order is introduced.	Community Safety Coordinator	Future Plan	Considerable feedback was received during the development of the DAMP, and also the review of Council's Local Law, in relation to dogs off leash. Once the new Local Law is in place, we will begin investigating Council's options for Orders under the DAA 1994.	Not Started	Community education on the 'next steps' will be included in consultation for the development of a new Domestic Animal Management Plan 2025-2029.	On Track
Nuisance	Investigate the introduction of a 'Cat Curfew Order' to reduce the incidence of cats causing a nuisance, attacks on native fauna and unwanted cat litters.	Community Safety Coordinator	Future Plan	Considerable feedback was received during the development of the DAMP, and also the review of Council's Local Law, in relation to wandering cats. Once the new Local Law is in place, we will begin investigating Council's options for Orders under the DAA 1994. A desexing Order may also be investigated.	Not Started	Community education on the 'next steps' will be included in consultation for the development of a new Domestic Animal Management Plan 2025-2029.	On Track
Dog Attacks	Issue infringements and prosecute offenders for non-compliance with the Act in accordance with our normal practices.	Community Safety Coordinator Community Safety Support Officer	Ongoing	Officers issue infringements in line with best practice and Council policy. Unpaid infringements escalate to Fines Victoria for follow up. Serious matters, or nominations for Court, proceed through to prosecution in the Magistrates' Court of Victoria.	On Track	All dog attacks are investigated thoroughly and appropriate enforcement steps are determined and taken for each one. Where infringements are issued it is done in line with best practice and Council policy. Unpaid infringements escalate to Fines Victoria for follow up. Serious matters, or nominations for Court, proceed through to prosecution in the Magistrates' Court of Victoria.	On Track
Dog Attacks	Continue to educate the public regarding the broader implications of dog attacks to the community, the victim, the offending animal and the owner of that animal	Community Safety Coordinator	Ongoing	A FAQ brochure is being developed to distribute to all involved in dog attacks to confirm the information they are given verbally and to provide additional information/resources	On Track	A FAQ brochure is being developed to distribute to all involved in dog attacks to confirm the information they are given verbally and to provide additional information/resources. Department resources to also be provided. Information to be available on Council's website. Media releases on successful prosecution outcomes (positive spin).	On Track

Dog Attacks	Continue to distribute animal information articles on Council's website, social media, telephone on-hold messages and in local newspapers to promote issues relating to dog attacks.	Community Safety Support Officer Communications Officer	Ongoing	Due to resourcing shortages, this was not conducted in 2023, however with some stability to the team it is prioritised for 2024.	On Track	Display of materials in Council's Customer Service areas. Review of website to ensure relevant information can be found, including links to appropriate other pages, such as Animal Welfare Victoria. Animals of South Gippsland Facebook page to be utilised, if progressed.	On Track
Dog Attacks	Provide residents with information on how to report dog attacks and promote and encourage the reporting of any dog attack.	Community Safety Support Officer Communications Officer	Ongoing	Update to Council's website required with revised information and resources	Not Started	Media releases - local newspaper articles about what to do. Promotion of successful prosecution outcomes (positive spin). Review of website to ensure relevant information can be found, including links to appropriate other pages, such as Animal Welfare Victoria.	On Track
Dangerous, Menacing and Restricted Breed Dogs	Promote the Department of Primary Industries "Dangerous Dogs Hotline"	Community Safety Support Officer	Ongoing	We would rather dog attacks be reported directly to our Officers, rather than through a third party to pass on to us. We can include this information on the updated Council webpage, however this action may not be appropriate.	Monitor	A link to the hotline to be published on Council's website, however we would rather dog attacks be reported directly to our Officers, rather than through a third party to pass on to us. Reporting a 'dangerous dogs' is misleading and can cause confusion with the customer about action Council can take.	Monitor
Dangerous, Menacing and Restricted Breed Dogs	Provide advice and guidance to dog owners regarding restricted breeds and dangerous dogs.	Community Safety Coordinator Community Safety Support Officer	Ongoing	Update to Council's website required with revised information and resources	Not Started	Display of materials in Council's Customer Service areas. Review of website to ensure relevant information can be found, including links to appropriate other pages, such as Animal Welfare Victoria. Animals of South Gippsland Facebook page to be utilised, if progressed.	On Track
Dangerous, Menacing and Restricted Breed Dogs	Conduct annual inspections of premises where declared restricted breeds of dogs are housed.	Community Safety Officers	Annually in April	No restricted breed dogs have been identified in South Gippsland.	Completed	No restricted breed dogs have been identified in South Gippsland during this period.	Completed
Dangerous, Menacing and Restricted Breed Dogs	Conduct annual inspections of premises where declared dangerous and menacing dogs are housed.	Community Safety Officers	Annually in April	South Gippsland Shire Council has three declared dogs. These properties are inspected annually in line with registration renewals.	Completed	Dangerous and menacing dog inspections undertaken each year as part of animal registration renewal process. Currently no restricted breed dogs identified in South Gippsland.	Completed
Dangerous, Menacing and Restricted Breed Dogs	Proactively enforce menacing, restricted breed and dangerous dog legislation.	Community Safety Coordinator Community Safety Officers	When Required	Dogs are declared menacing or dangerous, as required, following serious incidents.	Completed	Dogs are declared menacing or dangerous, as required, following serious incidents.	On Track
Dangerous, Menacing and Restricted Breed Dogs	Ensure that the standards to identify restricted breed dogs are applied.	Community Safety Coordinator Community Safety Officers	When Required	Officers complete training to identify restricted breed dogs as it is offered by the Department of Agriculture. This helps them compare suspected dogs against the written standard.	Completed	Officers complete training to identify restricted breed dogs as it is offered by the Department of Agriculture. This helps them compare suspected dogs against the written standard. Relevant standard is available for all Officers to access at all times.	Completed
Overpopulation and High Euthanasia	Expand Council's cat trapping program.	Community Safety Officers	2023	The cat trapping program was suspended temporarily during the second half of the year due to the uncertainty of Council's pound facility. Council currently loans out 12 traps for feral and nuisance cats to be caught. Each trap is loaned out for one week. The current wait time is approximately 2-3 weeks as it is peak breeding season. Additional traps to be purchased if demand increases.	On Track	Current trapping program is meeting the needs of the community. Action to purchase additional traps completed in 2023. Will continue to monitor and adjust program as required.	Completed

Overpopulation and High Euthanasia	Through Council's pound service, advertise lost and/or found dogs and cats on Council's website and in local papers.	Pound Service Provider	Ongoing	Council no longer uses an external pound service provider.	Completed	As Council moves to offer direct adoptions from the pound, available animals will be advertised through the website and social media.	Completed
Overpopulation and High Euthanasia	Ensure that notices advertising animals for sale within South Gippsland contain the microchip number for each animal being sold.	Community Safety Support Officer Community Safety Officers	Ongoing	Where advertisements are discovered, through print and online platforms, compliance with microchipping and the Pet Exchange Register is confirmed.	On Track	Where advertisements are discovered, through print and online platforms, compliance with microchipping and the Pet Exchange Register is confirmed.	On Track
Overpopulation and High Euthanasia	Investigate the extended use of social media to increase the return of lost or impounded animals to their owners.	Community Safety Coordinator Community Safety Support Officer Community Safety Officers	Ongoing	Collected dogs and cats, where an owner cannot be identified or contacted, are posted on Council's Facebook page. This has proven very successful, particularly as other users can tag and share the posts.	Completed	Council utilises social media to advertise dogs and cats that have been impounded and their owners are unable to be identified or contacted. This is proving highly successful and will continue through the dedicated Animals of South Gippsland facebook page. Outcomes are also posted in updates.	Completed
Domestic Animal Businesses	Develop a procedure that will allow for all audit inspection documentation to be stored electronically against the license.	Community Safety Support Officer Community Safety Officers	2023	The licencing module in Pathway to be utilised	On Track	Action completed in 2023	Completed
Domestic Animal Businesses	Assessment of Council's registration database, to proactively identify unregistered Domestic Animal Businesses.	Community Safety Support Officer Community Safety Officers	Ongoing	Unregistered Domestic Animal Businesses, where identified, are contacted to discuss requirements.	On Track	Unregistered Domestic Animal Businesses, where identified, are contacted to discuss requirements.	On Track
Domestic Animal Businesses	Provide Domestic Animal Businesses with educative material to ensure they are kept informed of all new developments and changes to legislation that may affect the operation of their business.	Community Safety Officers	Annually in April or as required	Council Officers provide any new relevant information to DAB owners during inspections. Any changes to legislation that affect the DABs is communicated with them as received.	Completed	Council Officers provide any new relevant information to DAB owners during inspections. Any changes to legislation that affect the DABs is communicated with them as received.	Completed
Other Matters	Undertake a review of pound service in 30 June 2023. Management would seek approval from the Chief Executive Officer for a contract extension for an additional year recurring up to five times applicable to 30 June 2028.	Manager Community Health and Safety	30 June 2023	Council no longer uses an external pound service provider. From 1 July 2023 Council has been responsible for managing the pound service. Council initially leased the existing facility for six months, and has just negotiated an extension until 30 July 2025 to allow time to investigate other potential options for the facility.	Completed	Action completed in 2023	Completed
Annual Review of Plan and Annual Reporting	Provide the Department of Primary Industries Secretary with a copy of the Domestic Animal Management Plan and any amendments.	Community Safety Coordinator	Annually in December	The Council report concerning the annual review of the DAMP will be prepared following the Council briefing.	On Track	The Council report concerning the annual review of the DAMP will be prepared following the Council briefing.	On Track
Annual Review of Plan and Annual Reporting	Publish an evaluation of the implementation of the Domestic Animal Management Plan in Council's Annual Report	Manager Community Health and Safety Communications Officer	Annually	This would be completed in conjunction with the annual review to Council, through the publishing of Council minutes and follow up media release. To be completed once report is adopted by Council.	On Track	This would be completed in conjunction with the annual review to Council, through the publishing of Council minutes and follow up media release. To be completed once report is adopted by Council.	On Track
Annual Review of Plan and Annual Reporting	Review the Domestic Animal Management Plan annually and if appropriate, make any amendments to the Plan.	Community Safety Coordinator Community Safety Officers	Annually	The Council report concerning the annual review of the DAMP will be prepared following the Council briefing.	On Track	The Council report concerning the annual review of the DAMP will be prepared following the Council briefing.	On Track

SOUTH GIPPSLAND SHIRE COUNCIL

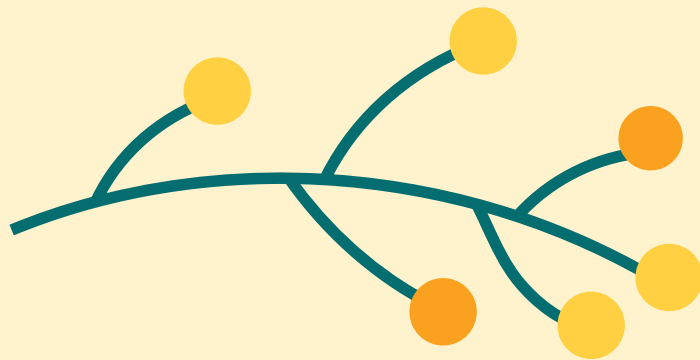
Domestic Animal Management Plan 2022 - 2025



South Gippsland
Shire Council

Acknowledgment 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.



Acacia pycnantha (wattle)

Message from the Mayor

Councillor Mohya Davies

Mayor

South Gippsland Shire Council



The Domestic Animal Management Plan provides guidance and sets a clear direction to ensure pets in South Gippsland are valued and treated humanely. It provides an overview of the work that Council is currently doing in the animal welfare and management space, but more importantly, it sets new actions that will align our work to our community's expectations.

To understand what the South Gippsland community wanted in terms of domestic animal management, Council embarked on a significant engagement campaign which generated 583 survey responses, 1,799 website visits and 73 comments via listening posts across our Shire.

This strong feedback is immensely valuable as it helped to guide the Plan you see today. From the feedback that was provided, we now understand what our community thinks around issues such as cat curfews and dog leash orders and what their biggest concerns are in relation to animal and environmental protection.

It was clear from our consultation that people are devoted to their pets, who are considered not animals but 'family'. And this extended to species other than cats and dogs. As part of this Plan, we are dedicated to supporting and valuing pets in our community by:

- Ensuring pet owners understand they have a responsibility to care for and protect their pets and that they do not adversely impact on other pets, people or the environment;
- Delivering programs that work closely with our community to educate and encourage compliance with Council policy and State Government legislation relating to pets; and
- Delivering services within our community to address issues that relate to our pets.

On the next page, you will see some of the Councillors beloved pets who were also keen to be part of this process.

Our animals are a vital part of our community.



This is Spencer. Best mate of Councillor Clare Williams and an all-round good boy.

Hello there. My name is Daisy, I'm the cat of the house and I agreed to let Councillor Keerie take me home to keep that dog Missy in line.

They like to think they rescued me, but I know better, I rescued them.

I have crucial tasks as you can see in this photo. Here I am helping Councillor Keerie review some Council papers. It is an important job that I take very seriously.

I am mostly an inside cat but now that I have been, hmmm... 'fixed up', I love to spend time sleeping in the sun on our back verandah.



Blue Dog and Annie – best mates of Councillor Scott Rae.

My name is Desi and I'm a Red Heeler x Border Collie with a big personality (at least that's what my owner Councillor Sarah Gilligan says). Sarah says I make my family laugh at least once a day and I'm a pleasure to be around.

I can be a little timid around other dogs, but I was all ears hearing what our community thought about dogs being on leads and off-leash areas.



My name is Missy and I love being part of Councillor Jenni Keerie's family. I was a rescue dog. They also found a rescue cat, but we won't talk about that. This photo is the one I used to win the heart of my family, it worked too!

I'm a good girl and really love keeping the chooks in line. Mum doesn't walk me much any more, I think when I dragged her along the footpath, ran her into a street sign and then she tripped on the gutter she wasn't too keen on doing it again – well, not with a broken ankle anyway. Mum usually drives me to safe places and just lets me out to run. I'm so fast and this always makes her smile.

Introduction

Under the *Domestic Animals Act 1994*, Council must develop and implement a new Domestic Animal Management Plan (DAMP) every four years.

South Gippsland Shire Council is committed to maintaining its parks, gardens and streets for the enjoyment of all residents and visitors and promoting responsible pet ownership is part of this commitment.

South Gippsland is a diverse area consisting of lush rolling hills which give way to a scenic coastline. As South Gippsland's population grows, so does the number of pets who inhabit the municipality.

The DAMP is aimed at promoting and encouraging responsible pet ownership. It explains how Council currently manages this, and establishes objectives to improve and grow the ways in which Council delivers domestic animal management programs.

The DAMP's objectives address our duty of care to the health and welfare of animals with consideration to the environment, amenity and all who live in or visit our community.

In order to develop a DAMP that addresses the key priorities of the South Gippsland community, Council conducted a vigorous community consultation program from August to September 2022. This included collecting and collating feedback through 583 survey responses, 24 written submissions, stakeholder workshops, community listening posts and much more.

The key themes were consistent with previous domestic animal management consultations. The key areas of community focus highlighted in the DAMP are:

- Dogs being walked off-lead and not under effective control.
- Wandering dogs.
- Dog waste facilities when walking dogs.
- Dog aggression.
- Cats' impact on native wildlife.
- Wandering cats.
- Cats not being desexed.
- Irresponsible breeding.

Background



In This Section:

- Snapshot
- What We Do
- How We Developed this Plan
- What We Heard



The community told us they have concerns with:



Pet Ownership, Registration and Desexing



84% of pet owners stated that their dogs and cats are **desexed**.

What would make it easier for residents to register pets?

- Registration incentives and discounts.
- SMS / email reminders for renewals.
- Ability to register pets at a vet clinic.

What We Do

South Gippsland Shire is located a pleasant 90-minute drive through coastal flats and rolling hills to the south east of Melbourne. It stretches from Nyora in the west, to Welshpool in the east, and Mirboo North to the north. The southern boundary is formed by the Bass Strait coastline.

As well as the main towns of Leongatha, Korumburra, Mirboo North and Foster, South Gippsland has over 20 smaller communities that are an integral part of the Shire. Its commercial, social, cultural and environmental qualities make it a wonderful environment to live, work, recreate and invest. The Shire has a population of 30,248 (estimated residential population) and covers 3,300 square kilometres which include some of the nation's most arable farming land.

Population and Domestic Animal Snapshot

The following table provides a snapshot of dogs and cats across South Gippsland.

