

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Meeting Agenda

Wednesday 19 February 2025



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 19 February 2025  
in the Council Chambers, Leongatha, commencing at 2:00pm

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**Allison Jones**  
**Acting 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 11 December 2024 in the Council Chambers, Leongatha be confirmed.**

**That the Minutes of the South Gippsland Shire Council Meeting held virtually on 15 January 2025 be confirmed.**

## 1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

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

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

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

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

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

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

**Councillor Clare Williams has declared a material conflict of interest in Confidential Agenda Item 9.2 Award Contract CON/419 Fish Creek Streetscape**



## 1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

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

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

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

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

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

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

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

**Rhys Matulis, Manager Governance and Integrity has declared a General Conflict of Interest in the Agenda item 3.1 Notice of Motion – Emergency Services and Volunteer fund.**

**Tony Peterson, Director Sustainable Infrastructure has declared a General Conflict of Interest in Confidential Agenda Item 9.1. Arts Advisory Committee – Appointment.**



## 2. COUNCIL REPORTS

### 2.1. FUNDING OPPORTUNITY - REGIONAL COMMUNITY SPORTS INFRASTRUCTURE FUND, ROUND TWO.

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Planning

#### **Council Plan**

*Objective - Healthy and Engaged Communities*

*The Korumburra Tennis Club Pavilion Re-development Project will provide compliant, accessible and female friendly facilities that will help to increase tennis participation in South Gippsland.*

#### **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council endorsement of a funding application to the Victorian Government's Regional Community Sports Infrastructure Fund for the Korumburra Tennis Club Pavilion Re-development Project.

The estimated total project cost for the Korumburra Tennis Club Pavilion Re-development is \$1.5M. The Korumburra Tennis Club has generously committed \$25,000 towards the project. If a grant application for \$1M is successful, Council will be required to contribute the balance of \$475, 000.

This report seeks Council endorsement to submit the application by 5pm, 17 March 2025.

#### **RECOMMENDATION**

**That Council:**

- 1. Endorses the application for \$1M under the Victorian Government's Round 2 of the Regional Community Sports Infrastructure Fund (RCSIF)– Community Facilities Stream for the Korumburra Tennis Club Pavilion Re-development Project; and**
- 2. Refers Council's contribution of \$475,000 excluding GST to the 2025/26 Annual Budget, if the funding application is successful.**

## **REPORT**

On Monday 28 October 2024, Round 2 of the Regional Community Sports Infrastructure Fund (RCSIF) opened, with applications closing on 17 March 2025. The State Government program forms part of the \$2 billion Regional Package and provides a range of grant opportunities across five funding streams:

1. Indoor Stadium and Aquatic Facilities– up to \$5M
2. Community Facilities – up to \$1M
3. Women and Girls Facilities – up to \$1M
4. Planning – up to \$40k
5. All abilities Infrastructure– up to \$1M

This is a state-wide, competitive Victorian Government investment program. It is underpinned by the Department of Jobs, Skills, Industry and Regions' (DJSIR) priorities, driving a strong and resilient economy that benefits all Victorians – by creating more opportunities for people through jobs and skills, supporting businesses and industries to grow and prosper, and building vibrant communities and regions.

The RCSIF is administered by Sport and Recreation Victoria (SRV) on behalf of DJSIR and reflects the Victorian Government's commitment to securing the many benefits of participating in sport and active recreation. This includes supporting Victorians, particularly those individuals and communities who participate less, to achieve better health, wellbeing, social, and economic outcomes.

### **Korumburra Tennis Club Pavilion Re-development Project**

The Korumburra Tennis Club Pavilion Re-development Project has been assessed as eligible for Round 2 of the RCSIF. The project scope is to demolish the existing two storey building and construct a new single storey pavilion located on a new site adjacent to the lower courts. The new pavilion will provide compliant, accessible and female friendly facilities, in keeping with Council's recently adopted Fair Access to Recreation Facilities Policy. The existing crushed rock car park will be retained with the inclusion of formalised parking bays and compliant accessible parking.

There are significant civil, and drainage works required to construct retaining walls due to the split-level nature of the upper and lower courts at the site

The benefits that this project will bring to the community are noted below:

- The new pavilion will comply with Tennis Victoria guidelines.
- The project will provide sports wheelchair accessibility across all site elements.

- New compliant sports lighting will be provided to the lower courts thus allowing an increase in participation of their night tennis competition.
- The pavilion design provides a social space for use by other community groups.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

The existing Korumburra Tennis Club Pavilion is an aged two storey facility that has reached 'end of life', has outdoor toilets and requires drainage and retaining wall improvements. Council is required under the Local Government Act 2020 to renew assets. The 2023/24 Building Renewal Program had a budget allocation to undertake conceptual, detailed design and full tender/construction documentation for the proposed Korumburra Tennis Club Pavilion. In April 2024 JJC Design was awarded contract (CON/401) under CEO delegation to undertake the works.

Working with Sport and Recreation Victoria, Tennis Victoria and the Korumburra Tennis Club Committee, concept designs and preliminary cost plan have been prepared, which will see a new single storey pavilion located on a new site adjacent to the lower courts. The new pavilion will provide compliant, accessible and female friendly facilities in keeping with Council's recently adopted Fair Access to Recreation Facilities policy. Additionally, the new facility will be sports wheelchair compliant as per Tennis Vic guidelines.

The project is strategically supported by Council's Social Community Infrastructure Blueprint and Sport, Recreation Infrastructure Strategy and more broadly in the 2024 Advocacy Priorities, seeking funding for the upgrade of sporting facilities in South Gippsland Shire.

### **RESOURCES / FINANCIAL VIABILITY**

If Council is successful in securing \$1M under Round 2 of the RCSIF – Community Facilities Stream, a Council contribution of \$475,000 will be required. The Korumburra Tennis Club is able to contribute \$25,000.

Below is a breakdown of the funding for the project based on the concept plans and cost estimate. The cost estimate was provided by the JJC design in collaboration with Quantity Surveyors

<b>Estimated Total Project Cost (TBC)</b>	<b>\$1.5M</b>
Round 2 RCSIF - Community Facilities	\$1M
Council Contribution	\$475,000
Community Contribution (Korumburra Tennis Club)	\$25,000

Funding of \$500,000 has been forecast in the draft 2025/26 Aquatic/Recreational Leisure Renewal program which is adequate to cover Council's contribution for the Korumburra Tennis Club Pavilion Re-development.

### **RISKS**

The project estimate has been prepared based on the Concept Design. Whilst an allowance for design and construction contingency is included, there is no allowance for cost escalation past November 2024. A final cost plan will be provided based on the final detailed design documentation.

### **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**

Community Infrastructure Project Management Policy (C09)

Social Community Infrastructure Blueprint

## 2.2. APPOINTMENT OF CHAIR OF THE AUDIT AND RISK COMMITTEE 2025

Directorate:	Performance and Innovation
Department:	Financial Strategy

### Council Plan

*Objective - Leading with Integrity*

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

### EXECUTIVE SUMMARY

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

Council's Audit and Risk Committee consists of three Independent Members and two Councillor Members. Councillors are ineligible to apply for the role in line with the *Local Government Act 2020*. Nominations from the independent members of the Audit and Risk Committee interested in fulfilling the role of Chair were requested at the 3 December 2025 Audit and Risk Committee Meeting. The Audit and Risk Committee nominated Jen Johanson as the Committee Chair for the year.

### RECOMMENDATION

**That Council appoints Independent Audit and Risk Committee Member, Ms Jen Johanson, as Chair of the South Gippsland Shire Council Audit and Risk Committee for the period from February 2025 until the Council Meeting in February 2026.**

### REPORT

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

In accordance with the Committee Charter, the Chairperson of the Committee must be an Independent Member, will be appointed by Council and the term of the Chair is to be one (calendar) year. Independent members of the Audit and

Risk Committee are Ms Jen Johanson, Mr Michael Jaensch and Ms Marilyn Kearney.

Ms Jen Johanson was appointed as current Chair of the Committee at the Ordinary Meeting of Council held on 21 February 2024 until the Council Meeting in February 2026.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Nominations from Independent members of the Audit and Risk Committee to be appointed as Chair for February 2025 to February 2026 were requested in December 2024. Council have been advised of all nominations received.

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

### **RESOURCES / FINANCIAL VIABILITY**

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

### **RISKS**

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

### **STAFF DISCLOSURE**

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

### **ATTACHMENTS**

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

Nil

### **REFERENCE DOCUMENTS**

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

Pillar 1. Direction & Leadership

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

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

Audit and Risk Committee Charter (C08)

Audit and Risk Committee Charter and Terms of Reference

Audit Policy (C55)

Risk Management Framework (C35)

Risk Management Policy (C35)

**Legislative Provisions**

Local Government Act 2020

Local Government (General) Regulations 2015

Local Government (Planning and Reporting) Regulations 2020

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

Nil



## 2.3. AUDIT AND RISK COMMITTEE - 17 SEPTEMBER 2024 MINUTES AND BI-ANNUAL CHAIR REPORT

Directorate:	Performance and Innovation
Department:	Financial Strategy

### Council Plan

*Objective - Leading with Integrity*

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

### EXECUTIVE SUMMARY

#### Audit and Risk Committee Minutes - 17 September 2024

The draft minutes of the Audit and Risk Committee meeting held on 17 September 2024 (**Attachment [2.5.1]**) are provided to Council for noting.

Audit and Risk Committee members at the meeting included:

- Ms Jen Johanson (Audit and Risk Committee Chair)
- Mr Mick Jaensch
- Ms Marilyn Kearney
- Cr Sarah Gilligan (Council member)
- Cr Jenni Keerie (Council member)
- Cr Clare Williams (Mayor) ( Ex-officio Council Member)

#### Bi Annual Chair Report - June 2024 to December 2024

June 2024 to December 2024 Bi Annual Chair report (**Attachment [2.5.2]**) is provided to Council for noting.

### RECOMMENDATION

**That Council:**

1. **Notes the draft Audit and Risk Committee Minutes –17 September 2024 (Attachment [2.5.1]); and**
2. **Notes the Audit and Risk Committee Chair report to Council by Audit and Risk Committee Chair Ms Jen Johanson. (Attachment [2.5.2])**

## **REPORT**

### Audit and Risk Committee Minutes - 17 September 2024

The matters considered by the Audit and Risk Committee at the 17 September 2024 meeting are contained in (**Attachment [2.5.1]**).

### Bi Annual Chair Report - June 2024 to December 2024

The Audit and Risk Committee Charter requires the Committee Chair provide a report to Council twice each year summarising the activities undertaken, raising any findings and recommendations. The report from the Audit and Risk Committee Chair is provided in (**Attachment [3.1.2]**).

## **CONSULTATION / COMMUNITY ENGAGEMENT**

The draft Audit and Risk Committee Minutes for 17 September 2024 (**Attachment [2.5.1]**) have been presented to the Audit and Risk Committee for feedback and was formally accepted by the Audit and Risk Committee at the 3 December 2024 Meeting.

The bi-annual report from the Audit and Risk Committee Chair (**Attachment [2.5.2]**) was also circulated to the Committee as a part of the 3 December 2024 meeting and was accepted by the Committee.

## **RESOURCES / FINANCIAL VIABILITY**

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

## **RISKS**

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

## **STAFF DISCLOSURE**

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

## **ATTACHMENTS**

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

1. 17 September 2024 - Audit and Risk Committee Minutes - Final [**2.3.1** - 11 pages]
2. Bi Annual Chair Report June 2024 to December 2024 [**2.3.2** - 10 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 7. Risk & Compliance

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

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

Audit and Risk Committee Charter (C08)

Audit and Risk Committee Charter and Terms of Reference

**Legislative Provisions**

Local Government Act 2020

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

Nil

SOUTH GIPPSLAND SHIRE COUNCIL

# Audit & Risk Committee

17 September 2024

Hybrid Meeting  
Commencing at 9.00AM

Minutes

## AUDIT & RISK COMMITTEE

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

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

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

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



*South Gippsland  
Shire Council*

*Come for the beauty, Stay for the lifestyle*

## Audit & Risk Committee Confidentiality

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

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

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

### Open (Public) Information – not confidential

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

**Agenda Items:**

- Nil

### Minutes of the Previous Meeting

The Chief Executive Officer designates that the Minutes of this 17 September 2024 are confidential information until these Minutes are made public in the Agenda of the next Council Meeting, which is anticipated to be February 2025.