Snapshot Data	2021-22
Population	30,248
Geographic area of municipality	3,296 square kilometres
Registered dogs	5,710
Registered cats	1,584
Dog and cat related requests	854
Registered declared dogs (dangerous, menacing or restricted breed)	3
Dog attack or rush	37
Number of registered Domestic Animal Businesses	7
Keeping of animals / excess animal permits issued	15
Number of infringements	123
Number of successful prosecutions	6
Dogs impounded	124
Dogs euthanised	9
Cats impounded	110
Cats euthanised	14
Cat cage requests	133

Current Domestic Animal Services and Programs

South Gippsland Shire Council currently provides the following Domestic Animal Management services and programs to residents:

- Ongoing maintenance of a dog and cat registration database.
- Response to customer complaints relating to animal management issues such as barking dogs, dog attacks, dogs at large, nuisance cats.
- Provision of an after-hours emergency service.
- Provision of dog litter bins and 'animal welfare' bag dispensers at 15 locations throughout the Shire.
- Cat trapping program – supply of cat traps for trapping of feral and/or nuisance cats.
- Collection of stray or wandering dogs and cats, including surrendered animals.
- Provision of advice and information to residents relating to animal management issues.
- Promotion of responsible pet ownership through distribution of education material for all new animal registrations.
- Regular inspections of Domestic Animal Businesses to ensure compliance with the Act and relevant Codes of Practice.
- Regular inspections of restricted breeds, dangerous and menacing dog premises to ensure compliance with the Act and relevant Codes of Practice.
- Provision of animal management training opportunities for Local Laws Officers.
- Provision of pound services through a contractual agreement.
- Quick responsiveness to dog attack complaints.
- Prosecution of offences under the Act and other regulations including Council's *General Local Law 2014*.

How We Developed the Domestic Animal Management Plan

South Gippsland Shire Council's previous DAMP expired in 2021 and an interim one-year action plan was put in place until a further three-year plan could be developed with input from our newly elected Council.

Development of Council's new DAMP was driven by Council's Local Laws team who really wanted to get input from our community, stakeholders and undertake independent research.

Engagement Approach

Council used a number of consultation tools as part of our engagement activities. These included:

- An online survey via Council's online portal 'Your Say South Gippsland' from 17 August to 11 September 2022 (promoted through media releases, social media posts, published on Council's website and Councillor Bulletin) to allow our community to provide feedback on dogs and cats.
- Written submissions could be uploaded on the website or via email and post.
- In-person and online community listening posts. The in-person sessions were held at Korumburra, Foster, Mirboo North and Leongatha.
- Councillor workshop.
- Hard copy surveys were also available at various locations throughout the Shire and upon request.
- Corflute signs with a QR code to the survey were placed in popular dog walking areas and along the rail trail.
- Key external stakeholders were directly emailed to participate in the engagement process. This included vets, shelters, animal groups, domestic animal businesses, environmental organisations, committees of management, sporting clubs, business groups etc.
- Internal Council stakeholders were contacted directly to participate.
- 4,237 owners of registered dogs or cats were sent an SMS or email invitation with a link to the survey.
- 71 customers who had made a dog or cat related enquiry in the last six months were sent an SMS or email invitation with a link to the survey.

What We Heard

Key Issues

- Dogs off lead / not under owner control / wandering dogs.
- Dog waste.
- Dog aggression.
- Facilities when walking dogs.
- Dogs barking.
- Cats and dogs impact on native wildlife.
- Wandering cats.
- Cats and dogs not being desexed / irresponsible breeding.

Suggestions

- Introduce and enforce a dog leash order in public places, consider working dogs (droving livestock) exemptions.
- Provide designated fenced off-leash areas with appropriate facilities in townships across South Gippsland, including at ovals, parks, reserves and beaches.
- Provide solutions to address dog waste including bags and bins on trails, parks, reserves, beach entry points, town centres.
- Confine cats to owners' property, either night-time or 24/7.
- Make it easier to register pets including incentives and discounts, and investigate whether pets could be registered at vet clinics.
- Education and communication to promote responsible pet ownership, regular messaging using multiple accessible channels.

Activities

In This Section:

- Training of Authorised Officers.
- Registration and Identification.
- Nuisance.
- Dog Attacks.
- Dangerous, Menacing and Restricted Breed Dogs.
- Overpopulation and High Euthanasia.
- Domestic Animal Businesses.
- Pound Provision and Management.
- Annual Review of Plan and Annual Reports.

Training of Authorised Officers

Council's animal management services are delivered through the Local Laws team. The team regularly work with key partners and stakeholders, and aim to build relationships with these partners and the community by providing advice, support and regulatory services.

In addition to animal management, our Local Laws team respond to numerous other issues and community needs to assist with public safety, the environment and amenity.

Current and Planned Training

New staff are required to complete specific training including a Council induction on policies and procedures and an introduction to Council's animal management procedures and programs. Regular team training and refresher courses, and ongoing on-the-job training and coaching is provided.

Staff are encouraged to represent the Shire on industry bodies and committees where appropriate. Internal procedures and processes are regularly reviewed and updated.

The team maintain a training register, detailing all the qualifications and training courses completed by each team member. Performance reviews and professional development plans are also undertaken annually.

Our Plans

- Continue to develop and maintain a training register for individual officers.
- Ensure officers attend at least one training or networking session each year.
- Ensure all officers have access and use the Bureau of Animal Welfare internet site.
- Maximise learning and development opportunities to attract and maintain quality staff and performance.
- Identify and seek additional training and development opportunities as they arise.

Registration and Identification

Current Situation – Our Current Data (2021)

Healthy and happy pets can bring life and vibrancy to a family, and community. They provide companionship and improve wellbeing through supporting physical exercise and mental wellness. These benefits rely on responsible pet ownership. Socialisation of animals is considered an important part of pet ownership. Supervised and responsible socialisation supports dog behaviour so that they are able to cope with unfamiliar situations (e.g. interacting with other animals or people) by teaching them to not react fearfully to new experiences and being more comfortable when encountering something new.

Council promotes and encourages responsible ownership of dogs and cats through a range of communication and education initiatives.

We understand the increasing demand for Council services to be delivered online, and for engagement through social media and other digital means. However, we also acknowledge the power behind face-to-face interactions and that successful education and communication campaigns require a multi-channeled approach.

Community consultation outcomes identified responsible pet ownership as an important factor including animals being trained and exercised, microchipped, desexed and registered with owners complying with regulations and signage. Communication and education campaigns with clear and simple messaging were suggested to support responsible pet ownership as well as increasing awareness of the impacts and implications of pets near conservation areas.

Registration fees currently set for the 2022/2023 financial year are as follows:

Reduced Fee	\$55.85	Pension Concession	\$27.40
Microchipped Only	\$164.45	Pension Concession	\$82.20
Restricted breed / dangerous / menacing dog	\$317.70		

- Pro-rata fees commence 11 October each year.
- Provision of free transfer of registration to animal owners who relocate to the South Gippsland Shire.
- Letter and registration application forms are sent to all new pet owners identified through Section 13 notifications received from pounds, shelters and pet shops. The Local Laws Administration Support Officer and Local Laws Officers undertake processes to ensure animals are registered as required by the Act.
- Issue registration renewal notices on an annual basis with reminder notices, final notice, and text messages to ensure animals are registered.
- Ensure each Officer has a microchip scanner to determine if an animal found wandering or contained is currently registered along with the owner's details.

Our Current Education / Promotion Activities

Council's current identification and registration activities include:

- Issuing of 'lifetime' registration identification tags.
- Door-knocking various townships and rural areas in relation to registration requirements and compliance checking.
- Advertising of relevant information on Council's website, in local newspapers, social media and information boards.
- Encouraging the desexing of dogs and cats in an effort to reduce wandering animal issues.

Our Plans

- Continue to conduct registration compliance campaigns across the municipal district targeting townships and rural areas each year.
- Introduce an online animal registration application system for new registrations.
- Continue to distribute animal information articles on Council's website, social media, telephone on-hold messages and in the local newspapers to promote the benefits of registration, microchipping and legislative compliance.
- Continue compliance and enforcement activities to achieve greater compliance with all aspects of the Act.

Nuisance

A nuisance animal is defined or exists if the keeping or behaviour of an animal causes a condition, state or activity that constitutes:

- Damage to property owned by a person other than the keeper.
- Excessive disturbance to a person, other than the keeper, because of noise.
- Danger to the health of an animal or person other than the keeper.

Council encourages people to manage their pets in a way that protects the health and welfare of the animal, maximises the companion benefits of their pet, and minimises potential nuisance or harm to others.

Our Current Orders, Local Laws, Council Policies and Procedures

Council's *General Local Law 2014* provisions relating to domestic animals are as follows:

Clause 46(1) – *“An owner or occupier of a property must not, without a permit, keep or allow to be kept any more in number for each kind of animal than as set out in the following table: [2 dogs and/or 2 cats]”; and*

- Clause 48(1) – *“A person in charge of an animal must not allow any part of the animal's excrement to remain on or in a public place within a built-up area”; and*
- Clause 48(2) – *“A person in charge of an animal which litters in a public place must immediately collect and dispose of the litter in such a manner so as not to cause a nuisance to any other person.”*

Council has a number of policies and procedures that relate to the administration and enforcement of the Act. These include a Barking Dog 'step-by-step' process, Wandering Dog Process, Compliance and Enforcement Policy, and Infringement Matrix.

There are also well developed processes for officers to follow and access to guidance that will assist them in their decision making.

Our Current Education / Promotion Activities

- Provide Bureau of Animal Welfare responsible pet ownership brochures and other literature to owners of newly registered animals.
- Provide advice and assistance to customers in relation to animal management issues.
- Encourage desexing of dogs and cats to minimise wandering issues and issues around unwanted litters.
- Provide a cat trapping program to residents for trapping trespassing cats in an effort to reduce the number of feral/stray cats within South Gippsland.
- Provide information and advice about the requirements of trapping cats.
- Provision of dog litter bins and 'animal waste' bags in the 15 parks and reserves across the Shire as follows:
 - » Baromi Park – Ridgway, Mirboo North.
 - » Mossvale Park – Berry's Creek.
 - » Poowong Recreation Reserve – Drouin Road, Poowong.
 - » Coleman Park – Queen Street, Korumburra.
 - » McIndoe Park – Corner Hassett Street and Turner Street, Leongatha.
 - » Tania Park – Brown Street, Leongatha.
 - » Horticultural Park – Corner Young Street and Bazley Street, Leongatha.
 - » Foster Recreation Reserve – Station Road, Foster.
 - » Pearl Park – Main Street, Foster.
 - » Sagassar Park – Station Street, Foster.
 - » Lewis Street, Port Welshpool.
 - » Gale Street, Waratah Bay.
 - » Sunnyside Park – Speight Street, Loch.
 - » R N Scott Reserve – Wonthaggi Korumburra Road, Kongwak.
 - » T P Taylor Reserve – Beach Parade, Sandy Point.

Our Current Compliance Activities

- Ensure nuisance complaints are logged on Council's Customer Request System and linked to the animal registration record to allow for resolution tracking and patterns of behaviour with individual animals and owners.
- Ensure that all notices to comply and infringements are issued in line with Council guidelines, the Act and any relevant Codes of Practice.
- Investigate nuisance animal complaints to ensure effective resolution is achieved.

Our Plans

- Continue to distribute animal information articles on Council's website, social media, telephone on-hold messages and in the local newspapers to promote the issues relating to nuisance dogs and cats.
- Consider community consultation feedback to investigate the introduction of a 'Leash Order' to reduce the incidence of wandering/unrestrained dogs in public places and number of dogs causing nuisance.
- Consider and investigate the need for designated 'Dog Off-Leash' parks if a leash order is introduced.
- Consider community consultation feedback to investigate the introduction of a 'Cat Curfew Order' to reduce the incidence of cats causing nuisance, attacks on native fauna and unwanted cat litters.

Dog Attacks

Dog attacks are a public safety risk and are dealt with as a matter of urgency. Council acknowledges that dog attacks can be traumatic for all parties and takes all attacks seriously ensuring that all reported incidents are investigated.

Any breed or size of dog can become aggressive when protecting its territory. Attacks are not always from dangerous or aggressive breeds and can be from unexpected breeds not generally associated with aggression.

All reported dog attacks are recorded on Council's Customer Request System and assigned to our Locals Laws team. Upon completion of a dog attack investigation, the matter may be dealt with via an infringement process, by way of court prosecution or in another appropriate manner in consultation with the Local Laws Coordinator.

An emergency 24-hour telephone service operates via Council's main telephone number and an on-call rostered Local Laws Officer will respond to all serious dog attacks and other urgent requests.

Our Current Education / Promotion Activities

- Promote responsible pet ownership through the use of local media and Council's website.
- Provide educational material to owners of newly registered dogs.
- Provide information and advice to owners of an attacking dog on the implications which can arise from a dog attack on a person or animal.

Our Current Compliance Activities

- Investigate complaints ensuring all relevant evidence is gathered and considered.
- Conduct regular patrols throughout the municipality.
- Issue infringement notices for non-compliance with legislation.
- Prosecute offenders for non-compliance with legislation.

Our Plans

Council endeavours to minimise the risk of dog attacks on people and animals through a program of education and enforcement initiatives.

- Continue to educate the community regarding the broader implications of dog attacks to the community, the victim, the offending animal and the owner of that animal.
- Continue to distribute animal information articles on Council's website, social media, telephone on-hold messages and in the local newspapers to increase awareness of the incidence of dog attacks and their implications to all parties.
- Issue infringements and prosecute offenders for non-compliance with the Act in accordance with our normal practices.
- Provide residents with information on how to report dog attacks and promote and encourage the reporting of all aggressive dog incidents.

Dangerous, Menacing and Restricted Breed Dogs

Council strives to minimise the risk to the community from menacing, dangerous or restricted breed dogs. In 2022, South Gippsland Shire has three declared dogs.

A dangerous dog is one that a council has declared dangerous because it has bitten a person or animal, causing serious injury or death.

The *Domestic Animals Act 1994* allows Councils to declare a dog to be dangerous if:

- The dog has caused serious injury or death to a person or animal;
- The dog is a menacing dog and its owner has received at least two infringement notices for failing to comply with restraint requirements;
- The dog has been declared dangerous under corresponding legislation in another state or territory; or
- For any other reason prescribed.

The *Domestic Animals Act 1994* also allows Council to declare a dog menacing if:

- The dog has caused a non-serious bite to a person or animal; or
- The dog has rushed at or chased a person.

Owners are required to declare if their dog is a restricted breed, has been declared menacing or dangerous.

Current Situation – Our Current Data (2021)

Declared Menacing Dogs	Declared Dangerous Dogs	Declared Restricted Breed
0	3	0

Our Current Orders, Local Laws, Council Policies and Procedures

- Ensure that all declared dogs are listed on the Victorian Declared Dog Registry.
- Use of breed standard for identifying a restricted breed dog.
- Victorian Breed Assistance Resource Kit (Vic BARK) Smart Device application.

Our Current Education / Promotion Activities

- Provide a range of educational brochures for the community.
- Ensure that owners of declared dogs are aware of their obligations under the Act.

Our Current Compliance Activities

- Animal registration renewal notices are issued annually.
- Annual compliance inspections and spot-check inspections are conducted at all premises where declared dogs are kept to ensure compliance with requirements of the Act.
- Monitor non-residential areas for use of guard dogs.
- Ensure that all declared dogs are listed on the Victorian Declared Dog Registry and all details are updated as soon as possible.
- Review all new dog registrations for potential restricted breeds.

Our Plans

Our aim is to minimise the risks of dog attack to the community and animals from menacing, dangerous and restricted breed dogs.

- Proactively enforce menacing, restricted breed and dangerous dog legislation.
- Ensure that the standards to identify restricted breed dogs are applied.
- Conduct annual inspections of premises where declared restricted breeds of dogs are housed.
- Conduct annual inspections of premises where declared dangerous and menacing dogs are housed.
- Promote the Department of Primary Industries' "Dangerous Dogs Hotline".
- Provide advice and guidance to dog owners regarding restricted breeds and dangerous dogs.

Overpopulation and High Euthanasia

Council's priority is to achieve positive community and animal welfare outcomes wherever possible.

Council's Pound facility is currently run by a third-party provider, South Gippsland Animal Shelter. Council's Pound is a safe environment where animals found wandering can be housed.

The Pound is audited regularly and cleaned daily, including on weekends. Officers have 24/7 access to the facility and the South Gippsland Animal Shelter are able to attend to animals in care seven days per week.

Animal adoptions are currently managed by the South Gippsland Animal Shelter, who work closely with other groups to rehome as many animals as possible.

Current Situation – Our Current Data (2021)

Impounded	234
Returned to Owner	135
Euthanised	23
Rehomed	117
Surrendered	63
Euthanised – Feral cat	49

Our Current Education / Promotion Activities

- Promotion of the State-wide initiative Responsible Cat Ownership program on Council's website and in local newspapers to raise awareness within the community.
- Conduct cat-specific education programs through Council's Communication Plan including promoting identification, registration and desexing.
- Conduct annual 'cat audits' within the community to ascertain the level of 'owned' cats. This is carried out in conjunction with the door-to-door registration compliance checks.

Our Current Compliance Activities

- Promotion of the Responsible Cat Ownership program.
- Provision of cat traps to assist in the trapping of trespassing and problem cats.
- Implement targeted cat trapping programs.
- Implement requirements for registration of cats.
- Conduct annual 'cat audits' within the community to ascertain the level of 'owned' cats.