**Kerryn Ellis**  
Chief Executive Officer

## AUDIT & RISK COMMITTEE AGENDA

<b>Date</b>	<b>17 September 2024</b>	<b>Location</b>	<b>Hybrid Meeting</b>
<b>Time</b>	9:00 AM		

<b>Attendees</b>	<b>Ms Jen Johanson (Audit and Risk Committee Chair)</b> <b>Mr Mick Jaensch</b> <b>Ms Marilyn Kearney</b> <b>Cr Sarah Gilligan</b> <b>Cr Jenni Keerie</b>
Ex-officio Member	Cr Clare Williams (Mayor)
Support Staff	Kerryn Ellis, Chief Executive Officer; Allison Jones, Director Performance & Innovation; Tony Peterson, Director Sustainable Infrastructure; Renae Littlejohn, Director Future Communities; Taryn Abrahamsson, Manager Financial Strategy; Vera Burns, Risk and Procurement Coordinator; Lynn Behmer, Risk & Compliance Officer; Stephanie Pettau, Financial Accountant.
Internal Audit	Crowe Australasia: Andrew Zavitsanos, Cass Pelino
External Audit	Victorian Auditor General's Office: Jung Yau: Audit Manager, Local Government; Travis Derricott, Sector Director
Disclosure of Interest	All officers involved in the preparation of these reports in the Audit and Risk Committee Agenda have considered and determined that they do not have a conflict of interest in the matter.



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*Kerry Ellis*

**Kerryn Ellis**

**Chief Executive Officer**

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

### 1.1. IN CAMERA COMMITTEE ONLY

*In-Camera Committee attendance*

### 1.2. IN CAMERA COMMITTEE WITH CEO

*In-Camera Committee and Chief Executive Officer attendance*

### 1.3. IN CAMERA INTERNAL AND EXTERNAL AUDITORS

*In-Camera Committee and External Auditors attendance*

## 2. PRELIMINARY MATTERS

### 2.1. WELCOME

*Please ensure mobile phones are set to 'silent' during the Meeting.*

### 2.2. ACKNOWLEDGEMENT OF COUNTRY

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

### 2.3. ATTENDEES

<b>Attendees</b>	<b>As noted above with the exception of the apologies at 2.4</b>
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### 2.4. APOLOGIES

<b>Apologies</b>	Andrew Zavitsanos, Crowe Australasia Cass Pelino, Crowe Australasia Mayor Cr Clare Williams Renae Littlejohn, Director Future Communities Simon Dean, Manager Digital and Technology Travis Derricott, Victorian Auditor General's Office (attended In Camera session only)
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## 2.5. DECLARATION OF CONFLICTS OF INTEREST OR DUTIES

### Ms. Jen Johanson

- Independent Member – Audit and Risk Management Committee – IBAC
- Chair – Audit and Risk Committee – Hume City Council
- Advisory Board Member – iAM OMNI
- Independent Member – Audit and Risk Committee – Brimbank City Council
- Independent Member – Audit & Risk Committee – City of Melbourne
- Independent Member – Risk Management Committee – Life Without Barriers
- Chair - Finance Risk and Audit Committee - Education Services Australia
- Board Member – Education Services Australia
- Board Member – Generation Life Limited

### Mr Mick Jaensch

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

### Ms Marilyn Kearney

- Chair & Independent Member – Audit and Risk Committee – Maribyrnong City Council
- Independent Member – Audit and Risk Committee – Merri Bek City Council
- Independent Member – Audit and Risk Committee – Mitchell Shire Council
- Independent Member – CEO Employment & Remuneration Committee – Murrindindi Shire Council
- Independent Member – Finance Audit and Risk Committee – Calisthenics Victoria
- Treasurer – Chirnside Park Football Club
- Independent Member – Audit and Risk Committee – Horsham Rural City Council
- Independent Member – Audit and Risk Committee – Banyule City Council
- Co-Chair - Women's Community Housing – Mornington Peninsula

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

### Discussion

The Audit and Risk Committee accepted the Minutes of the Audit and Risk meeting held 20 August 2024 and noted that they will be taken to Council on 16 October 2024.

The Committee also noted the Audit and Risk Committee Open Action Items and that they will be reported again at the December meeting.

### Action Items

Nil

Moved: Cr. Sarah Gilligan

Seconded: Cr. Jenni Keerie

## **3. AUDIT REPORTS**

### **3.1. EXTERNAL AUDIT REPORT - CLOSING REPORT, MANAGEMENT LETTER**

#### Discussion

Management introduced the report, informing the Committee that the VAGO audit was a positive experience, with staff pivoting to cater for the earlier date.

VAGO thanked management and the staff involved in the audit for the ease in which the audit was conducted.

Highlights of the Closing Report were outlined by VAGO, including suggestions for an adjustment to the Contingency Asset Note in the Financial Statements and Targets commentary in the Performance Statement. These improvement opportunities will be implemented by management for the FY24-25 period.

Discussing the Final Management Letter, VAGO advised the Committee that there were no new items and only one ongoing item that management will be addressing in the FY24-25 period.

In conclusion, VAGO commended management for the results of the audit. The Committee also congratulated management on an impressive result.

The Committee recommends that Council adopt in principle the Annual Financial Statements and Annual Performance Statement and sign the statements for referral to the Victorian Auditor General's Office for certification.

#### Action Items

Nil

Moved: Cr. Jenni Keerie  
Seconded: Mick Jaensch

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

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

#### Discussion

The Committee commended the Finance Team for a solid report that was completed in a relatively short timeframe.

Questions were answered in full, which facilitated an efficient meeting and endorsement of the Annual Financial Report & Performance Statement.

The Committee would like to see the September report with management cash result and comments, including carry forwards. Management agreed that this would be circulated out of session.

#### Action Items

Management to circulate the September report out of session.

Moved: Mick Jaensch  
Seconded: Marilyn Kearney

#### **4.2. ASSET VALUATIONS - AFTER BALANCE DATE REVIEW**

##### Discussion

Following management's introduction of this new report, the Committee commented that it was valuable in combining information from the Finance and Infrastructure departments. Management advised that this report will be tabled annually at each June meeting and again in September which will include details of any variances from the report previously presented.

##### Action

This report to be included in the ARC Workplan for both June and September meetings.

Moved: Marilyn Kearney

Seconded: Cr. Sarah Gilligan

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

No reports tabled at this meeting.

#### **6. RISK REPORTS**

No reports tabled at this meeting.

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

The Committee commended management on the thorough responses to all questions that ensured the meeting ran smoothly.

#### **8. OTHER BUSINESS**

The Committee requested VAGO to plan the 2025 audit to enable the August 2025 Audit and Risk meeting to be retained as the Finance meeting.

The CEO recognised that this was the last meeting for the Councillor committee members Cr Sarah Gilligan and Cr Jenni Keerie and thanked them for their

engaged approach to the work of the Audit and Risk Committee and the contributions from the ex-officio members, Mayors Cr Davies, Cr Hersey and Cr Williams.

## **9. MEETING CLOSED**

MEETING CLOSED AT 10:27AM

### **NEXT MEETING**

The next Audit & Risk Committee Meeting is scheduled to be held on 3 December 2024.



SOUTH GIPPSLAND SHIRE COUNCIL

# Audit and Risk Activity Report



December 2024



South Gippsland  
Shire Council

### **1. Period of this Report**

This report covers Audit and Risk Committee (ARC or Committee) activity from 12 June 2024 to 3 December 2024. In that period the Committee has met three times – on 20 August 2024, 17 September 2024 (year-end financial reports meeting) and 3 December 2024. This report has been reviewed by all Committee members.

### **2. Purpose**

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

### **3. Role of the Audit and Risk Committee**

The Committee is an independent committee of Council, and its purpose is to support and advise Council in fulfilling its responsibilities related to:

- Financial reporting
- Risk management
- Maintenance of sound systems of internal control
- Assurance activities including internal and external audit
- Council's performance regarding legislative and regulatory compliance

It acts in this capacity by monitoring, reviewing, and advising on issues within its scope of responsibility.

The Committee reports to Council on the outcomes of its work program and provides advice and recommendations on matters relevant to its Charter. The Committee may also endorse key reports for consideration by Council.

An independent Audit and Risk Committee is a fundamental component of a strong corporate governance culture. Council's Committee is independent of management and is not involved in any operational decisions. Committee members do not have any executive powers, management functions or delegated financial responsibilities.

### **4. Committee Charter**

The ARC's Charter has been developed in accordance with Section 54 of the LGA: "a Council must prepare and approve an Audit and Risk Committee Charter".

It is designed to assist Officers and ARC members to fulfil and understand their duties as members of the ARC and is set by Council.

It was last reviewed and approved by Council in February 2023. The revised Charter became effective on 15 February 2023.

Under the Charter, a review should be undertaken by the Committee every two years for adequacy. The Committee reviewed the Charter at the 3 December 2024 meeting and requested management bring the Charter back for review at the June 2025 meeting.

## 5. Committee Business

The agendas for our meetings are driven by the Committee's Annual Work Plan (AWP) and provide a diverse range of matters for consideration. At the meetings held in this reporting period, the key (but not all) matters considered are summarised in the table below.

### Key Matters Considered at Recent Meetings

	Topic	August	September	December
1	In Camera			
	<ul style="list-style-type: none"> <li>CEO Briefings</li> </ul>	✓	✓	✓
	<ul style="list-style-type: none"> <li>In camera with Internal Auditors only</li> </ul>	✓		
	<ul style="list-style-type: none"> <li>In camera with External Auditors only</li> </ul>		✓	
2	Review of risk management activity in the following areas:			
	a) A Cyber Security Report which included progression towards Essential 8			✓
	b) Provided an update on the Business Continuity Plan			✓
3	Review of external audit activity as follows:			
	a) Officer progress in closing out audit recommendations	✓		✓
	b) Consideration of the closing report and management letter from the external auditors		✓	
3	Review of internal audit activity as follows:			
	a) Monitor delivery of the 2024 audit plan	✓		✓
	b) Monitor officer progress in closing out audit recommendations	✓		✓
	c) Consideration of the internal audit scopes for 2025			✓
	d) Reviewed the outcomes and findings of the additional review on Procurement performed by Councils Internal Auditors	✓		

**Key Matters Considered at Recent Meetings (Cont.)**

4	Monitoring of the financial performance reports by receiving updates on:			
	a) the Organisational and Financial Performance Report			✓
	b) the long-term financial planning	✓		
	c) the annual financial performance report and performance statements		✓	
	d) the asset valuations – after balance date review		✓	
	e) AASB13 Fair Value Measurement Changes			✓
5	Monitoring of Overarching Governance Principles and review of compliance management matters as follows:			
	a) Review and refresh of Council policies and procedures	✓		✓
	b) Legislative compliance matters	✓		✓
	c) Review of Councils Delegations			✓
	d) Received the annual update from the Office of the CEO Directorate	✓		
	e) Received the annual update from the Performance and Innovation Directorate			✓
6	Review of integrity agency reports issued in the reporting period by VAGO, Ombudsman Victoria, IBAC and the Local Government Inspectorate.	✓		✓
7	Review of internal control framework matters as follows:			
	a) Fraud and Corruption Reporting	✓		✓
	b) C01 Councillor Gifts, Benefits and Hospitality Policy	✓		
	c) C51 Councillor Support & Expenditure Policy	✓		
	d) CE21 Public Interest Disclosure Policy	✓		
	e) C75 Public Transparency Policy			✓

## 6. Membership and Meetings

The Committee has three independent members and two Councillor members, with the Mayor attending in an ex-officio capacity.

The independent members collectively have the skill sets and experience as mandated in s53 of the LGA, including skills in financial management and reporting, risk management, audit and assurance programs, compliance management and internal control frameworks, supplemented by the skill sets and experience provided by the Councillor members.

The Chair of the Committee is an independent member. The mix of independent and Councillor members enables open discussion based on best practice and gives Councillors insights into Council's governance practices.

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

The Committee has met three times as indicated above. Independent Member and Councillor representative attendance at the meetings has been excellent.

ARC Member and date appointed	Term ends	Role	Meetings		
			20 Aug 2024	17 Sept 2024	3 Dec 2024
Jennifer Johanson 23 January 2020	22 November 2026	Chair & Independent Member	Attended	Attended	Attended
Mick Jaensch 25 February 2023	February 2026	Independent Member	Attended	Attended	Attended
Marilyn Kearney 25 February 2023	February 2026	Independent Member	Attended	Attended	Attended
Councillor Sarah Gilligan 24 November 2021	November 2027	Councillor Member	Attended	Attended	Attended
Councillor Jenni Keerie 15 February 2023	October 2024	Councillor Member	Did not attend	Attended	N/A
Councillor Clare Williams - Mayor	October 2024	ex-officio member	Attended	Did not attend	N/A
Councillor Steve Finlay	November 2027	Councillor Member	N/A	N/A	Attended
Councillor John Schelling - Mayor	November 2025	ex-officio member	N/A	N/A	Attended

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

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

## 7. Key Activities for the Reporting Period

The work of the Committee continued to be guided by the Annual Work Plan (AWP) and all matters listed in the AWP for the three scheduled meetings have been addressed, as outlined in Section 5 above.

The AWP and agendas contain the activities undertaken by the Committee to ensure it meets

its Charter responsibilities and the AWP is reviewed at the end of each meeting to ensure its continued relevance. The AWP is cross-referenced to the Charter; this and the questions in the annual Committee survey act as an additional control to ensure the Committee is discharging its responsibilities and that all aspects of the Charter are addressed throughout the year.