Our Plans

- Advertise lost and/or found dogs and cats on Council's website and in local papers based on information provided by Council's Pound Service.
- Ensure that notices advertising animals for sale within South Gippsland contain a microchip number for each animal being sold.
- Expand Council's cat trapping program to reduce feral and stray cat numbers.
- Work with Council's Communications team to investigate the extended use of social media to facilitate the return of lost or impounded animals to their owners.

Domestic Animal Businesses

Domestic Animal Businesses include:

- Breeding businesses (cats and/or dogs).
- Training facilities for dogs.
- Pet shops.
- Animal (welfare) shelters.
- Dog or cat rearing premises.
- Animal pounds either run by Council or a Council contractor.
- An establishment boarding dogs or cats – overnight, doggy day care and in-home care.

Under the *Domestic Animals Act 1994*, all of these businesses must be registered with the relevant Council where they operate.

Current Situation – Our Current Data (2021)

Business Type	Number Registered
Breeding	0
Boarding	4
Pet Shop	0
Training Establishment	2
Pounds and Shelters	1

Our Current Orders, Local Laws, Council Policies and Procedures

- Send out annual Domestic Animal Business (DAB) registration renewal notices.
- Inspect all Domestic Animal Businesses annually and as required throughout the year.
- Use of Bureau of Animal Welfare Audit inspection checklists when inspecting these businesses.

Our Current Education / Promotion Activities

- Supply and distribution of information regarding Domestic Animal Businesses and relevant Codes of Practice.
- Provide advice and guidance as required by the Domestic Animal Business owner/s.

Our Current Compliance Activities

- Inspect all Domestic Animal Businesses annually and as required throughout the year.
- Investigate all complaints relating to a Domestic Animal Business.
- Follow up on any non-compliance issues or breaches of the Code of Practice or Act.
- Take any enforcement action necessary.
- Ensure that Domestic Animal Businesses forward Section 13 documents to the relevant Council following the sale of an animal.
- Ensure that notices advertising animals for sale within South Gippsland contain the Domestic Animal Business' Council registration number and comply with relevant Codes of Practice and the Act.
- Liaise with other departments within Council to provide advice when an application for a Domestic Animal Business is received to ensure compliance with regulations and requirements under the Act and relevant Codes of Practice.

Our Plans

- Undertake assessment of Council's registration database to proactively identify unregistered Domestic Animal Businesses.
- Provide Domestic Animal Businesses with education material to ensure they are kept informed of all new developments and changes to legislation that may affect the operation of their business.
- Develop a procedure that will allow for all audit inspection documentation to be stored electronically against the license.

Pound Provision and Management

The South Gippsland Shire domestic animal pound services are provided and managed under a contractual agreement with the Korumburra Veterinary Clinic. This service has been provided by the Korumburra Veterinary Clinic since 1996. Following a comprehensive process, the contract was renewed on 1 July 2018 for a five-year period until 30 June 2023. A review of the pound service is required to determine the direction of Council's pound service post 30 June 2023.

Our Plans

- Undertake a review of the pound service to determine the direction of Council's Pound Service post 30 June 2023.

Annual Review of Plan and Annual Reports

Our Plans

- Provide the Department of Primary Industries Secretary with a copy of the Domestic Animal Management Plan and any amendments.
- Publish an evaluation of the implementation of the Domestic Animal Management Plan in Council's Annual Report.
- Review the Domestic Animal Management Plan annually and if appropriate, make amendments.



Action Plan



This Action Plan assists us in accomplishing the goals and objectives in the Domestic Animal Management Plan. It takes into consideration the regulatory responsibilities, community input from an extensive consultation process, Council's commitment to all who live and visit our municipality, and demonstrates our focus on the amenity and natural environment of South Gippsland.

Activity	Who	When
Training of Authorised Officers		
Ensure all officers have access to the Bureau of Animal Welfare website.	Local Laws Administration Officer	Ongoing
Maintain a training register for individual officers.	Local Laws Coordinator	Annually
Ensure officers attend at least one training / networking session each year.	Local Laws Coordinator	As per training register
Maximise learning and development opportunities to attract and maintain quality staff and performance.	Local Laws Coordinator	As per training opportunities
Identify additional training and development opportunities as they arise.	Local Laws Coordinator	As per training opportunities
Registration and Identification		
Continue to conduct registration compliance campaigns across the municipal district targeting townships and rural areas each year.	Local Laws Coordinator	Ongoing
Introduce an online animal registration application system for new registrations.	Local Laws Administration Officer	Ongoing
Continue to distribute animal information articles on Council's website, social media, telephone on-hold messages and in local newspapers to promote the benefits of registration, microchipping and legislative compliance.	Local Laws Administration Officer Communications Officer	Ongoing
Continue compliance and enforcement activities to achieve greater compliance with all aspects of the Act.	Local Laws Coordinator	Ongoing

Activity	Who	When
Nuisance		
Continue to distribute animal information articles on Council's website, social media, telephone on-hold messages and in local newspapers to promote the issues relating to nuisance dogs and cats.	Local Laws Administration Officer Communications Officer	Ongoing
Investigate the introduction of a 'Leash Order' to reduce the incidence of wandering/unrestrained dogs in public places and number of dogs causing a nuisance.	Local Laws Coordinator	Future Plan
Investigate the introduction of a 'Cat Curfew Order' to reduce the incidence of cats causing a nuisance, attacks on native fauna and unwanted cat litters.	Local Laws Coordinator	Future Plan
Dog Attacks		
Issue infringements and prosecute offenders for non-compliance with the Act in accordance with our normal practices.	Local Laws Coordinator Local Laws Administration Officer	Ongoing
Continue to educate the public regarding the broader implications of dog attacks to the community, the victim, the offending animal and the owner of that animal.	Local Laws Coordinator	Ongoing
Continue to distribute animal information articles on Council's website, social media, telephone on-hold messages and in local newspapers to promote issues relating to dog attacks.	Local Laws Administration Officer Communications Officer	Ongoing
Provide residents with information on how to report dog attacks and promote and encourage the reporting of any dog attack.	Local Laws Administration Officer Communications Officer	Ongoing

Activity	Who	When
Dangerous, Menacing and Restricted Breed Dogs		
Promote the Department of Primary Industries "Dangerous Dogs Hotline"	Local Laws Administration Officer	Ongoing
Provide advice and guidance to dog owners regarding restricted breeds and dangerous dogs.	Local Laws Coordinator Local Laws Administration Officer	Ongoing
Conduct annual inspections of premises where declared restricted breeds of dogs are housed.	Local Laws Officers	Annually in April
Conduct annual inspections of premises where declared dangerous and menacing dogs are housed.	Local Laws Officers	Annually in April
Proactively enforce menacing, restricted breed and dangerous dog legislation.	Local Laws Coordinator Local Laws Officers	When required
Ensure that the standards to identify restricted breed dogs are applied.	Local Laws Coordinator Local Laws Officers	When required
Overpopulation and High Euthanasia		
Expand Council's cat trapping program.	Local Laws Officers	2023
Through Council's pound service, advertise lost and/or found dogs and cats on Council's website and in local papers.	Pound Service Provider	Ongoing
Ensure that notices advertising animals for sale within South Gippsland contain the microchip number for each animal being sold.	Local Laws Administration Officer Local Laws Officers	Ongoing
Investigate the extended use of social media to increase the return of lost or impounded animals to their owners.	Local Laws Administration Officer Local Laws Coordinator Local Laws Officers	Ongoing

Activity	Who	When
Domestic Animal Businesses		
Develop a procedure that will allow for all audit inspection documentation to be stored electronically against the license.	Local Laws Administration Officer Local Laws Officers	2023
Assessment of Council's registration database, to proactively identify unregistered Domestic Animal Businesses.	Local Laws Administration Officer Local Laws Officers	Ongoing
Provide Domestic Animal Businesses with educative material to ensure they are kept informed of all new developments and changes to legislation that may affect the operation of their business.	Local Laws Officers	Annually in April or as required
Other Matters		
Undertake a review of pound service in 30 June 2023. Management would seek approval from the Chief Executive Officer for a contract extension for an additional year recurring up to five times applicable to 30 June 2028.	Manager Community Safety	30 June 2023
Annual Review of Plan and Annual Reporting		
Provide the Department of Primary Industries Secretary with a copy of the Domestic Animal Management Plan and any amendments.	Local Laws Coordinator	Upon adoption by Council
Publish an evaluation of the implementation of the Domestic Animal Management Plan in Council's Annual Report.	Manager Regulatory Services Communications Officer	Annually
Review the Domestic Animal Management Plan annually and if appropriate, make any amendments to the Plan.	Local Laws Coordinator Local Laws Officers	Annually

SOUTH GIPPSLAND SHIRE COUNCIL

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South Gippsland
Shire Council

2.2. PETITION RESPONSE: ACCESS & INCLUSION

Directorate:	Future Communities
Department:	Community, Customer and Visitor

Council Plan

Objective - Healthy and Engaged Communities

Council's Access and Inclusion Advisory Committee supports Council to consider universal access and inclusion.

EXECUTIVE SUMMARY

The purpose of this report is to respond to the petition / joint letter submitted by Rainbow Local Government requesting Council explore options for continuing engagement with the LGBTIQ+ community, including establishing a LGBTIQ+ Advisory Committee.

RECOMMENDATION

That Council:

- 1. Thank the petitioner for their submitted petition; and**
- 2. Advise the Rainbow Local Government organisation of Council's Access and Inclusion Advisory Committee and its role in supporting engagement with and inclusion of communities which may experience barriers to access and inclusion and invite the organisation to complete an Expression of Interest; and**
- 3. Notifies the lead Petitioner of the outcome of this report.**

REPORT

At the 27 November 2024 Council meeting, a petition/joint letter containing 6 signatures was tabled from Rainbow Local Government requesting Council explore options for continuing engagement with the LGBTIQ+ community, including establishing a LGBTIQ+ Advisory Committee.

At the meeting, Council resolved to 'receive and note the petition and receive a report on the matter at its 11 December 2024 Meeting of Council'.

The petition prayer is available in Figure 1 and a full copy of the petition / joint letter is available in **Confidential Attachment [10.1.1]**.

Figure 1 – Petition Prayer

The petition prayer is outlined below.

**Petition to South Gippsland Shire
Council: LGBTIQ+ Advisory Committee**

The 'Rainbow Brick Road Report: A Snapshot into LGBTIQ+ Lives in Gippsland' recommends 'development of LGBTIQ+ networks and initiatives within each Shire to support local LGBTIQ+ community' and support LGBTIQ+ inclusivity and engagement. The Victorian Government's 'Rainbow Ready Roadmap' also recommends that 'LGBTIQ+ residents take part in council committees and in council planning' as an indicator of LGBTIQ+ inclusion. We, residents and ratepayers of the South Gippsland Shire, hereby respectfully petition the Council to explore options for continuing engagement with the LGBTIQ+ community, including establishing an LGBTIQ+ Advisory Committee.

South Gippsland Shire Council is committed to supporting universal access and inclusion. To support this commitment, Council convenes an Access and Inclusion Advisory Committee (the Committee) to provide Council with advice on development and implementation of a South Gippsland Access & Inclusion Action Plan, a plan for equitable access to goods, services and facilities across the municipality. This committee is made up of members with lived experience of barriers to access and / or inclusion, or organisations that support members of the community who experience barriers to access and / or inclusion.

Membership to the Committee is currently open and communities who may experience barriers to access and inclusion are invited to submit applications. This Committee provides an opportunity for members of the South Gippsland LGBTIQ+ community to participate in Council Planning and Committees as requested via the petition.

CONSULTATION / COMMUNITY ENGAGEMENT

Membership of the Committee is currently open, and the Rainbow Local Government organisation can be encouraged to submit an application from a South Gippsland member.

RESOURCES / FINANCIAL VIABILITY

Support for the Access and Inclusion Advisory Committee is contained within current budgets.

RISKS

Nil

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

CONFIDENTIAL ATTACHMENTS

The consideration of confidential information in a closed session of Council is in accordance with s.66(2)(a) and s.66(5)(a) and (b) of the *Local Government Act 2020*.

Confidential Attachment [10.1.1] – Petition Response – Access and Inclusion – is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1)(f) - personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

The grounds for designation have been made to protect the privacy of an individual's personal information.

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](#).

Anti-Discrimination Bullying and Harassment Policy (CE25)

Community Engagement Policy (C06)

Annual Budget

Council Plan 2022-2026

Legislative Provisions

Charter of Human Rights and Responsibility Act 2006

Disability Discrimination Act 1992

Equal Opportunity Act 2020

Gender Equity Act 2020

Local Government Act 2020

2.3. ORGANISATIONAL PERFORMANCE REPORT - JULY 2024 TO SEPTEMBER 2024

Directorate:	Performance and Innovation
Department:	Financial Strategy

Council Plan

Objective - Leading with Integrity

Council's governance is strengthened by regular organisational performance reporting against the Council Plan 2022-2026 Measures and Annual Initiatives.

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider the Organisational Performance Report for the period of 1 July 2024 to 30 September 2024 (**Attachment [2.3.1]**) which includes the financial and organisational performance against the Adopted Budget and highlights progress of the 2024/25 Annual Initiatives for the 2022-2026 Council Plan (Council Plan).

Council adopted 21 Annual Initiatives for 2024/25, with one initiative completed, and the remaining on track to be completed by 30 June 2025.

RECOMMENDATION

That Council:

- 1. Receives and notes the Organisational Performance Report for the period July 2024 to September 2024 (Attachment [2.3.1]);**
- 2. Provides the Organisational Performance Report to the Audit and Risk Committee for information.**

REPORT

The role of Council is to provide leadership for the good governance of the Shire. This is achieved, in part, by establishing strategic directions articulated in a four-year Council Plan and supported by an adopted Budget that contains the first (annual) financial year and subsequent three financial years.

These requirements are legislated under s.90 and 94 of the *Local Government Act 2020* (Act).

Council endorsed the 2024/25 Annual Initiatives (Annual Initiatives) as part of the 2022-2026 Council Plan at the 26 June 2024 Council Meeting. The Council Plan outlines the strategic objectives, priorities, major initiatives and measure of success indicators for the next four years.

2024/25 Annual Initiatives

Annual Initiatives are developed annually and include significant activities that progress the achievement of the objectives and priorities in the Council Plan. These Annual Initiatives are adopted each year in the Budget.

For connectivity, they are also captured each year as an update to the Council Plan. Progress against these Annual Initiatives and performance indicators are monitored and reported to Council within each Quarterly Performance Report.

Year to Date Financial Analysis

The adjusted underlying result for 2024/25 is forecast to be a surplus of 2.2%. The adjusted underlying result demonstrates Council's ability to generate a surplus in its ordinary course of business, excluding non-recurrent capital grants, non-monetary asset contributions and other contributions to fund capital works from its net result. A surplus or increasing surplus suggest an improvement in operations. The forecast for 2024/25 is an improvement on the 2023/24 result of -30.3%, which was impacted by the timing of the receipt of the Federal Assistance Grants funding and unbudgeted disaster-related expenditure.

Council's proposed forecast Indebtedness Ratio as of 30 June 2025 is 27.3%, and is well within the ratio maximum of 40% or lower.

The movement between Adopted Budget and Approved Forecast is attributed to year-end carry forwards from 2023/24, as endorsed by Council on 11 September 2024. A detailed mid-year budget review will be undertaken during quarter two and presented to Council with the Quarter 2 Organisational Performance Report.

Capital Works expenditure to 30 September 2024 of \$3.84 million is on-track to the forecast \$3.87 million. This is attributable to projects running on time with limited delays and limited adverse weather conditions.

CONSULTATION / COMMUNITY ENGAGEMENT

The Organisational Performance Report will be presented to Council's Audit and Risk Committee in December 2024.

RESOURCES / FINANCIAL VIABILITY

The 2024/25 Annual Initiatives are funded through the 2024/25 Annual Budget.

RISKS

The Organisational Performance Reports ensure the organisation remains in budget and mitigates the risk of annual initiatives not being monitored throughout the financial year. These activities are priority actions required by Council. Inadequate monitoring of their progress may result in activities not within budget, not being achieved, or without understanding the reasons for any delay or budget constraints.

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. Organisational Performance Report - July 2024 to September 2024 [2.3.1 - 32 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 8. Monitoring & Performance Review

Council Policy / Strategy / Plans

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

Annual Budget

Council Plan 2022-2026

Legislative Provisions

Local Government Act 2020

Local Government (Planning and Reporting) Regulations 2020

Regional, State and National Plan and Policies

Nil

SOUTH GIPPSLAND SHIRE COUNCIL

Organisational Performance Report

July to September 2024



South Gippsland
Shire Council

Contents

About this Report	3
Council Plan Theme: Connecting People and Places	4
Council Plan Theme: Economy and Industry	6
Council Plan Theme: Healthy and Engaged Communities	8
Council Plan Theme: Leading with Integrity	10
Council Plan Theme: Protecting and Enhancing our Environment	12
Council Plan Theme: Sustainable Growth	14
Financial Report	16

Acknowledgment 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.