Key outcomes of the scheduled meetings are summarised below.

1. Financial and Performance Reporting

The Committee monitored the quality, content, and commentary of the financial and performance reports provided to Council, which were tracked against the approved budget and Council Plan. The Committee also received updates on the Local Government Performance Reporting Framework and Council's performance against its LGPRF targets.

The Committee was satisfied with the quality of the financial and performance reporting.

2. Risk Management

In addition to the items outlined in the table above, the Committee has considered the quarterly risk management report which provides oversight of:

- The operational and strategic risks
- Council's progressing maturity in risk management
- An overview of insurance claims for the period and associated trending reports and
- A business continuity update

The Committee is committed to work with management to ensure continuous improvement of the quality of risk reporting to the Committee.

3. External Audit

The Committee considered the external auditor's closing report for the audit of the annual financial report and annual performance statement for the year ending 30 June 2024.

4. Internal Audit

The Committee monitored the Strategic Internal Audit Plan (SIAP) developed by our internal auditors in consultation with the Committee, the Executive Leadership Team, and the Risk and Assurance team. The Committee monitored the progress of the delivery of the SIAP for 2023-24 and 2024-25 and was satisfied that delivery is on track.

The Committee also monitors management's performance in closing out recommendations for improvement and is particularly alert to high rated actions that are not closed by the target dates.

The Committee is satisfied there is appropriate management focus on the actions, considering that some recommendations require system changes or enhancements with long lead times.

5. Internal Control Environment

The Committee considered both new and revised Council policies as indicated in the table in Section 5, made suggestions for some further enhancements and endorsed the policies. Due to the significant work program for the Committee to consider, it was deemed necessary that some policies and procedures could be distributed to the Committee members "out of session" for their review.

With reference to the above matters, those at part 5 and the AWP, the Committee confirms it has assessed its performance and that it has discharged its responsibilities under the Charter.

#### 8. Matters for Consideration During the Next Reporting Period

	Topic	March	June	August
1	In Camera			
	<ul style="list-style-type: none"> <li>CEO Briefings</li> </ul>	✓	✓	✓
	<ul style="list-style-type: none"> <li>In camera with Internal Auditors only</li> </ul>	✓		✓
	<ul style="list-style-type: none"> <li>In camera with External Auditors only</li> </ul>		✓	
2	Review of risk management activity in the following areas:			
	a) Insurance Strategy Review	✓		
	b) Insurance Premium Review		✓	
	c) A Cyber Security Report which included progression towards Essential 8		✓	
	d) Provided an update on the Business Continuity Plan	✓		
3	Review of external audit activity as follows:			
	a) External Audit Preparedness	✓		
	b) Officer progress in closing out audit recommendations		✓	
	c) Consideration of the closing report and management letter from the external auditors			✓
3	Review of internal audit activity as follows:			
	a) Monitor delivery of the 2024 audit plan	✓	✓	✓
	b) Monitor officer progress in closing out audit recommendations	✓	✓	✓
	c) Review the outcomes and findings of the Internal Audits	✓	✓	✓
4	Monitoring of the financial performance reports by receiving updates on:			
	a) the Organisational and Financial Performance Report	✓	✓	✓
	b) the annual financial performance report and performance statements			✓



**8. Matters for Consideration During the Next Reporting Period (Cont.)**

	c) the asset valuations – before and after balance date reviews		✓	✓
5	Monitoring of Overarching Governance Principles and review of compliance management matters as follows:			
	a) Review and refresh of Council policies and procedures	✓	✓	✓
	b) Legislative compliance matters	✓	✓	✓
	c) Review of assurance and compliance practices		✓	
	d) Received the annual update from the Future Communities Directorate	✓		
	e) Received the annual update from the Sustainable Infrastructure Directorate		✓	
	f) Received the annual update from the Office of the CEO Directorate			✓
6	Review of integrity agency reports issued in the reporting period by VAGO, Ombudsman Victoria, IBAC and the Local Government Inspectorate.	✓	✓	✓
7	Review of key Policies as an internal control framework (Specific Policies to be reported in next Chair report)	✓	✓	✓

**9. Frequency and Timing of Activity Reports**

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

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

**10. Meeting Schedule for 2024**

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

- 5 March
- 11 June
- 20 August
- 17 September (year-end financial reports)
- 3 December

### 11. Conclusion

As mentioned above, the Committee is satisfied that it has fully discharged its responsibilities for the reporting period as set out in its Charter. The Committee has noted continuing improvement in risk management performance over the reporting period.

On behalf of all Committee members, I wish to acknowledge the support of Council's senior officers in the preparation of agendas, minutes, reports, and presentations, all of which ensure that the Committee remains well-briefed and effective.

The Committee welcomes feedback as to whether this report meets Council's expectations, or any suggested areas for improvement.

Yours sincerely

**Jen Johanson**

**Chair**

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

**3 December 2024**

SOUTH GIPPSLAND SHIRE COUNCIL

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*South Gippsland*  
Shire Council

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

Directorate:	Strategy & Partnerships
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 to include the Subdivision Officer from the Planning and Building Services Department (**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. Members of Council staff holding, acting in or performing the duties of the officers or positions referred to in (**Attachment [2.4.1]**) be delegated with the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument of Delegation;**
- 2. The Chief Executive Officer is authorised to sign the S6 Instrument of Delegation (**Attachment [2.4.1]**), to come into force immediately upon signing;**
- 3. Upon this Instrument of Delegation (**Attachment [2.4.1]**) coming into force, 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 by Council officers delegated to do so, and the powers set out in the Instrument of Delegation must be executed by them, in accordance with any guidelines or policies that Council may adopt.**

## **REPORT**

The allocation of delegations to the Chief Executive Officer (CEO) 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 11 December 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:

- Subdivision Officer position added as Instrument delegate against all applicable planning provisions

## **CONSULTATION / COMMUNITY ENGAGEMENT**

Nil

## **RESOURCES / FINANCIAL VIABILITY**

Nil

## **RISKS**

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

## **STAFF DISCLOSURE**

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

## **ATTACHMENTS**

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

1. S6 Instrument of Delegation - Council to Members of Staff [2.4.1 - 120 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*

SOUTH GIPPSLAND SHIRE COUNCIL

INSTRUMENT OF DELEGATION

S6 INSTRUMENT OF DELEGATION - MEMBERS OF  
STAFF

19 FEBRUARY 2025

South Gippsland Shire Council

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

Instrument of Delegation

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

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;

2. record that references in the Schedule are as outlined below in Positions

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 19 February 2025 and

3.2 the delegation:

3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

3.2.2 remains in force until varied or revoked;

3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and

3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

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

3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

(a) policy; or

(b) strategy adopted by Council;

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or

3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

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

Date: .....

Witness

Date: .....



South Gippsland Shire Council

## 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**

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

## South Gippsland Shire Council

<b>Abbreviation</b>	<b>Position</b>
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 and 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

## South Gippsland Shire Council

<b>Abbreviation</b>	<b>Position</b>
PBAO	Planning & Building Administration Officer
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
<u>SUB</u>	<u>Subdivision Officer</u>
WWO	Wastewater Officer

South Gippsland Shire Council

## S6 Instrument of Delegation - Members of Staff

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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 these regulations	EHO, EHC, 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	

## South Gippsland Shire Council

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 14(1)	Function of receiving notice of transfer of ownership.	EHC, MCHSafety	
r 14(3)	Power to determine where notice of transfer is displayed	EHC, MCHSafety	
r 15(1)	Duty to transfer registration to new caravan park owner	EHC, MCHSafety	
r 15(2)	Duty to issue a certificate of transfer of registration	EHC, MCHSafety	
r 15(3)	Power to determine where certificate of transfer of registration is displayed	EHC, MCHSafety	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	EHC, MCHSafety	
r 17	Duty to keep register of caravan parks	EHC, MCHSafety	
r 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, MCHSafety	
r 21(2)	Duty to consult with relevant emergency services agencies	EHC, MCHSafety	
r 22	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHC, MCHSafety	

## South Gippsland Shire Council

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 23	Power to determine places in which caravan park owner must display copy of public emergency warnings	EHC, MCHSafety	
r 24(2)	Power to consult with relevant floodplain management authority	EHC, MCHSafety	
r 26(b)(i)	Power to approve system for the discharge of sewage and wastewater from a movable dwelling	EHC, MCHSafety	
r 38	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHC, MCHSafety	
r 38(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHC, MCHSafety	
r 39(3)	Function of receiving installation certificate	EHC, MCHSafety	
r 45(3)	Power to determine places in which caravan park owner must display name and telephone number of an emergency contact person	EHC, MCHSafety	
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, MCHSafety	

## South Gippsland Shire Council

<b>Domestic Animals Act 1994</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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
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



## South Gippsland Shire Council

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 19(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
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

## South Gippsland Shire Council

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 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
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 s 19FA(1)	EHO	Where Council is the registration authority  Only in relation to temporary food premises or mobile food premises

## South Gippsland Shire Council

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 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
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.

## South Gippsland Shire Council

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 19W	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
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

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	EHO, EHC, MCHSAafety	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, MCHSAafety	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	EHO, EHC, MCHSAafety	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, MCHSAafety	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHO, EHC, MCHSAafety	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHO, EHC, MCHSAafety	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, MCHSAafety	Where Council is the registration authority

## South Gippsland Shire Council

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 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)
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

## South Gippsland Shire Council

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	EHO, EHC, MCHSAFETY	
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
s 40D(1)	Power to suspend or revoke the registration of food premises	EHO, EHC, MCHSAFETY	Where Council is the registration authority

## South Gippsland Shire Council

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 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
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



## South Gippsland Shire Council

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

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

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	Sen Strat Plan Off, Strat Plan Off, DFC, Plan Off, MPBS, Strat Plan Coord, PPL	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	Sen Strat Plan Off, Strat Plan Off, DFC, Plan Off, MPBS,	

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		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	
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	DFC, MPBS	

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	Minister's authorisation if no response received after 10 business days		
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	
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, SUB	
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	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, PTO, PPL, SUB	
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, SUB	

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	DFC, MPBS	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	Sen Strat Plan Off, Plan Off, Stat Plan Off, MPBS, Strat Plan Coord, 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.
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,	Where Council is a planning authority

## South Gippsland Shire Council

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

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Plan 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	
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	

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		Plan 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, SUB	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	Strat Plan Off, Stat Plan Coord, PBAO, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, PTO, PPL, SUB	
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	



## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 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	
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	

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 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	
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, SUB	
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	

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 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
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,	Where Council is a responsible public entity

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		PTO, PPL,SUB	
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL, SUB	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CEO, DFC, MPBS	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CEO, DFC, MPBS	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CEO, DFC, MPBS	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CEO, DFC, MPBS	
s 46GP	Function of receiving a notice under s 46GO	CEO, DFC, MPBS	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other	CEO, DFC, MPBS	

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	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	
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	CEO, DFC, MPBS	

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	owner's valuer as to the estimated value of the inner public purpose land		
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  Power to specify the manner in which the payment is to be made	CEO, DFC, MPBS	Where Council is the collecting agency
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

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CEO, DFC, MPBS	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	CEO, DFC, MPBS	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, MPBS, Strat Plan Coord, 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	DFC, MFS, MPBS	Where Council is the collecting agency under an approved infrastructure contributions plan

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	preparation costs to the planning authority that incurred those costs		This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	DFC, MFS, MPBS	Where the Council is the planning authority  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
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



## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 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
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	DFC, MFS, MPBS	Where Council is the collecting agency under an approved infrastructure contributions plan

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	amount to which the person is entitled under s 46GW		
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, MPBS, Strat Plan Coord, PPL	<p>If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the development agency</p>
s 46GZ(9)	Function of receiving the fee simple in the land	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

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 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
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

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 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 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

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s.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 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

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 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, SUB	
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, SUB	
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, SUB	
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,	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PTO, PPL, SUB	
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, SUB	
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, SUB	
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, SUB	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan	



## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	and facilities in respect of which the levy was paid etc	Off, Stat Plan Off, Sen Stat Plan Off, Strat Plan Coord, PTO, PPL, SUB	
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, SUB	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	MPBS	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord,	With the consent of, and in the manner approved by, the Minister

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		PTO, PPL, SUB	
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, SUB	
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	
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	

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	Stat Plan Coord, MPBS, Strat Plan Coord, 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, SUB	
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, SUB	

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, PTO, PPL, SUB	
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, SUB	
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	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Plan Coord, PTO, PPL, SUB	
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, SUB	
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, SUB	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL, SUB	

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 50A(4)	Duty to note amendment to application in register	Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, PTO, PPL, SUB	
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, SUB	
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, SUB	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off,	

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		MPBS, Strat Plan Coord, PTO, PPL, SUB	
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, SUB	
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, SUB	
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,	

## South Gippsland Shire Council

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



## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		PTO, PPL, SUB	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PP, SUB	
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, SUB	
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,	

## South Gippsland Shire Council

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

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PTO, PPL, SUB	
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, PP, SUB	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL, SUB	
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,	

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		PTO, PPL, SUB	
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, SUB	
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, SUB	
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	

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 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	
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, SUB	
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	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL, SUB	
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 Plan Coord, PTO, PPL, SUB	
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, SUB	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:  a) Five or more objection to the grant of the permit are received by Council, or  b) In the Chief Executive Officers opinion, the permit application raises significant issues of Council policy or public interest.