Eucalyptus, (genus Eucalyptus)

About this Report

This Report is prepared as a key component of South Gippsland Shire Council's commitment to transparent reporting and accountability to our community and to meet statutory reporting requirements under the *Local Government (Planning and Reporting) Regulations 2020*.

South Gippsland Shire Council developed the following equally important six Strategic Objectives of the Council Plan to guide Council over the years 2022 to 2026:

- Connecting our People and Places.
- Economy and Industry.
- Healthy and Engaged Communities.
- Leading with Integrity.
- Protecting and Enhancing our Environment.
- Sustainable Growth.

South Gippsland Shire Council measures its performance delivering the Plan through:

- Results achieved against the Strategic Objectives in the Council Plan;
- Progress against the Annual Major Initiatives identified in the Annual Budget.



Council Plan Theme:

Connecting our People and Places

Objective

Improving the safety and condition of our sealed and gravel road networks and connectivity for residents and basic services is a major community and Council priority.

We commit to continuous safety improvement in our road management, planning and processes, and a commitment to advocacy for public and community transport options and Shire wide digital connectivity.

Priorities

- Continuously improve our road maintenance processes and community feedback mechanisms.
- Prioritise safety black-spots with advocacy for appropriate speed limits, signage and traffic calming measures.
- Advocate for improved regional connections and improved maintenance of the infrastructure.
- Enhance the network of trails and footpaths to improve pedestrian accessibility and flow to create all-ability connections between towns, tourism sites, health services and within local neighbourhoods.
- Plan and advocate for public and community transport solutions to connect residents to our larger service towns and health services.
- Advocate for whole of Shire digital telecommunications coverage and emergency backup planning.

Achievements to Date:




- A new Building Maintenance contract commenced on 1 July 2024.
- Annual building inspections have been completed ahead of schedule.
- Council's next priority gravel to seal project has been scoped.
- The Roadside Drainage Maintenance Spraying Program is underway.



Pictured: The new toilet block in Mirboo North.

Major Initiatives

The following comments review the performance of South Gippsland Shire Council against the 2024/25 Annual Initiatives of the 2022-2026 Council Plan identified in the 2024/25 Budget.

Initiative	Comment	Percentage Complete
Increase allocation for Building Maintenance.	A new Building Maintenance contract commenced on 1 July 2024. The additional budget allocation has been incorporated in the Building Maintenance cost centre. Annual building inspections are ahead of schedule, with most already completed in the first quarter.	25% 
Continue developing designs for sealing priority gravel roads.	Scoping and design is underway for Council's next priority gravel to seal project, which is Walkerville South Road. A site level and feature survey, and geotechnical investigation have already been completed for this project.	25% 
Roadside Drainage Maintenance Spraying Program.	The delivery plan for the Roadside Drainage Maintenance Program has been finalised, and is now underway.	25% 

Council Plan Theme: Economy and Industry

Objective

The next four years are a time of change and growth for South Gippsland. We see this as an opportunity to define who we are and grow our economy, and to welcome innovation and investment in our key industries; agriculture, tourism and the arts.

Farming is our economic backbone and we will actively encourage investment, partnership and new business aligned with our core rural and environmental values.

We see the arts and tourism as a way to share our story, to welcome newcomers and support economic growth, whilst communicating and protecting what's special about our environment and way of life.

We understand the need to act now for future generations to contribute to our long-term viability, so we will focus on providing more reasons for young people to stay, study, work and invest in South Gippsland.

Priorities

- Support agriculture, food and fibre production to remain a competitive and significant contributor to our local and national economy.
- Strengthen economic resilience and encourage innovation to build the economy of the future.
- Enhance and diversify the visitor experience through investment attraction, product development, strategic branding, and marketing.
- Ensure land use planning and economic development are aligned to facilitate appropriate business investment, particularly in areas zoned for commercial, industrial, farming and rural activity zones.
- Implement our Economic Development, Visitor Economy and Art, Culture and Creative Industries strategies to strengthen our economic output, jobs and creative industries.
- Provide career pathways through Council supported scholarships, traineeships and apprenticeships, mentoring programs and work experience.
- Encourage commercial opportunities for improved visitor accommodation, encouraging tourists to visit and remain longer in our region.
- Partner with youth, education providers and industry to facilitate education and employment pathways.

ACHIEVEMENTS TO DATE:

- Parma for a Farmer event successfully completed to promote mental health in the agricultural sector.
- Submission into VicGrid's Draft Transmission Plan Guidelines completed.
- Commenced a Business Friendly Council's Pilot Program (supported by the Victorian Government).
- Partnered with Wellington Shire Council to open the Welshpool to Alberton section of the Great Southern Rail Trail (GRST).
- Applied for Visitor Information Centre re-accreditation.
- Art Cubes successfully moved to Toora with an exciting program of activities.
- Renewable Energy and Impact Readiness Study adopted.



Pictured: Trade meeting with Pidū District Chinese delegation.

Major Initiatives

The following comments review the performance of South Gippsland Shire Council against the 2024/25 Annual Initiatives of the 2022-2026 Council Plan identified in the 2024/25 Budget.

Initiative	Comment	Percentage Complete
Implement the annual action plan of the 2021–2031 Economic Development Strategy.	<p>Implementation of actions include:</p> <ul style="list-style-type: none"> • Participation in New Energy Conference and Gippsland Youth New Energy Jobs Summit • Delivered Parma for a Farmer event • Coordinated trade meeting and Chinese delegation from Pidu District • Completed Council's submission into VicGrid's Draft Transmission Plan Guidelines and REZ Study Map engagement • Commenced Business Friendly Councils pilot with DJSIR (review of Better Approvals process) • Support of the South Gippsland Dairy and Farming Expo • Participation in SEATS August 2024 Conference. 	25%
Implement the annual action plans of the: 2021–2031 Visitor Economy Strategy and the 2022-2031 Great Southern Rail Trail (GSRT) Visitor Experience and Marketing Plan.	<p>Implementation of actions include:</p> <ul style="list-style-type: none"> • Partnered with Wellington Shire Council to officially open the GSRT Welshpool to Alberton section • Delivered a marketing campaign in Gippsland Lifestyle (Spring edition) magazine highlighting the GSRT and Leongatha • Engaged a consultant to deliver the GSRT Black Spur Creek Biodiversity and Koonwarra Fossil Bed Signage Project • Applied for re-accreditation for the Visitor Information Centre • Representation at the Visitor Information Services Summit • Supported the Mirboo North Winterfest Festival as part of the Events Acquisition Fund • Completed the signage design for the GSRT Signage Interpretation project. 	25%
Implement the annual actions of the Arts, Culture and Creative Industries Strategy.	<p>Implementation of action include:</p> <ul style="list-style-type: none"> • Successful programming and delivery of ArtCubes in Toora • Presentation of two regional arts touring shows at Mirboo and Strzelecki halls • Delivered two Small Halls events at the Bena and Mirboo halls • Delivered in partnership with Hills Are Alive and Toora Community Hall a sell out event featuring Dan Sultan supported by local artists • Engaged two artists to develop public art at the Korumburra Railway Precinct. 	25%
Plan for and support our community to maximise the benefits of the emerging renewable energy industry, through continuation of the fixed term Renewable Energy Development Officer for 2024/25.	<p>Renewable Energy Development Officer appointed for 2024/25 year. Council has adopted the South Gippsland and Latrobe City Renewable Energy Impact and Readiness Study 2024 and is implementing the directions from the Study.</p>	100%

Council Plan Theme: Healthy and Engaged Communities

Objective

Our vision for South Gippsland is to be a place where our communities have a strong sense of belonging and purpose, where neighbours know each other, and new ideas are welcomed and encouraged.

A place where everyone has the opportunity to live a physically, socially and culturally active life. Our communities know what they need, we are not a one size fits all municipality.

Council will continue to invest in people, developing community leadership and partnering in community plans and initiatives that tackle the many different challenges that come with population and demographic change.

We acknowledge that volunteers play an important role in our community and we are committed to celebrating and supporting them.

We aim to create and encourage more all-ability, vibrant and engaging places to meet and undertake recreational and social activities. We will support and promote inclusive sporting, cultural and social activities recognising these activities as key to our success in building healthy communities.

Priorities

- Develop a strong relationship and partnership with the Bunurong and Gunaikurnai people to support our common environmental, cultural, social and economic objectives.
- Create places and spaces for people to connect and participate in local activities, sports and leisure, community events, and enjoy our libraries, parks, gardens and coastal areas.
- Advocate for improved health services for our community.
- Foster a sense of belonging and connectedness through involvement in community groups, fostering community leadership and engaging with our creative industries.
- Support and celebrate our volunteers through community grants and National Volunteer Week.
- Advocate for increased access to early years services including kindergarten, playgroups, childcare and for equitable access to health and social services for our community.

Achievements to Date:

- Five schools and 29 young people represented at an Induction Day for the 2024/25 Live4Life Program.
- South Gippsland Youth Council established.
- Teen Mental Health First Aid Training delivered to 387 Year 8 students and 243 Year 10 students across Bass Coast and South Gippsland shires.
- Community Plan initiatives supported in Sandy Point and Welshpool.
- Community Cluster meetings held in multiple locations, and online.



Pictured: Children at the Sandy Point beach

- Support community sport and recreation groups to grow, to build our healthy communities and enhance community connections.

Major Initiatives

The following comments review the performance of South Gippsland Shire Council against the 2024/25 Annual Initiatives of the 2022-2026 Council Plan identified in the 2024/25 Budget.

Initiative	Comment	Percentage Complete
Implement actions from the <i>2022-2026 Municipal Public Health and Wellbeing Plan</i> .	<p>Implementation of actions include:</p> <ul style="list-style-type: none"> Formed the South Gippsland and Bass Coast Partnership to prevent family violence Delivered Live4Life Program Established the South Gippsland Youth Council Released the South Gippsland and Bass Coast Community Supports Booklet (version three). 	25%
Deliver the Live4Life Program 2024/25, which provides mental health education and suicide prevention for young people in rural communities.	<p>The following activities have been undertaken:</p> <ul style="list-style-type: none"> 29 young people attended Bass Coast South Gippsland Crew Induction Day at Korumburra Hub. The Year 9 students represented five South Gippsland schools (Mary MacKillop, Leongatha, Korumburra, Mirboo North and Foster) Attended the Live4Life Bi-Annual Crew Camp with 11 participants from South Gippsland Provided Teen Mental Health First Aid Training to 387 Year 8 students and 243 Year 10 students across both Bass Coast and South Gippsland shires Four new local Teen Mental Health First Aid Instructors trained. 	25%
Continue to facilitate community plan development, to support South Gippsland Communities to develop and grow.	<p>The following activities have been undertaken:</p> <ul style="list-style-type: none"> Community Cluster meetings across South Gippsland were held online and in Port Welshpool, Meeniyan and Poowong Supported Nyora, Kongwak and Venus Bay/Tarwin Lower with Community Plan development Supported communities in Sandy Point and Welshpool with implementation of Community Plan initiatives. 	25%

Council Plan Theme: Leading with Integrity

Objective

Over the next four years, we will endeavour to always lead with integrity, care, good governance and accountability. Council will be outward focused and engage regularly and genuinely with our community.

We recognise trust between Council and the community was broken, and that it's our job to earn that trust back, and to do that we first must be trustworthy.

We will not always get everything right but promise to always look for continuous improvement in the way we do things, to listen to your problems and ideas, to answer your questions and genuinely engage with you around the challenges ahead in these uncertain times.

Council will provide and promote community leadership, investing in our people and the people of South Gippsland. We are a new Council, this is a new relationship, our firm commitment is that we will listen to learn, and act with integrity. We hope you join us.

Priorities

- Understand our community's priorities, ensure their needs are being met, and engage openly and often.
- Place our community at the centre of everything we do and be outward focused.
- Explore alternatives for revenue opportunities and manage our resources sustainably.
- Develop our people to build our organisation's capacity, create efficiencies and deliver quality services to the community.
- Strategically advocate with our partners to the State and Federal Government on issues and opportunities that impact our community.
- Invest in the leadership skills of existing and emerging community leaders, volunteers, community groups and networks.

Achievements to Date:

- Preparations are in place for the 2024 Local Government elections.
- Options for a review of Council's Community Vision have been prepared.
- Preparations for a Community Leadership Program between South Gippsland Shire and Bass Coast Shire has commenced.
- Options for the development of key strategic plans have been prepared for consideration by the new Council.



Pictured: Council is supporting delivery of the 2024 Council elections.

Major Initiatives

The following comments review the performance of South Gippsland Shire Council against the 2024/25 Annual Initiatives of the 2022-2026 Council Plan identified in the 2024/25 Budget.

Initiative	Comment	Percentage Complete
Deliver Council's biannual Community Leadership Program to strengthen community expertise and volunteering.	South Gippsland and Bass Coast Shire Councils met to plan the combined South Coast Community Leadership Program.	25%
Establish and support South Gippsland Shire Council's 2024/25 advocacy priorities.	Council's existing 2024 advocacy priorities remain current. Work to help the incoming Council identify and establish new priorities, has commenced.	15%
Develop and deliver a range of key strategic plans: <ul style="list-style-type: none"> • <i>2025-2029 Council Plan</i> (to be developed with the new Council) • <i>Revenue and Rating Plan</i> • <i>Four-year Budget</i> and ten-year <i>Long-Term Financial Plan</i>. 	New delivery options have been developed for the new Council to consider in November 2024. All options allowing for the successful adoption by statutory deadlines.	25%
Review the Community Vision to ensure it continues to represent the community's aspirations for the future of the municipality.	New delivery options have been developed for the new Council to consider in November 2024. All options allow for the successful adoption of a reviewed Community Vision by the end of October 2025 deadline.	25%
Support the effective delivery of the October 2024 Council elections, welcome South Gippsland's new Councillors, and deliver an induction and transition program to support Councillors.	All preparations for the Council election have been completed by Council with voting being overseen by the Victorian Electoral Commission. Council is advanced in planning for the Councillor Transition Program and will be ready for the new Councillor group to join on 8 November 2024.	75%

Council Plan Theme: Protecting and Enhancing our Environment

Objective

Agriculture, bushland, residential and tourism can thrive side by side. South Gippslanders will leave a legacy of a healthier integrated environment for future generations. Council will proactively work with landholders and land management agencies in preparing for changes in weather patterns, extreme storms, flooding and coastal erosion and the impacts of climate change.

Our aim is to support appropriate regeneration and revegetation initiatives and the development of bio-link corridors, particularly around our waterways, and acknowledge the importance of protecting our agricultural land's bio-security, whilst expanding biodiversity. We will do this with community partnerships, planning controls and weed and feral pest management education, and support for those who farm our lands.

Over the next four years, we will reduce landfill across the Shire via our circular waste strategy. In our own organisation, we are setting a target of reducing our emissions through energy and waste efficiency measures.

We will also drive change toward improved consumer behaviour of all in our Shire, through a 'buy less' campaign whilst also encouraging residents to reduce, reuse and recycle.

Priorities

- Lead by example, developing internal practices and policies to reduce our carbon footprint as an organisation and encouraging innovative industries.
- Use our Strategic Planning mechanisms to prioritise protecting and enhancing our natural environment.
- Advocate, plan and encourage the protection of our natural landscapes and coastline.
- Support and encourage sustainable industries, such as agroforestry.
- Plan and implement bio-link corridors to increase the percentage of tree cover and habitat in our Shire, and support our community including landowners to partner with us in implementing bio-links.
- Educate and empower our communities to reduce and control weeds and pests.
- Build resilience in our community and organisation to mitigate risk and damage caused by extreme weather events.

Achievements to Date:

- Council has been working closely with South Gippsland Landcare to establish a Memorandum of Understanding. A final version is expected to be completed in October 2024.



Pictured: Hills and trees near Poowong

- Empower our community through education and information to improve their waste management.
- As part of the Domestic Animal Management Plan, investigate enforceable dogs on leashes and curfews for domestic cats in townships.
- Engage with the relevant State Government agencies regarding the use of jet skis in relation to personal safety, amenity and threats to marine wildlife.

Major Initiatives

The following comments review the performance of South Gippsland Shire Council against the 2024/25 Annual Initiatives of the 2022-2026 Council Plan identified in the 2024/25 Budget.

Initiative	Comment	Percentage Complete
<p>To establish and implement a Memorandum of Understanding (MOU) with South Gippsland Landcare. This will help to build our land management partnership and assist with weed control and biodiversity initiatives.</p>	<p>Council has been working closely with South Gippsland Landcare to develop the MOU. It is currently in draft form with the final version to be completed in October 2024. Recent work delivered in collaboration with Landcare includes successful tree planting days.</p>	 <p>25%</p>

Council Plan Theme: Sustainable Growth

Objective

Regional Australia is going through unprecedented growth and demographic change and Council plays an important role in advocacy across all levels of government to attract funding and implement planning controls that ensure South Gippsland's growth is socially, environmentally and economically sustainable.