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 61(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, SUB	<p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</p> <hr/> <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 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, SUB	
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	

## South Gippsland Shire Council

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



## South Gippsland Shire Council

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

## South Gippsland Shire Council

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

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PTO, PPL, SUB	
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, SUB	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	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, SUB -	
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,	

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		PTO, PPL, SUB	
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, SUB	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, SUB	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord,	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
		PTO, PPL, SUB	
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, SUB	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, SUB	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord,	

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		PTO, PPL, SUB	
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, ,SUB	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, ,SUB	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DFC, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord,	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
		PTO, PPLSUB,	
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, SUB	
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, SUB	
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,	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PTO, PPL <sub>2</sub> <a href="#">SUB</a>	
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 <sub>2</sub> <a href="#">SUB</a>	
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 <sub>2</sub> <a href="#">SUB</a>	
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,	



## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PTO, PPL <sub>2</sub> <a href="#">SUB</a>	
s 73	Power to decide to grant amendment subject to conditions	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL <sub>2</sub> <a href="#">SUB</a>	
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 <sub>2</sub> <a href="#">SUB</a>	
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,	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PTO, PPL <sub>2</sub> <b>SUB</b>	
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 <sub>2</sub> <b>SUB</b>	
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 <sub>2</sub> <b>SUB</b>	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,	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

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PTO, PPL <sub>2</sub> <a href="#">SUB</a>	
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 <sub>2</sub> <a href="#">SUB</a>	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 Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL <sub>2</sub> <a href="#">SUB</a>	
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,	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PTO, PPL <sub>2</sub> <a href="#">SUB</a>	
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 <sub>2</sub> <a href="#">SUB</a>	
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 <sub>2</sub> <a href="#">SUB</a>	
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,	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PTO, PPL <sub>u</sub> <a href="#">SUB</a>	
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 <sub>u</sub> <a href="#">SUB</a>	
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 <sub>u</sub> <a href="#">SUB</a>	
s 84AB	Power to agree to confining a review by the Tribunal	Stat Plan Coord, DFC, MPBS	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Plan Off, MPBS, Strat Plan Coord, PTO, PPL <sub>2</sub> <a href="#">SUB</a>	
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 <sub>2</sub> <a href="#">SUB</a>	
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 <sub>2</sub> <a href="#">SUB</a>	
s 91(2)	Duty to comply with the directions of VCAT	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Plan Coord, PTO, PPL <sub>2</sub> <a href="#">SUB</a>	
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 <sub>2</sub> <a href="#">SUB</a>	
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 <sub>2</sub> <a href="#">SUB</a>	
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,	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PTO, PPL <sub>2</sub> <b>SUB</b>	
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 <sub>2</sub> <b>SUB</b>	
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 <sub>2</sub> <b>SUB</b>	
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,	



## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PTO, PPL <sub>2</sub> <b>SUB</b>	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL <sub>2</sub> <b>SUB</b>	
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 <sub>2</sub> <b>SUB</b>	
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,	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PTO, PPL <sub>2</sub> <a href="#">SUB</a>	
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 <sub>2</sub> <a href="#">SUB</a>	
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 <sub>2</sub> <a href="#">SUB</a>	
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,	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PTO, PPL <sub>2</sub> <b>SUB</b>	
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 <sub>2</sub> <b>SUB</b>	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DFC, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL <sub>2</sub> <b>SUB</b>	
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	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	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 <sub>2</sub> <a href="#">SUB</a>	
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 <sub>2</sub> <a href="#">SUB</a>	
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 <sub>2</sub> <a href="#">SUB</a>	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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, <a href="#">SUB</a>	
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, <a href="#">SUB</a>	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	DFC	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord,	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PTO, PPL, <b>SUB</b>	
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, <b>SUB</b>	
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, <b>SUB</b>	
s 97Q(4)	Duty to comply with directions of VCAT	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, 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, MCHSafety, Strat Plan Coord, PTO, PPL_ <b>SUB</b>	
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_ <b>SUB</b>	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL_ <b>SUB</b>	
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	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Off, MPBS, Strat Plan Coord, PTO, PPL, <b>SUB</b>	
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, <b>SUB</b>	
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	



## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Coord, PTO, PPL, <b>SUB</b>	
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, <b>SUB</b>	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord, 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, <b>SUB</b>	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, PTO, PPL, <a href="#">SUB</a>	
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, <a href="#">SUB</a>	
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	B&PCC, Stat Plan Coord,	Section 123 of the Victorian Civil and Administrative Tribunal Act

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	injunction restraining any person from contravening an enforcement order or an interim enforcement order.	DFC, MBS, CCSafe, MPBS, MCHSafety, Strat Plan Coord, PPL	1998 applies on an application to the Tribunal.
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, <b>SUB</b>	
s 130(5)	Power to allow person served with an infringement notice further time	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, PTO, PPL, <b>SUB</b>	
s 149A(1)	Power to refer a matter to the VCAT for determination	B&PCC, Sen Strat Plan Off, Strat Plan Off,	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, PTO, PPL, <b>SUB</b>	
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	Where Council is the relevant planning authority

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Coord, PTO, PPL, <b>SUB</b>	
s 171(2)(f)	Power to carry out studies and commission reports	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, PTO, PPL, <b>SUB</b>	
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, <b>SUB</b>	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is	CEO	Where Council is a collecting agency specified in an approved infrastructure contributions plan

## South Gippsland Shire Council

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

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	consent of Council or Responsible Authority	Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, PTO, PPL, <b>SUB</b>	
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	
s 178A(5)	Power to propose to amend or end an agreement	CP, DFC, MPBS	

## South Gippsland Shire Council

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 178B(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	
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