The unique environmental values and cultural heritage of our 28 towns, villages and hamlets are a drawcard to the region. We will protect the visual character of our landscapes and streetscapes via community plans, land-use reviews, environmental assessments and township design frameworks.

Council will plan for sustainable growth with an appropriate mix of residential properties, farming and lifestyle, industrial and commercial properties, encouraging affordable housing projects, options for aged and health care, and suitable investment in services, transport, childcare and open space.

We value local knowledge, history and experience, and are committed to including the community in conversations around important change decisions and processes. We will consider the environmental and cultural impacts of growth and land use change in our actions and decision making.

Priorities

- Manage urban growth within defined town boundaries to deliver fit-for-purpose infrastructure in partnership with other agencies that share this responsibility.
- Protect the character of our communities, including our built, natural and cultural heritage.
- Celebrate our communities and foster a sense of pride in the unique characters of our townships.
- Support new developments that include diverse block sizes and make a positive long-term contribution to the community and increased affordable housing opportunities.
- Support our coastal communities to respond to existing and emerging risks to their liveability and environmental health.
- Align land-use planning and economic development planning to facilitate appropriate business investment.
- Investigate opportunities to better manage the impacts of unregistered Short Stay Accommodation.

Achievements to Date:

- Options for social and affordable housing are currently being investigated.
- The Coal Creek Strategic Plan was adopted at the August 2024 Council Meeting.
- A discussion paper is currently being developed for a strategic planning project for Nyora to plan for increased growth and development.
- Planning controls guiding residential density have been progressed in accordance with the South Gippsland Coastal Strategy.



Pictured: South Gippsland coastline at Venus Bay

Major Initiatives

The following comments review the performance of South Gippsland Shire Council against the 2024/25 Annual Initiatives of the 2022-2026 Council Plan identified in the 2024/25 Budget.

Initiative	Comment	Percentage Complete
Implement actions from the Social and Affordable Housing Strategy.	Continuing to advocate for funding allocations and building relationships with key stakeholders in the region. Continuing to investigate alternate options for social and affordable housing.	25%
Complete development of a Strategic Plan for Coal Creek Community Park and Museum and commence implementation of actions.	The Coal Creek Community Park and Museum Strategic Plan was adopted at the August 2024 Council Meeting.	25%
Continue to progress implementation of action items identified in Council's Coastal Strategy.	Continued implementation of actions from South Gippsland Coastal Strategy around planning controls that guide density and response to environmental risks.	25%
Increase awareness and advocacy for heritage preservation.	Council is seeking to align heritage preservation - and broader town character considerations - with the new Plan Victoria which is currently being developed by the Victorian Government.	25%
Continue work to plan for the growth and development in the Nyora township	A discussion paper is being developed for Nyora Low Density Residential Zone Project and further scoping work continues.	25%

Financial Report





SOUTH GIPPSLAND SHIRE COUNCIL

Financial Report

1 July 2024 to 30 September 2024



*South Gippsland Shire Council
Organisational Performance in 2024/25*



Contents

Section 1 – Financial Report Overview and Progress	3
Section 2 – Financial Statements.....	10
Section 3 – Year to Date Financial Analysis.....	13

Section 1 – Financial Report Overview and Progress

1st Quarter FY2024/25

- YTD net operating surplus \$7.5 million, which is \$1.8 million unfavourable to the YTD approved forecast surplus \$9.3 million.
- YTD cash surplus \$3.9 million, which is \$1.4 million unfavourable to the YTD approved forecast surplus \$5.3 million.
- YTD expenditure on capital works projects is \$3.84 million, on track to the \$3.87 million YTD approved forecast.
- \$8.3 million invested in term deposits, \$14.6 million held in at call account. The average investment rate during September was 5.1 per cent.
- Total borrowings is currently at \$8.05 million.

1.1 Management Accounting Result Statement

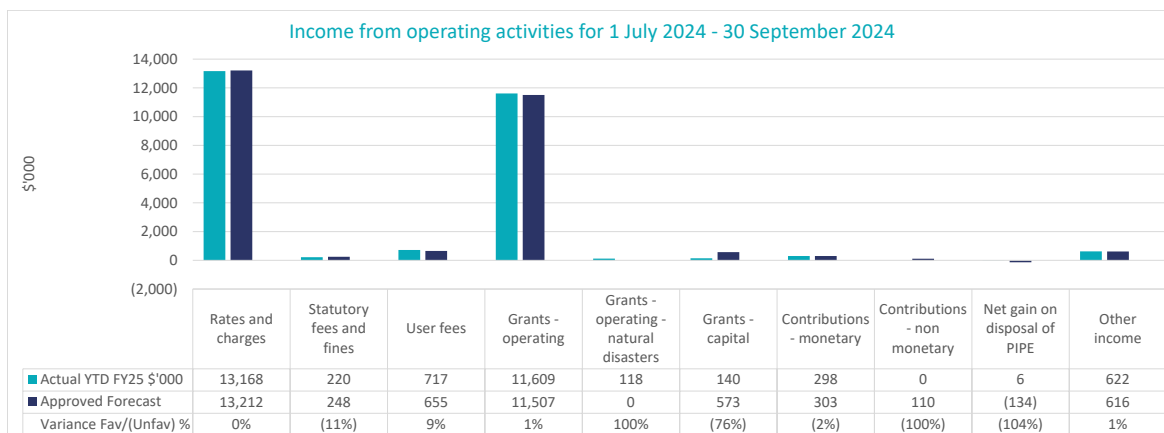
Whilst the Financial Statements are prepared in accordance with Australian Accounting Standards, it contains several items which are "non-cash" in nature such as depreciation on assets and the written down (book) value of assets sold. It also excludes capital expenditure, new borrowings and loan repayments and as such, does not provide an accurate indication of the surplus/deficit cash position within a financial year. The statement below provides a management accounting summary of the financial performance for the period 1 July 2024 to 30 September 2024 which removes non-cash items and adds back cash items that are excluded from the Financial Statements.

	Actual YTD FY25 \$'000	Year to Date		Full Year		
		Approved Forecast \$'000	Variance Fav/(Unfav) \$'000	Approved Forecast \$'000	Proposed Forecast \$'000	Adopted Budget \$'000
Income Statement						
Income	26,898	27,090	(192)	95,869	95,869	94,323
Expenditure	19,414	17,791	(1,623)	75,293	75,942	72,679
Net surplus / (deficit) - ongoing operations	7,484	9,299	(1,815)	20,576	19,927	21,644
Management Accounting result						
<u>Add back (less) non cash items</u>						
Depreciation	3,535	3,175	(360)	12,699	13,769	12,699
Amortisation - right of use assets	23	23	0	92	92	93
Amortisation - intangible assets	0	0	0	0	0	0
Landfill provision	0	0	0	0	0	0
Contributions - non-monetary	0	(110)	(110)	(441)	(441)	(441)
Found assets (recognised)	0	0	0	0	0	0
Fair value adjustments of investment properties	0	0	0	0	0	0
Written down value of assets sold/disposed	25	164	139	658	658	658
Sub total	3,583	3,252	(331)	13,008	14,078	13,009
Net operating surplus	11,067	12,551	(2,146)	33,584	34,005	34,653
<u>Less (add) non operating cash items</u>						
Capital Works expenditure	3,838	3,874	36	44,353	44,774	36,327
Transfers to/(from) Reserves	3,082	3,082	0	3,396	3,396	314
New loan borrowings	0	0	0	(3,150)	(3,150)	(3,150)
Loan Repayments	239	250	11	1,073	1,073	1,069
Lease Repayments	23	23	0	92	92	93
Sub total	7,182	7,229	47	45,764	46,185	34,653
Cash surplus / (deficit)	3,885	5,322	(1,437)	(12,180)	(12,180)	0

There is no change between the Approved Forecast and Proposed Forecast. The change from Adopted Budget to Approved Forecast is a result of budgets carried forward from 2023/24, as endorsed by resolution of Council at its meeting 11 September 2024.

Year to date (YTD) income is \$26.9 million which is \$0.2 million less as compared to the approved forecast. This is attributable to the timing of various grant recognition (\$0.41 million), partially offset by \$0.12 million in funds being received for storm events as well as the Great Southern Rail trail not budgeted for \$0.08 million. YTD expenditure is \$19.4 million which is \$1.6 million more as compared to the approved forecast due to \$0.9 million unbudgeted expenditure on numerous flood and storm events as well as changes to depreciation calculations \$0.4 million. Overall Council is \$1.4 million unfavourable to the net YTD forecast.

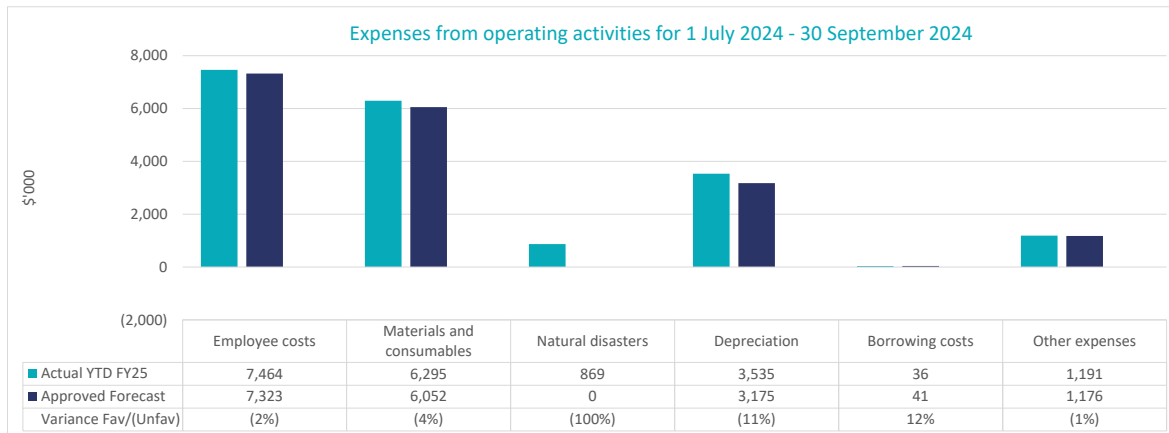
Operating Income



Income variances against approved forecast

Category	Variance Fav/(Unfav) \$'000	Commentary
Rates and Charges	(44)	Due to receiving less rates and charges than anticipated at this time of year, at this stage a timing issue only.
Statutory Fees and Fines	(28)	Due to receiving less statutory fees and charges for Environmental Health.
User Fees	62	Due to receiving more council fees and charges with local laws \$0.03M and waste water fees \$0.02M than anticipated, at this stage a timing issue only.
Grants - operating	102	Due to timing of the recognition of grants revenue.
Grants - operating - natural disasters	118	Primarily due to grant funding received for Storm event 13/14 August (\$0.04M), 6 October 2022 (\$0.04M) and 13 February 2024 (\$0.04M) not previously budgeted for.
Grants - capital	(433)	Due to the timing of the recognition of grants revenue (\$0.51M), partially offset by grant income received for the Great Southern Rail Trail \$0.08M not budgeted for.
Contributions - monetary	(5)	Due to receiving less in open space contributions (\$0.045M) partially offset by receiving developer contributions earlier than expected \$0.03M, currently this is a timing issue.
Contributions - non monetary	(110)	Due to developer contributions being received later than expected. This is beyond the control of Council and funds are only received when land developers are at title stage. Currently a timing issue at this stage.
Other income	6	Due to more fuel tax credit \$0.02M and insurance reimbursements \$0.02M being received and rental income \$0.02M. Partially offset by less interest received due to decrease in interest rates (\$0.02M) and internal plant hire charges (\$0.03M).

Operating Expenses



Expense variances against approved forecast

Category	Variance Fav/(Unfav) \$'000	Commentary
Natural disasters	(869)	Due to unbudgeted expenditure on numerous storm events mainly the 28 August 2024 (\$0.72M) and 13 February 2024 (\$0.05M).
Borrowing Costs	5	Due to less interest on borrowings than forecast.
Other expenses	(15)	Due to overspend on buildings and maintenance not budgeted for (\$0.016M).

1.2 Capital Works

The Capital Works program comprises of asset renewal, expansion, upgrade and the investment in new assets.

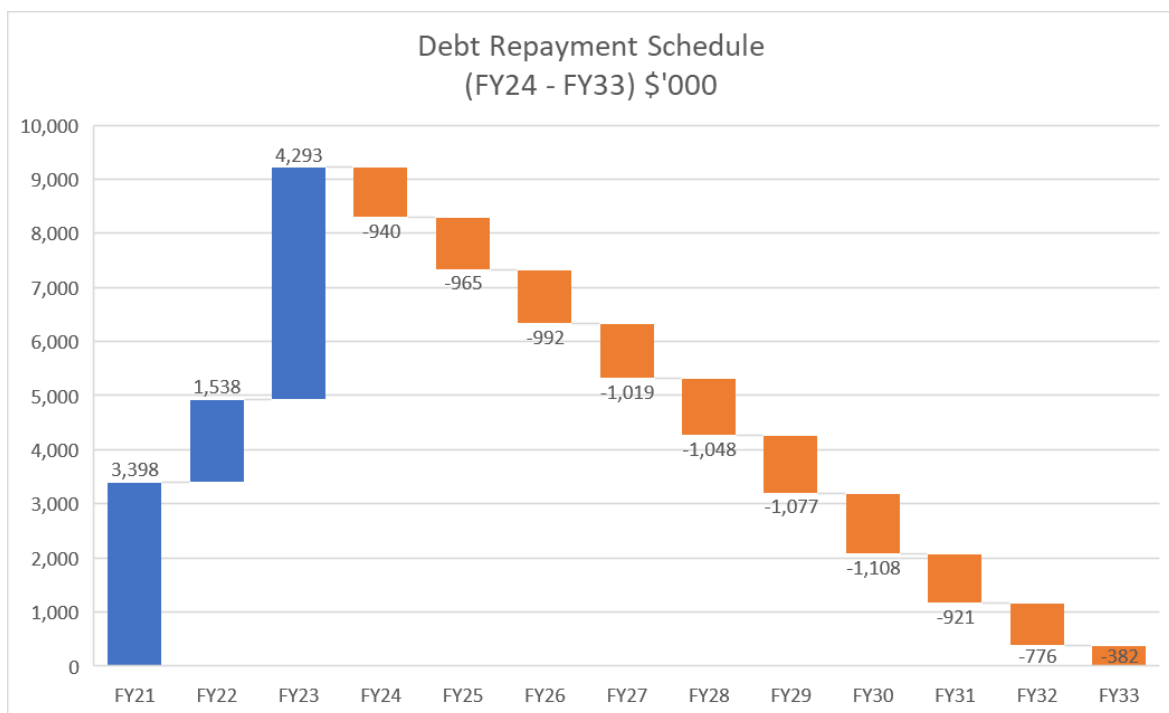
The capital expenditure to September 2024 is \$3.84 million, which is 1 percent less than the forecasted amount of \$3.87 million. This can be attributed to increased budget forecasting accuracy, projects running on time with limited delays and limited adverse weather conditions.

	Actual YTD FY25 \$'000	Year to Date		Full Year		
		Approved Forecast \$'000	Variance Fav/(Unfav) %	Approved Forecast \$'000	Proposed Forecast \$'000	Adopted Budget \$'000
Property						
Buildings	1,002	1,283	(22%)	5,858	5,858	2,881
Heritage buildings	(2)	5	(140%)	20	20	20
Total Property	1,000	1,288	(22%)	5,878	5,878	2,901
Plant and equipment						
Plant, machinery and equipment	183	125	46%	3,662	3,662	3,123
Computers and telecommunications	60	176	(66%)	702	702	702
Total Plant and Equipment	243	301	(19%)	4,364	4,364	3,825
Infrastructure						
Roads	953	821	16%	21,361	21,782	19,880
Bridges	0	0	0%	1,031	1,031	1,031
Major culverts	0	0	0%	104	104	104
Footpaths and cycleways	41	29	41%	1,165	1,165	767
Drainage	12	15	(20%)	450	450	450
Kerb	30	30	0%	310	310	310
Waterway infrastructure	0	0	0%	120	120	120
Waste	92	76	21%	1,980	1,980	919
Other infrastructure	1,467	1,314	12%	7,590	7,590	6,020
Total Infrastructure	2,595	2,285	14%	34,111	34,532	29,601
Total Capital Works Expenditure	3,838	3,874	(1%)	44,353	44,774	36,327

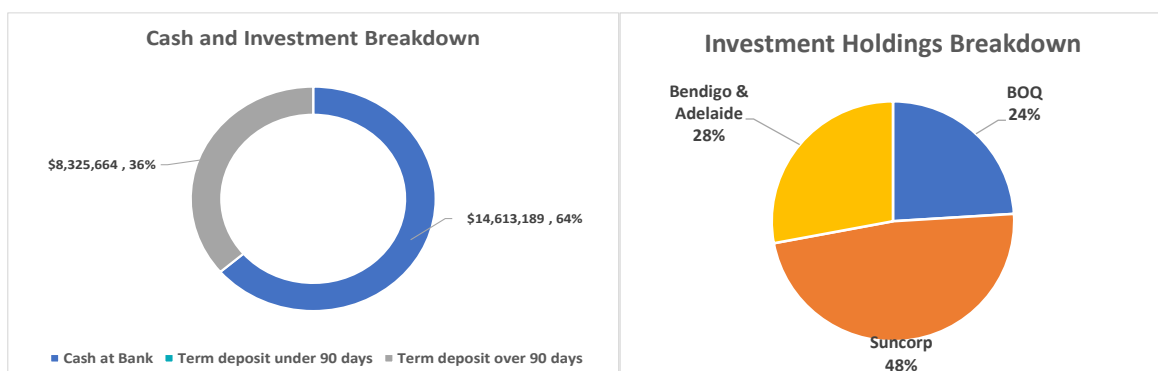
1.3 Treasury

As detailed below, Council have paid \$0.24 million in scheduled principal debt repayments year to date. Full year principal debt repayments are on schedule, with a forecasted closing position of \$7.32 million.

Loans Maturing	YTD Sep 2024			Full Year		
	Opening Balance	Principal Repaid	Closing Balance	Opening Balance	Repayments	Closing Balance
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Current Loans	965	0	965	965	27	992
Non-Current Loans	7,324	(239)	7,085	7,324	(992)	6,332
	8,289	(239)	8,050	8,289	(965)	7,324



Cash and investment holdings total \$22.9 million as of 30 September 2024, a decrease of \$2.1 million from the 30 June 2024 balance of \$25 million. Council has \$8.3 million in term deposits earning an average interest rate of 5.1%. The investment holdings breakdown is summarised in the graphs below:

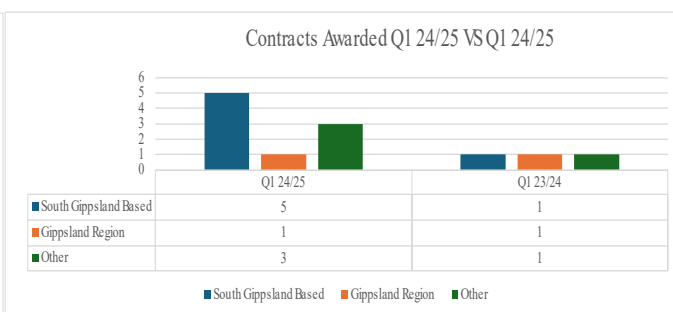
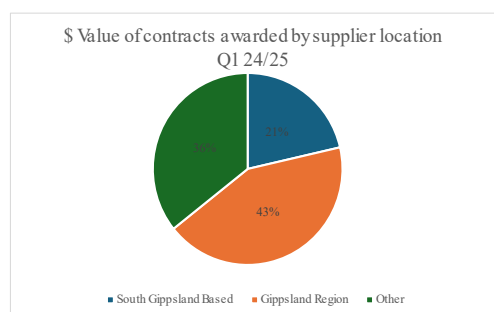


1.4 Local Procurement

To meet the needs of the community and enable the functions of business, South Gippsland Shire Council conducts procurement processes (tenders) and awards contracts for Infrastructure (works), Goods and Services. As detailed in its Procurement Policy, Council has formally recognised the value of the contribution made through procurement to the economic prosperity of the Shire, local suppliers and providers are encouraged to compete for the provision of Council goods, services and works.

The following is a public summary of all contracts awarded to suppliers by Council or under delegation during 1 July 2024 – 30 September 2024:

Contract Number	Contract Name	Date of Award	Supplier	Estimated Contract Value (Ex. GST)	Contract Period	Supplier Location
CON/405	Collection, Transport and Disposal of Leachate from Koonwarra Landfill	8/08/2024	CSA Group Pty Ltd, T/A CSA Specialised Services	Schedule of Rates	3 years + 2 x 1 year extensions	South Gippsland Based
RFT/414	Panel of Suppliers for Provision of Tree and Vegetation Maintenance Services	15/08/2024	ETS Infrastructure Management Pty Ltd, F4F Pty Ltd atf for Thomas and Pickering Family Trust t/as Tree XTree services, JL &RJE Dowel P/L atf JL&RJE Family Trust and SG&MC CameronP/L atf SG&MC Cameron Family Trust t/as Tricky Tree Works Tree Works Australia Pty Limited, Gippsland Tree services, Trimmer Tree Pty Ltd, Arborzone Total Tree Care Pty Ltd atf The Peter Bateman Family Trustt/as Arborzone Total Tree Care	Schedule of Rates	3 years + 2 x 1 year extensions	South Gippsland Based
CON/389	Nelson Street Foster Street Reconstruction	5/09/2024	ACE Earthmoving (Victoria) Pty Ltd	\$1,627,891.70	30 weeks	Gippsland Region
CON/408	Korumburra Rail Precinct Stage 2	5/09/2024	Hugh Patrick Pty Ltd t/a BJs Earthmoving	\$556,024.00	20 weeks	South Gippsland Based
CON/421	2024/25 Construction of Footpath Renewals and Footpath Extensions – Various Locations	10/09/2024	M Mileto & B. A Whale t/a M & M Paving	\$255,159.90	Practical Completion due 30 April 2025	South Gippsland Based
CON/407	Provision of Catering Services	11/09/2024	Brent Sinclair, trading as Brent Sinclair Catering and Space 47	Schedule of Rates	3 years + 2 x 1 year extensions	South Gippsland Based
CON/416	Teams Enterprise Voice Implementation	19/09/2024	Nexon Asia Pacific Pty Ltd	\$215,177.00	3 years + 2 x 1 year extensions	Other
CON/391	Construction of Retaining Wall - Walkerville Transfer Station	20/09/2024	CivilVic Pty Ltd	\$550,872.00	21 weeks	Other
CON/412	South Gippsland Technology Refresh	20/09/2024	Dell Australia Pty Ltd	\$588,440.00	3 years + 1 year extension	Other



Section 2 – Financial Statements

2.1 Income Statement as at 30 September 2024

	Actual YTD FY25 \$'000	Year to Date				Full Year		
		Approved Forecast \$'000	Variance Fav/(Unfav) %	Actual YTD FY24 \$'000	Variance Fav/(Unfav) %	Approved Forecast \$'000	Proposed Forecast \$'000	Adopted Budget \$'000
INCOME								
Rates and charges	13,168	13,212	0%	12,976	1%	52,178	52,178	52,178
Statutory fees and fines	220	248	(11%)	228	(4%)	1,022	1,022	1,015
User fees	717	655	9%	371	93%	4,289	4,289	4,293
Grants - operating	11,609	11,507	1%	899	1191%	13,948	13,948	13,868
Grants - operating - natural disasters	118	0	100%	0	100%	0	0	0
Grants - capital	140	573	(76%)	2,987	(95%)	10,223	10,223	8,849
Grants - capital - natural disasters	0	0	0%	0	0%	10,285	10,285	10,285
Contributions - monetary	298	303	(2%)	(170)	(275%)	1,237	1,237	1,146
Contributions - non monetary	0	110	(100%)	0	0%	441	441	441
Net gain on disposal of PIPE	6	(134)	(104%)	8	(25%)	83	83	83
Other income	622	616	1%	766	(19%)	2,163	2,163	2,165
Total Income	26,898	27,090	(1%)	18,065	49%	95,869	95,869	94,323
EXPENSES								
Employee costs	7,464	7,323	(2%)	6,792	(10%)	31,127	30,699	31,127
Materials and consumables	6,295	6,052	(4%)	7,359	14%	27,660	27,667	25,341
Natural disasters	869	0	(100%)	76	(1043%)	295	295	0
Depreciation	3,535	3,175	(11%)	3,135	(13%)	12,699	13,769	12,699
Amortisation - right of use assets	23	23	0%	23	0%	92	92	93
Borrowing costs	36	41	12%	27	(33%)	164	164	164
Finance costs - leases	1	1	0%	1	0%	4	4	4
Other expenses	1,191	1,176	(1%)	1,049	(14%)	3,252	3,252	3,251
Total Expenses	19,414	17,791	(9%)	18,462	(5%)	75,293	75,942	72,679
Net Surplus / (Deficit)	7,484	9,299	20%	(397)	(1985%)	20,576	19,927	21,644

2.2 Balance Sheet as at 30 September 2024

	Actual YTD FY25 \$'000	Actual YTD FY24 \$'000	Year to Date		Full Year Adopted Budget \$'000
			Year over Year Variance Fav/(Unfav) \$'000	%	
Current Assets					
Cash and cash equivalents	14,613	15,912	(1,299)	(8%)	7,119
Trade and other receivables	57,743	53,805	3,938	7%	5,502
Other financial assets	8,326	22,000	(13,674)	(62%)	18,104
Inventories	282	185	97	52%	159
Other assets	878	30	848	2827%	0
Total Current Assets	81,842	91,932	(10,090)	(11%)	30,884
Non-Current Assets					
Property, infrastructure, plant and equipment	843,492	765,185	78,307	10%	810,764
Right-of-use-assets	246	338	(92)	(27%)	178
Investment property	857	820	37	5%	820
Total Non-Current Assets	844,595	766,343	78,252	10%	811,762
TOTAL ASSETS	926,437	858,275	68,162	8%	842,646
Current Liabilities					
Trade and other payables	1,955	1,702	(253)	(15%)	4,909
Trust funds and deposits	8,613	6,437	(2,176)	(34%)	1,686
Contract and other liabilities	1,861	3,342	1,481	44%	3,342
Provisions	6,763	6,664	(99)	(1%)	6,583
Interest-bearing loans and borrowings	965	940	(25)	(3%)	1,294
Lease liabilities	69	61	(8)	(13%)	94
Unearned rates revenue	38,940	37,452	(1,488)	(4%)	0
Total Current Liabilities	59,166	56,598	(2,568)	(5%)	17,908
Non-Current Liabilities					
Provisions	7,048	4,949	(2,099)	(42%)	4,950
Interest-bearing loans and borrowings	7,085	8,056	971	12%	9,032
Lease liabilities	181	281	100	36%	88
Total Non-Current Liabilities	14,314	13,286	(1,028)	(8%)	14,070
TOTAL LIABILITIES	73,480	69,884	(3,596)	(5%)	31,978
NET ASSETS	852,957	788,391	64,566	8%	810,668
Equity					
Accumulated Surplus	266,176	271,463	(5,287)	(2%)	293,509
Asset Revaluation Reserve	582,144	515,615	66,529	13%	515,613
Other Reserves	4,637	1,313	3,324	253%	1,546
TOTAL EQUITY	852,957	788,391	64,566	8%	810,668

2.3 Cashflow Statement for the period 1 July 2024 to 30 September 2024

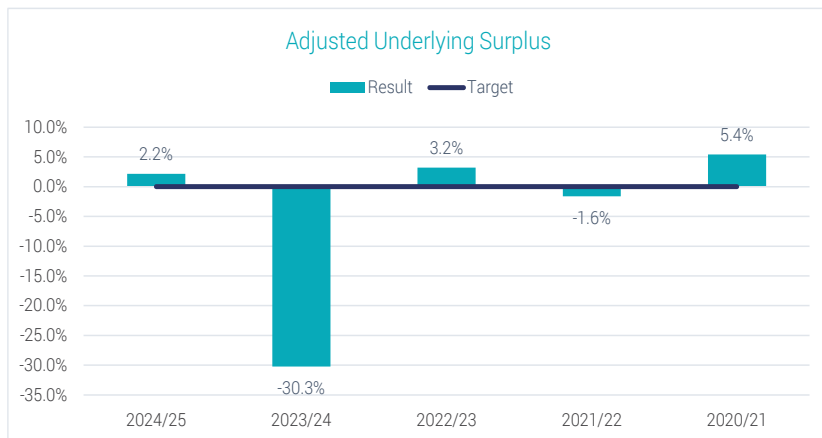
	Actual YTD FY25 \$'000	Actual YTD FY24 \$'000	Year over Year Variance Fav/(Unfav)		Full Year Adopted Budget \$'000
			\$'000	%	
CASH FLOWS FROM OPERATING ACTIVITIES					
Rates and charges	7,399	6,817	582	9%	51,982
Statutory fees and fines	219	228	(9)	(4%)	1,011
User fees	841	1,008	(167)	(17%)	4,277
Grants - operating	12,322	899	11,423	1271%	13,868
Grants - capital	140	2,987	(2,847)	(95%)	19,134
Contributions - monetary	298	(170)	468	(275%)	1,146
Interest received	418	448	(30)	(7%)	1,000
Other receipts	383	367	16	4%	1,156
Employee costs	(7,726)	(6,705)	(1,021)	15%	(31,295)
Materials and services	(11,051)	(11,306)	255	(2%)	(25,476)
Other payments	(1,193)	(1,048)	(145)	14%	(3,270)
Net cash provided by (used in) operating activities	2,050	(6,475)	8,525	(132%)	33,533
CASH FLOWS FROM INVESTING ACTIVITIES					
Payments for property, infrastructure, plant & equipment	(3,840)	(4,442)	602	(14%)	(36,327)
Proceeds from sale of property, infrastructure, plant & equipment	31	73	(42)	(58%)	741
Payments for / from Other Financial Assets	8,000	9,271	(1,271)	(14%)	0
Net cash provided by (used in) investing activities	4,191	4,902	(711)	(15%)	(35,586)
CASHFLOWS FROM FINANCING ACTIVITIES					
Finance costs	(36)	(40)	4	(10%)	(164)
Proceeds from borrowings	0	0	0	0%	3,150
Repayment of borrowings	(239)	(233)	(6)	3%	(1,069)
Interest paid - lease liability	(1)	(1)	0	0%	(4)
Repayment of leases	(23)	(23)	0	0%	(93)
Net cash provided by (used in) financing activities	(299)	(297)	(2)	1%	1,820
Net increase (decrease) in cash and cash equivalents	5,942	(1,870)	7,812	(418%)	(233)
Cash and cash equivalents at the beginning of the financial year	8,671	17,782	(9,111)	(51%)	7,352
Cash and cash equivalents at the end of the period	14,613	15,912	(1,299)	(8%)	7,119

Section 3 – Year to Date Financial Analysis

3.1 Financial Ratios

Operating position

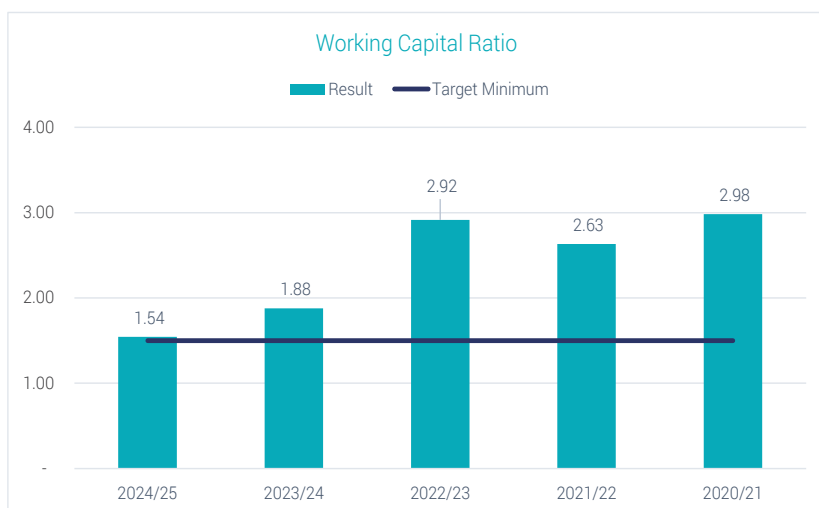
The adjusted underlying result demonstrates Council’s ability to generate a surplus in its ordinary course of business, excluding non-recurrent capital grants, non-monetary asset contributions and other contributions to fund capital works from its net result. A surplus or increasing surplus suggest an improvement in the operating position.



The adjusted underlying result for 2024/25 is forecast to be a surplus of 2.2%. The negative 30.3% for 2023/24 is attributable to the timing of receipt of Federal Assistance Grants funding, with the 2023/24 allocation being paid early in 2022/23 and none being received in 2023/24. Additionally, unbudgeted disaster-related expenditure due to numerous events in the year impacted this ratio in 2023/24.

Liquidity

The Working Capital Ratio, which assesses Council’s ability to meet current commitments, is calculated by measuring Council’s current assets as a percentage of current liabilities.

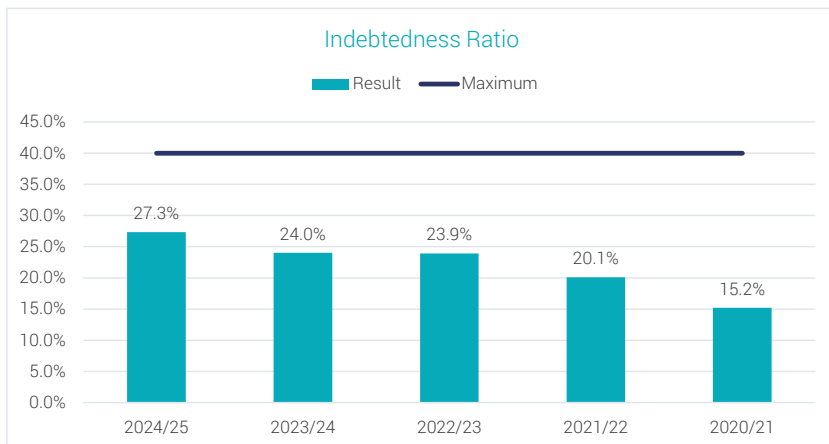


Council’s proposed forecast as of 30 June 2025 has a Working Capital Ratio of 1.54. The decrease in the forecast compared to previous years is due to a decline in cash and cash equivalents and other financial assets (expected to be \$18.9 million as of 30 June 2024), to fund the capital works program.

Obligations

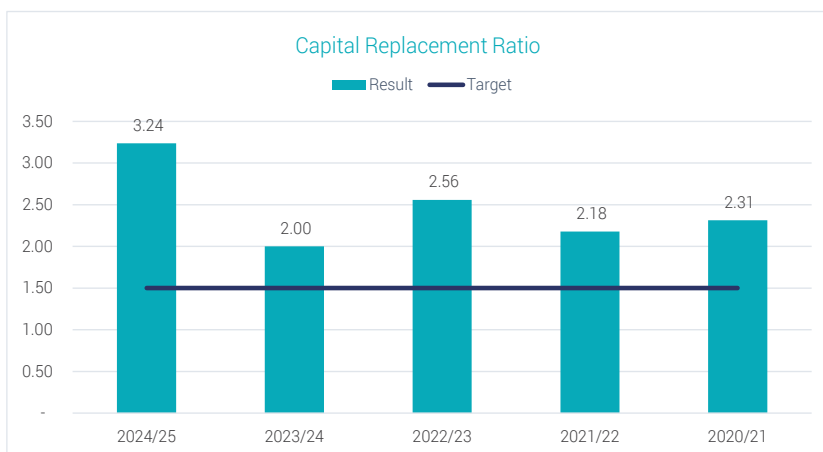
The Indebtedness Ratio Percentage measures Council's ability to pay the principal and interest on borrowings when they are due from the funds it generates. Own-sourced revenue is used in the calculation, not including any grants or contributions.

Council's proposed forecast Indebtedness Ratio as of 30 June 2025 is 27.3 per cent, and is well within the maximum of 40 per cent or lower. The increase over the previous years is due to additional construction drawdown facilities through forecasted for 2025 financial year.



Asset Renewal

Council aims to ensure that it is able to maintain its infrastructure assets at the expected levels, while at the same time continuing to deliver the services needed by the community. The investment in asset renewal for 2024/25 is forecasted to be \$39.5 million resulting in a higher ratio forecast compared to previous years, where renewal expenditure was \$21 million in 2023/24 and the average over the previous four years was \$27 million per year.



The Capital Replacement Ratio compares the total rate of spending on new infrastructure, property, plant and equipment with its depreciation. Ratios of higher than 1:1 indicate that spending is faster than the depreciation rate. Council's proposed forecast Capital Replacement Ratio of 3.24 for the year ending 30 June 2025 is well above the target of 1.5.

SOUTH GIPPSLAND SHIRE

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South Gippsland
Shire Council

2.4. INSTRUMENT OF DELEGATION - S6 COUNCIL TO MEMBERS OF STAFF

Directorate:	Performance and Innovation
Department:	Governance and Integrity

Council Plan

Objective - Leading with Integrity

Council's governance is strengthened by maintaining currency in the delegations and authorisations to Officers, so they can undertake the functions they are required to perform on behalf of Council.

EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council adopts an updated S6 Instrument of Delegation - Council to Members of Staff (**Attachment [2.4.1]**).

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 S6 Instrument of Delegation - Council to Members of Staff (Attachment [2.4.1]):

- 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 [2.4.1]) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument of Delegation;**
- 2. Authorises the Chief Executive Officer to sign the S6 Instrument of Delegation (Attachment [2.4.1]) to come into force immediately upon signing;**
- 3. On the coming into force of the Instrument of Delegation (Attachment [2.4.1]): 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 [2.4.1]: 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 15 May 2024 and will be revoked as per part 3 of the above recommendation.

Changes to the S6 Instrument of Delegation, Council to Members of Council staff (S6) are outlined below:

1. Removal of sections 12(2), 12(4)-(7) of the Road Management Act 2004, as Maddocks recommend that Councils use the powers under the Local Government Act 1989 instead, to discontinue a road.
2. Deletion of the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020, as they have been revoked. The Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024 commenced on 29 June 2024.
3. The Food Act 1984 was amended pursuant to the Regulatory Legislation Amendment (Reform) Act 2024, which commenced on 6 March 2024, the day after it received Royal Assent. As a result, Maddocks have:
 - 3.1 Included 19(4)(a)(ia) and 19(4)(a)(ib), and amended 19(4)(a)(ii), which relates to Council's power to direct that a copy of an order be affixed, displayed or published.
 - 3.2 Included section 19FA(1), which relates to Council's power to direct a proprietor of a food premises to revise the foods safety program for the premises or comply with any requirements specified in the food safety program.
 - 3.3 Included section 19FA(3)(a), which relates to Council's power to refuse to approve an application for registration or renewal of premises, where a proprietor of a food premises fails to comply with a direction given under section 19FA(1). Please note that, adopting a conservative approach, Maddocks have inserted a comment that this is subject to ratification in accordance with s 58A(2).
 - 3.4 Included section 19FA(3)(b), which relates to Council's power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under section 19FA(1).
 - 3.5 Included section 19FA(3)(c), which relates to Council's power to suspend a registration of premises, where a proprietor of a food premises fails to comply with a direction given under s19FA(1).
4. Updated various position titles to reflect changes in recruited positions.

In accordance with s11(7) of the Local Government Act 2020, Council must review within 12 months after a general election, all delegations which have been made under this section and are still in force.

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. S 6 Instrument of Delegation - Council to Members of Staff [2.4.1 - 134 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](#).

Governance Rules (C82)

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 - MEMBERS OF
STAFF

11 DECEMBER 2024

South Gippsland Shire Council

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 refer to the Positions table in this document:

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 11 December 2024; and

3.2 the delegation:

3.2.1 comes into force immediately once the Chief Executive Officer's signature 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:

South Gippsland Shire Council

Delegation Sources

- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024
- 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
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

Positions

Abbreviation	Position	Name
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	
CR&P	Coordinator Risk & Procurement	
DFC	Director Future Communities	

South Gippsland Shire Council

Abbreviation	Position	Name
DPI	Director Performance and Innovation	
DSI	Director Sustainable Infrastructure	
EHC	Environmental Health Coordinator	
EHO	Environmental Health Officer	
HR&RWSOff	Human Resources & Return to Work Support Officer	
MBS	Municipal Building Surveyor	
MCHSafety	Manager Community Health & Safety	
MFS	Manager Financial Strategy	
MGI	Manager Governance and Integrity	
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	
PBAO	Planning & Building Administration Officer	

South Gippsland Shire Council

Abbreviation	Position	Name
PCA	People and Culture Advisor	
PLA	Planning Liaison Officer	
Plan Off	Planning Officer	
PPL	Principal Planner	
PTO	Planning Technical 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	
WWO	Wastewater Officer	

South Gippsland Shire Council

S6 Instrument of Delegation - Members of Staff

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 7	Power to enter into a written agreement with a caravan park owner	EHC, MCHSafety	
r 10	Function of receiving application for registration	EHC, MCHSafety	
r 11	Function of receiving application for renewal of registration	EHO, EHC, MCHSafety	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHC, MCHSafety	
r 12(1)	Power to refuse to grant the registration if not satisfied that the caravan park complies with these regulations	EHC, MCHSafety	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHC, MCHSafety	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with	EHO, EHC,	

South Gippsland Shire Council

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	these regulations	MCHSAFETY	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EHO, EHC, MCHSAFETY	
r 12(4) & (5)	Duty to issue certificate of registration	EHC, MCHSAFETY	
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	EHC, MCHSAFETY	

South Gippsland Shire Council

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	of registration		
r 17	Duty to keep register of caravan parks	EHC, MCHSAafety	
r 21(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, MCHSAafety	
r 21(2)	Duty to consult with relevant emergency services agencies	EHC, MCHSAafety	
r 22	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHC, MCHSAafety	
r 23	Power to determine places in which caravan park owner must display copy of public emergency warnings	EHC, MCHSAafety	
r 24(2)	Power to consult with relevant floodplain management authority	EHC, MCHSAafety	
r 26(b)(i)	Power to approve system for the discharge of sewage and wastewater from a movable dwelling	EHC, MCHSAafety	

South Gippsland Shire Council

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 38	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHC, MCHSAafety	
r 38(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHC, MCHSAafety	
r 39(3)	Function of receiving installation certificate	EHC, MCHSAafety	
r 45(3)	Power to determine places in which caravan park owner must display name and telephone number of an emergency contact person	EHC, MCHSAafety	
r 45(5)	Power to determine places in which caravan park owner must display the certificate of registration or certificate of renewal of registration, the plan of the caravan park and a copy of the caravan park rules	EHC, MCHSAafety	

Domestic Animals Act 1994

South Gippsland Shire Council

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
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 Only in relation to temporary food premises or mobile food premises

South Gippsland Shire Council

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, (ia) displayed at any point of sale, (ib) be published on the food business's Internet site and (ii) inform the public by notice in a published newspaper, on the Internet site 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
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	EHO, EHC, MCHSafety	Where Council is the registration authority

South Gippsland Shire Council

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	EHO, EHC, 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 Only in relation to temporary food premises or mobile food premises
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, MCHSafety	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHO, EHC, MCHSafety	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	EHO, EHC, MCHSafety	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	EHO, EHC, MCHSafety	Where Council is the registration authority

South Gippsland Shire Council

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19FA(1)	Power to direct a proprietor of a food premises to revise the food safety program for the premises or comply with any requirements specified in the food safety program	EHO	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises Subject to s 19FA(2), which requires a time limit for compliance to be specified
s 19FA(3)(a)	Power to refuse to approve an application for registration or renewal of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	EHO	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 19FA(3)(b)	Power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	EHO	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises
s 19FA(3)(c)	Power to suspend the registration of the premises, where a proprietor of a food premises fails to comply with a direction given under	EHO	Where Council is the registration authority Only in relation to temporary food premises or

South Gippsland Shire Council

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	s 19FA(1)		mobile food premises
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHO, EHC, 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, MCHSafety	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	EHO, EHC, MCHSafety	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	EHO, EHC, MCHSafety	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	EHO, EHC, MCHSafety	Where Council is the registration authority

South Gippsland Shire Council

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19NA(1)	Power to request food safety audit reports	EHO, EHC, 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, MCHSafety	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	EHC, 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, MCHSafety	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	EHO, EHC, MCHSafety	Where Council is the registration authority

South Gippsland Shire Council

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	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 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
s 36B	Duty to pay the charge for use of online portal	EHO, EHC	Where Council is the registration authority

South Gippsland Shire Council

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	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
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHO, EHC, MCHSafety	Where Council is the registration authority

South Gippsland Shire Council

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHO, EHC, 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, 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, MCHSafety	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	EHO, EHC, MCHSafety	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	EHO, EHC, MCHSafety	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)

South Gippsland Shire Council

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38E(4)	Duty to register the food premises when conditions are satisfied	EHO, EHC, MCHSafety	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHO, EHC, 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, 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
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, MCHSafety	

South Gippsland Shire Council

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 39A	Power to register, or renew the registration of a food premises despite minor defects	EHO, EHC, MCHSafety	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	EHO, EHC, MCHSafety	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	EHO, EHC, 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, MCHSafety	
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

South Gippsland Shire Council

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40D(1)	Power to suspend or revoke the registration of food premises	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

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	EHO, EHC, MCHSafety	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 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

Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions,	No	Must first obtain Executive Director's written consent

South Gippsland Shire Council

Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	duties or powers	delegate	Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	Sen Strat Plan Off, Strat Plan Off, DFC, Plan Off,	If authorised by the Minister

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPBS, Strat Plan Coord, PPL	
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, PPL	
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, PPL	
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, PPL	
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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	Sen Strat Plan Off, Plan Off, Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	
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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	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, PTO, PPL	
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	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	B&PCC, Sen Strat Plan Off,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	DFC, MPBS	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PTO, PPL	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, PPL	
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, PPL	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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	Sen Strat Plan Off, Strat Plan Off, DFC, Plan Off, MPBS, Strat Plan Coord, PPL	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, PPL	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, PPL	
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, PPL	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	Sen Strat Plan Off, Strat	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Duty to consider a late submission, if directed by the Minister	Plan Off, Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	
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, PPL	
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, PPL	
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, PPL	
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, PPL	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PPL	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, PPL	
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, PPL	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, PTO, PPL	
s 28(4)	Duty to make notice of the decision available on Council's	Strat Plan Off, Stat Plan	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Internet site for a period of at least 2 months	Coord, PBAO, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, PTO, PPL	
s 30(4)(a)	Duty to say if amendment has lapsed	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord, PPL	
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, PPL	
s 32(2)	Duty to give more notice if required	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord, PPL	
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, PPL	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 36(2)	Duty to give notice of approval of amendment	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord, PPL	
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, PPL	
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, PPL	
s 40(1)	Function of lodging copy of approved amendment	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord, PPL	
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, PPL	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PTO, PPL	
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, PPL	
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
s 46AW	Function of being consulted by the Minister	CEO, DFC, MPBS	Where Council is a responsible public entity

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	CEO, DFC, MPBS	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord, PPL	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, PTO, PPL	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	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development

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, PTO, PPL	agency
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	CEO, DFC, MPBS	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land		
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 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	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CEO, DFC, MPBS	
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	CEO, DFC, MPBS	Where Council is the collecting agency

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Power to specify the manner in which the payment is to be made		
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

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PPL	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	CEO, 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 This duty does not apply where Council is that

South Gippsland Shire Council

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

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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 This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	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, PPL	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency

South Gippsland Shire Council

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

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the development agency</p>
s 46GZ(9)	Function of receiving the fee simple in the land	CEO, DFC, MFS, MPBS	<p>Where Council is the development agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the collecting agency</p>
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

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PPL	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	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, PPL	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	DFC, MFS, MPBS	Where Council is the development agency under an approved infrastructure contributions plan

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	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, PPL	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	Stat Plan Coord, MPBS, Strat Plan Coord, PPL	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	DFC, MFS, MPBS	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			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
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 This provision does not apply where Council is

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			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
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, PPL	Where Council is a collecting agency or development agency

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	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	
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, PPL	
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, PPL	
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,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
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	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
	respect of which the levy was paid etc	Stat Plan Off, Strat Plan Coord, PTO, PPL	
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'
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, PTO, PPL	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	With the consent of, and in the manner approved

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	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 Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	
s 46QD	Duty to prepare report and give a report to the Minister	Stat Plan Coord, MPBS, Strat Plan Coord, PPL	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	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PPL	
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, PPL	
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, PPL	
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, PTO, PPL	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 47	Power to decide that an application for a planning permit does not comply with that Act	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	
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, PTO, PPL	
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, PTO	
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, PTO, PPL	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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 Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
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	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Plan Coord, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
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	

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, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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 Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
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	

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, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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 Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
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,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PTO, PPL	
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, PTO, PPL	
s 60(1A)	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	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Plan Coord, PTO, PPL	
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, PTO, PPL	<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, PTO, PPL	<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 determine to grant a planning permit and must instead refer</p>

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>the permit application to Council for Council determination where:</p> <p>a) Five or more objections to the grant of the permit are received by Council, or</p> <p>b) In the Chief Executive Officer's opinion, the permit application raises significant issues of Council policy or public interest.</p>
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, PTO, PPL	
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, PTO, PPL	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s	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
	62(1)(a)	Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	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, PTO, PPL	This provision applies also to a decision to grant an amendment to a permit - see s 75

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PTO, PPL	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, PTO, PPL	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, PTO, PPL	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to	Sen Strat Plan Off, Strat	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	relevant determining referral authorities	Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	
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, PTO, PPL	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, PTO, PPL	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DFC, Plan Off, Stat Plan	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	given under s 64 or 65	Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	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, PTO, PPL	
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, PTO, PPL	
s 69(2)	Power to extend time	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
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	

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, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
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 Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PTO, PPL	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, PTO, PPL	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, PTO, PPL	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	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, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
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 Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
s 84AB	Power to agree to confining a review by the Tribunal	Stat Plan Coord, DFC, MPBS	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 86	Duty to issue a permit at order of Tribunal within 3 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, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
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	

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, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
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 Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
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	

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, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
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 Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
s 96K	Duty to comply with direction of the Minister to give notice of	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	refusal	DFC, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	
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, PTO, PPL	
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 Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	DFC	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	
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, PTO, PPL	
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 Plan Off, MPBS, MCHSafety, Strat Plan Coord, PTO, PPL	
s 97Q(4)	Duty to comply with directions of VCAT	B&PCC, Sen Strat Plan Off,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, PTO, PPL	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	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, PTO, PPL	
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, PTO, PPL	
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,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPBS, Strat Plan Coord, PTO, PPL	
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, PTO, PPL	
s 103	Power to reject a claim for compensation in certain circumstances	B&PCC, Stat Plan Coord, B&PEO, MPBS, MCHSafety, Strat Plan Coord, PPL	
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, PTO, PPL	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PTO, PPL	
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, PPL	
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, PTO, PPL	
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,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, PTO, PPL	
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, PTO, PPL	
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 125(1)	Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order.	B&PCC, Stat Plan Coord, DFC, MBS, CCSafe, MPBS, MCHSafety, Strat Plan Coord, PPL	Section 123 of the Victorian Civil and Administrative Tribunal Act 1998 applies on an application to the Tribunal.

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PPL	
s 149B	Power to apply to the Tribunal for a declaration.	B&PCC, Stat Plan Coord, DFC, MBS, CCSafe, MPBS, MCHSafety, Strat Plan Coord, PPL	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	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, PTO, PPL	Where Council is the relevant planning authority
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,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Strat Plan Coord, PTO, PPL	
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, PTO, PPL	
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

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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 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	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Plan Off, MPBS, MCHSafety, Strat Plan Coord, PTO, PPL	
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	
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	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178A(5)	Power to propose to amend or end an agreement	CP, DFC, MPBS	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CP, DFC, MPBS	
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	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CP, DFC, MPBS	
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 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 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 Must consider matters in s 178B

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CP, DFC, MPBS	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	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	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	MIP, CP, DSI, DFC, MPBS	
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	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178l(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	
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, PTO, PPL	
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, PTO, PPL	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, MPBS, MCHSafety, Strat Plan Coord, PTO, PPL	
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, PTO, PPL	
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,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Strat Plan Coord, PTO, PPL	
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 Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, PTO, PPL	
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, PTO, PPL	
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,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Strat Plan Coord, PTO, PPL	
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, PTO, PPL	
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, PTO, PPL	
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, MCHSafety,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Strat Plan Coord, PTO, PPL	
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, PTO, PPL	
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, PPL	
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, MCHSafety, Strat Plan Coord, PTO, PPL	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, PTO, PPL	
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, PTO, PPL	
s 201(3)	Duty to make declaration	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,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Strat Plan Coord, PTO, PPL	
	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, PTO, PPL	
	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, PTO, PPL	
	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,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Strat Plan Coord, PTO, PPL	
	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, PTO, PPL	
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, MCHSafety, Strat Plan Coord, PTO, PPL	
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,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MCHSafety, Strat Plan Coord, PTO, PPL	

Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	EHO, EHC, MCHSafety	
s 522(1)	Power to give a compliance notice to a person	EHO, DFC, EHC, 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

South Gippsland Shire Council

Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 525(4)	Duty to issue identity card to authorised officers	PCA, DPI, HR&RWSOff, CR&P, MFS, MPBS	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	EHO, EHC, MCHSafety	
s 526A(3)	Function of receiving report of inspection	EHO, EHC, MCHSafety	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	DFC, MCHSafety	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government	MIP, CP, MID, DSI,	Obtain consent in circumstances specified in s

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Gazette	MIM, MGI	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, MGI	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	MIP, CP, MID, DSI, MIM, MGI	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, MGI	Where Council is the coordinating road authority

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 12(10)	Duty to notify of decision made	MIP, CP, MID, DSI, MIM, MGI	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	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	MIP, DSI, MIM	

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	transport		
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	
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

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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
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)

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 18(3)	Duty to record designation in public roads register	MIP, CCAS, DSI, MIM, ASSETSO	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	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	

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	
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

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			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
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 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 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

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	MIP, DSI, MIM	
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	

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	MIP, DSI, MIM	
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	MIP, DSI, MIM	Where Council is the infrastructure manager

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	over a road in an emergency		
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

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 71(3)	Power to appoint an authorised officer	No delegate	Chief Executive Officer
s 72	Duty to issue an identity card to each authorised officer	MIP, MID, PCA, DSI, HR&RWSOff, SCSO, MIM, CR&P, MFS, CCSafe, MOS&E	
s 85	Function of receiving report from authorised officer	MIP, DSI, SCSO, CCSafe	
s 86	Duty to keep register re s 85 matters	MIP, DSI	
s 87(1)	Function of receiving complaints	MIP, DSI, SCSO, CCSafe	
s 87(2)	Duty to investigate complaint and provide report	MIP, DSI, SCSO,	

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CCSafe	
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

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

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
3(2)	roads	CCSafe	
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

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	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
sch 7 cl	Power to include consents and conditions	MIP, DSI	Where Council is the coordinating road authority

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
16(8)			
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 cl18(1)	Power to enter into an agreement	MIP, DSI	Where Council is the coordinating road authority
sch7 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

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	Sen Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	Sen Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	
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, PTO, PPL	Where Council is the responsible authority
r.25(b)	Function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord,	Where Council is not the responsible authority but the relevant land is within

South Gippsland Shire Council

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	available in accordance with the public availability requirements	Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL	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, PTO, PPL	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	DFC, MPBS	

South Gippsland Shire Council

Planning and Environment (Fees) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DFC, 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, MPBS	

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	MIP, MIM	
r 9(2)	Duty to produce written report of review of road management plan and make report available	MIP, MIM	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be	MIP,	Where Council is the coordinating road

South Gippsland Shire Council

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	made (or no amendments for which notice is required)	MIM	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, MIM	
r 13(1)	Duty to publish notice of amendments to road management plan	MIP, 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, MIM	
r 16(3)	Power to issue permit	MIP, MIM	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	MIP, MIM	Where Council is the coordinating road authority

South Gippsland Shire Council

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 23(2)	Power to make submission to Tribunal	MIP, 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, 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, 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, MIM	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	MIP, MIM	

Road Management (Works and Infrastructure) Regulations 2015
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South Gippsland Shire Council

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	MIP, 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, MIM	Where Council is the coordinating road authority

2.5. INSTRUMENT OF APPOINTMENT - S11A PLANNING AND ENVIRONMENT ACT 1987

Directorate:	Performance and Innovation
Department:	Governance and Integrity

Council Plan

Objective - Leading with Integrity

Council's governance is strengthened by maintaining currency in the delegations to Officers with the functions they are required to perform on behalf of Council.

EXECUTIVE SUMMARY

This report recommends that Council adopts S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987) for staff members, Mitchell Fievez, Chantal Lenthal, Sarah Male, Stepan Hovanesian and Sebastian Lorenzo, under the Planning and Environment Act 1987.

RECOMMENDATION

That Council resolves, in the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, s.224 of the *Local Government Act 1989* and s.313 of the *Local Government Act 2020*:

- 1. The members of Council staff referred to in the Instrument of Appointment and Authorisations be appointed and authorised as set out in the instrument and detailed in this report; and**
- 2. The Instrument of Appointment and Authorisation come into force immediately when signed by Council's Chief Executive Officer and remain in force until Council determines to vary, it or it is revoked by Council's Chief Executive Officer in the event the officer resigns from Council or is appointed to a position where this appointment and authorisation is not required or suitable.**

REPORT

The allocation of authorisations and appointments to Council employees contributes to the effective functioning of Council. It is important to ensure that formal Instruments are arranged for new staff, updated to reflect changes in personnel, or amended to reflect changes in the legislation.

Council officers undertook a review of all authorisations to ensure that all authorisation were up to date and fit for purpose.

New and updated S11A Instruments for the staff members listed below, are presented for adoption enabling them to fulfil the required duties in their respective roles:

- Mitchell Fievez - Senior Community Safety Officer
- Chantal Lenthal - Senior Strategic Planning Officer
- Sarah Male - Coordinator Community Safety
- Stepan Hovanesian – Planning & Building Compliance Officer
- Sebastian Lorenzo - Principal Planner

The Instruments are contained in **(Attachment [2.5.1])**

CONSULTATION / COMMUNITY ENGAGEMENT

Nil

RESOURCES / FINANCIAL VIABILITY

Nil

RISKS

Failure to adopt, update or revoke an instrument of appointment and authorisation could result in a decision of an employee being invalidated or Council being held liable for the actions of former employees.

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. S11A - Instrument of Appointment (PE Act 1987) - Mitchell Fievez [2.5.1 - 1 page]
2. S11A - Instrument of Appointment (PE Act 1987) - Chantal Lenthal [2.5.2 - 1 page]
3. S11A - Instrument of Appointment (PE Act 1987) - Sarah Male [2.5.3 - 1 page]
4. S11A - Instrument of Appointment (PE Act 1987) - Stepan Hovanesian [2.5.4 - 1 page]
5. S 11 A - Instrument of Appointment (P E Act) - Sebastian Lorenzo [2.5.5 - 1 page]

CONFIDENTIAL 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](#).

Nil

Legislative Provisions

Local Government Act 2020

Local Government Act 1989

Planning and Environment Act 1987

Regional, State and National Plan and Policies

Nil



S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "officer" means -

Mitchell Fievez

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the South Gippsland Shire Council on 11 December 2024.

Kerryn Ellis
Chief Executive Officer
South Gippsland Shire Council

Date:



S11A Instrument of Appointment and Authorisation

(Planning and Environment Act 1987 only)

In this instrument "officer" means -

Chantal Lenthall

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the South Gippsland Shire Council on 11 December 2024.

Kerryn Ellis
Chief Executive Officer
South Gippsland Shire Council

Date:



S11A Instrument of Appointment and Authorisation

(Planning and Environment Act 1987 only)

In this instrument "officer" means -

Sarah Male

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the South Gippsland Shire Council on 11 December 2024.

Kerryn Ellis
Chief Executive Officer
South Gippsland Shire Council

Date:



S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987 only*)

In this instrument “**officer**” means –

Stepan Hovanesian

By this instrument of appointment and authorisation South Gippsland Shire Council –

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section s 313 of the *Local Government Act 2020* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this Instrument –

- a) comes into force immediately upon its execution;
- b) remains in force until varied by resolution of Council or revoked by Council's Chief Executive Officer in the event the officer resigns from Council or is appointed to a position where this appointment and authorisation is not required or suitable.

This instrument is made by a resolution of the South Gippsland Shire Council on 11 December 2024.

**Kerryn Ellis
Chief Executive Officer
South Gippsland Shire Council**

Date:



S11A Instrument of Appointment and Authorisation **(*Planning and Environment Act 1987* only)**

In this instrument "officer" means -

Sebastian Lorenzo

By this instrument of appointment and authorisation South Gippsland Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the South Gippsland Shire Council on 11 December 2024.

Kerryn Ellis
Chief Executive Officer
South Gippsland Shire Council

Date:

2.6. SUMMARY OF STRATEGIC BRIEFINGS - 8 NOVEMBER TO 21 NOVEMBER 2024

Directorate: Performance and Innovation

Department: Governance and Integrity

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

The purpose of this report is to provide a summary of the information presented to Councillors between 8 November and 21 November 2024.

This aligns with the principles of the *Local Government Act 2020* and supports transparency around Council decisions and actions.

RECOMMENDATION

That Council receives and notes this report.

REPORT

Meeting Title	Details
Monday 11 November 2024	
Transition Program Details	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
Swearing in Ceremony Procedures and role of Mayor and Deputy Mayor	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
Introduction to Code of Conduct	Councillor Attending

Meeting Title	Details
	<p>Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
<p>Introduction to the Business of Council</p>	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
<p>Integrated Planning Overview</p>	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
<p>Tuesday 12 November 2024</p>	
<p>Councillor Aspiration Conversation</p>	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
<p>Introduction to Local Government - Maddocks</p>	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
<p>Wednesday 13 November 2024</p>	
<p>Oath of Office – Swearing in Ceremony</p>	<p>Councillor Attending</p>

Meeting Title	Details
	<p>Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
<p>Council Meeting and Governance Rules Overview</p>	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
<p>Council Committee Overview</p>	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
<p>Mayoral Election Process Overview</p>	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
<p>Briefing and Meeting Cycle Overview</p>	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
<p>Thursday 14 November 2024</p>	
<p>November Agenda Review</p>	<p>Councillor Attending Nathan Hersey, Clare Williams, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil disclosed.</p>
<p>Project Planning & Delivery Overview</p>	<p>Councillor Attending</p>

Meeting Title	Details
	<p>Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
<p>Advocacy Overview</p>	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
<p>Statutory & Strategic Planning Overview</p>	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
<p>Community Vision 2040 Overview</p>	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
<p>Councillor Requests & Customer Service Overview</p>	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
<p>Friday 15 November 2024</p>	
<p>Introduction to Planning</p>	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
<p>Wednesday 20 November 2024</p>	
<p>Oath of Office</p>	<p>Councillor Attending</p>

Meeting Title	Details
	Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell Conflict of Interest: Nil
Councillor – Roles & Responsibilities as an Employer	Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell Conflict of Interest: Nil
Q1 Quarterly Performance Report & Capital Works Update	Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell Conflict of Interest: Nil
Thursday 21 November 2024	
A Safe Workplace – Occupational Health and Safety	Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell Conflict of Interest: Nil

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

2.7. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 OCTOBER 2024 -12 NOVEMBER 2024

Directorate:	Performance and Innovation
Department:	Financial Strategy

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 October 2024 to 12 November 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

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 *General Local Law 2024*, Part 5 - Administration, clause 65 – Common Seal of Council, states that if the Chief Executive Officer (CEO) uses the Common Seal in a manner described by sub-clause (5), 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 *General Local Law 2024*, Part 5 - Administration, clause 65 (6), the following are presented to Council as documents sealed during the period from 13 October 2024 to 12 November 2024.

Nil

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

Nil

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 October 2024 to 12 November 2024.
 - a. Nil
2. Contracts awarded after a public tender process within the CEO's delegation between 13 October 2024 to 12 November 2024.
 - a. Nil
3. Contract variations approved by the CEO between 13 October 2024 to 12 November 2024.
 - a. Nil
4. Contract extensions approved by the CEO 13 October 2024 to 12 November 2024.
 - a. Nil

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)

General Local Law 2024

Procurement Policy (C32)

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987

2.8. COUNCILLOR APPOINTMENT TO MYLI

Directorate:	Performance and Innovation
Department:	Performance and Innovation

Council Plan

Objective - Leading with Integrity

This report ensures Councillors are represented on internal and external committees, boards and advisory committees to provide leadership, advocacy, support and active engagement with the community and to have access to relevant strategic advice and information that can inform Council.

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider representation to the Myli Board. Myli is a charitable and not for profit entity established to operate libraries on behalf of South Gippsland Shire, Bass Coast Shire, Baw Baw Shire and Cardinia Shire Councils.

RECOMMENDATION

That Council appoints Councillor John Schelling to the Myli Board, for a period of 1 year.

REPORT

Council at its meeting on 20 November 2024 resolved to appoint Cr Steve Finlay to the Myli Board for a term of two years. Since that time Cr Finlay has indicated that participation on the Myli Board will not be possible for him to undertake. Therefore, Council is required to appoint another Councillor.

CONSULTATION / COMMUNITY ENGAGEMENT

Nil

RESOURCES / FINANCIAL VIABILITY

Funds are allocated in current and forward annual budgets where appropriate for membership fees and any subscriptions required as part of the memberships of the approved committees.

RISKS

The investment of Councillors' time and resources returns positive outcomes and opportunities for Council and the community through access to strategic information and supports Councillors in their community advocacy and leadership roles.

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 1. Direction & Leadership

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

3. NOTICES OF MOTION AND/OR RESCISSION

3.1. NIL

4. COUNCILLOR REPORTS

4.1. REQUESTS FOR LEAVE OF ABSENCE

4.2. COUNCILLOR UPDATES

5. 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.

6. PUBLIC QUESTIONS

6.1. 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.

6.2. 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.

Nil

6.3. 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.

7. 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.

RECOMMENDATION

That Council pursuant to section 66(5)(a) and (b) of the *Local Government Act 2020* close the Council Meeting to the public to consider the following confidential information:

1. **Per s.3(1)(f) Agenda item 9.1 – PERSONAL INFORMATION - Australia Day Awards Recipients 2025, designated as personal information,**
 - a. **being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;**
 - b. **the grounds for designation have been made to protect the privacy of the applicants (personal information); and**
2. **Per s.3(1)(f) Agenda item 9.2 - PERSONAL INFORMATION - South Gippsland Shire Council Community Grants Program 2024/25 Round 1, designated as personal information,**
 - a. **being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;**
 - b. **the grounds for designation have been made to protect the privacy of an individual's personal information.**

8. MEETING CLOSED

NEXT MEETING

The next Council Meeting open to the public will be held on Wednesday, 19 February 2025 commencing at 2pm in the Council Chambers, Leongatha.