## South Gippsland Shire Council

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

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	MIP, CP, DFC, MPBS	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	No delegate	Chief Executive Officer
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	MIP, CP, DFC, MPBS	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	MIP, CP, DFC, MPBS	
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	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Coord, PTO, PPL, <b>SUB</b>	
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, <b>SUB</b>	
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, <b>SUB</b>	
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,	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		PBAO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, PTO, PPL, <a href="#">SUB</a>	
s 182	Power to enforce an agreement	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, PTO, PPL, <a href="#">SUB</a>	
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, <a href="#">SUB</a>	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	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, <a href="#">SUB</a>	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, PTO, PPL, <a href="#">SUB</a>	
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,	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Strat Plan Coord, PTO, PPL, <b>SUB</b>	
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, <b>SUB</b>	
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, Strat Plan Coord, PTO, PPL, <b>SUB</b>	
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	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, PTO, PPL, <b>SUB</b>	
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, <b>SUB</b>	
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,	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Strat Plan Coord, PTO, PPL, <b>SUB</b>	
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, <b>SUB</b>	
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, Strat Plan Coord, PTO, PPL, <b>SUB</b>	
	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	



## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, PTO, PPL, <b>SUB</b>	
	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, <b>SUB</b>	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCHSafety, Strat Plan Coord, PTO, PPL, <b>SUB</b>	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Power to give written authorisation in accordance with a provision of a planning scheme	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, <a href="#">SUB</a>	
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, <a href="#">SUB</a>	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, PLA, Sen Stat Plan Off, MPBS, MCHSafety,	

## South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Strat Plan Coord, PTO, PPL, <b>SUB</b>	

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
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	

## South Gippsland Shire Council

<b>Residential Tenancies Act 1997</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 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	

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

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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 transport	MIP, DSI, MIM	

## South Gippsland Shire Council

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 15(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
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

## South Gippsland Shire Council

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

## South Gippsland Shire Council

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 22(2)	Function of commenting on proposed direction	MIP, DSI, MIM	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	MIP, DSI, MIM	
s 22(5)	Duty to give effect to a direction under s 22	MIP, DSI, MIM	
s 40(1)	Duty to inspect, maintain and repair a public road.	MIP, DSI, MIM	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	MIP, DSI, MIM	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	MIP, DSI, MIM	
s 42(1)	Power to declare a public road as a controlled access road	MIP, DSI, MIM	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	MIP, DSI, MIM	Power of coordinating road authority and sch 2 also applies



## South Gippsland Shire Council

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	DSI, MIM	Where Council is the coordinating road authority  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
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	

## South Gippsland Shire Council

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	MIP, DSI, MIM	
s 54(2)	Duty to give notice of proposal to make a road management plan	MIP, DSI, MIM	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	MIP, DSI, MIM	
s 54(6)	Power to amend road management plan	MIP, DSI, MIM	
s 54(7)	Duty to incorporate the amendments into the road management plan	MIP, DSI, MIM	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	MIP, DSI, MIM	
s 63(1)	Power to consent to conduct of works on road	MIP, DSI, MIM	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	MIP, DSI, MIM	Where Council is the infrastructure manager

## South Gippsland Shire Council

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 64(1)	Duty to comply with cl 13 of sch 7	MIP, DSI	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	MIP, DSI, SCSSO, 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, SCSSO, CCSafe	Where Council is the coordinating road authority
s 67(3)	Power to request information	MIP, DSI, SCSSO, CCSafe	Where Council is the coordinating road authority
s 68(2)	Power to request information	MIP, DSI, SCSSO, CCSafe	Where Council is the coordinating road authority
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, SCSSO, MIM, CR&P, MFS, CCSafe, MOS&E	

## South Gippsland Shire Council

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 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, 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	

## South Gippsland Shire Council

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 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	
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 3(2)	Power to amend, revoke or substitute policy about controlled access roads	MIP, DSI, SCSO, CCSafe	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	MIP, DSI, SCSO, CCSafe	

## South Gippsland Shire Council

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
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
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

## South Gippsland Shire Council

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
sch 7 cl 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, SCSSO, 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
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
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

## South Gippsland Shire Council

<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
sch 7 cl 16(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 16(8)	Power to include consents and conditions	MIP, DSI	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	MIP, DSI	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	MIP, DSI	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	MIP, DSI	Where Council is the coordinating road authority



## South Gippsland Shire Council

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

## South Gippsland Shire Council

<b>Planning and Environment Regulations 2015</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	Sen Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL, SUB	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, SUB	
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, SUB	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	Sen Strat Plan Off, Strat Plan Off, Stat Plan	Where Council is not the responsible authority but the

## South Gippsland Shire Council

<b>Planning and Environment Regulations 2015</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	duty to make the document available in accordance with the public availability requirements	Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL, SUB	relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord, PTO, PPL, SUB	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.

<b>Planning and Environment (Fees) Regulations 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	DFC, MPBS	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DFC, MPBS	

## South Gippsland Shire Council

<b>Planning and Environment (Fees) Regulations 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 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	

<b>Road Management (General) Regulations 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 8(1)	Duty to conduct reviews of road management plan	MIP, 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 made (or no amendments for which notice is required)	MIP, MIM	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	MIP, 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	

## South Gippsland Shire Council

<b>Road Management (General) Regulations 2016</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 16(3)	Power to issue permit	MIP, 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
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	

## South Gippsland Shire Council

<b>Road Management (Works and Infrastructure) Regulations 2015</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	MIP, 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:	Strategy & Partnerships
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 member, Vanessa Carson, 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. It will remain in force until such time as Council determines to vary it, or it is revoked by Council's Chief Executive Officer in the event:**
  - a. the officer resigns from Council; or**
  - b. is appointed to a position where this appointment and authorisation is not required or suitable.**

### REPORT

Appointing appropriately qualified officers to make decisions in accordance with enabling legislation contributes to the effective functioning of Council. Authorisations provide powers to officers to administer and enforce any Act, regulations or local laws which relate to the functions and powers of the 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.

A S11A Instrument has been prepared for the new staff member listed below and is presented for adoption. This authorisation will enable the officer to fulfil the required legislative compliance duties inherent in the role.

- Vanessa Carson – Subdivision Officer

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) - Vanessa Carson [2.5.1 - 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 -

**Vanessa Carson**

**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 19 February 2025.

**Allison Jones  
Interim Chief Executive Officer  
South Gippsland Shire Council**

**Date:**

## 2.6. SUMMARY OF STRATEGIC BRIEFINGS - 22 NOVEMBER 2024 TO 18 DECEMBER 2024

Directorate:	Strategy & Partnerships
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 22 November and 18 December 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
<b>Wednesday 27 November 2024</b>	
<b>Integrated Planning Workshop</b>	<p><b>Councillor Attending</b> Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p><b>Conflict of Interest:</b> Nil</p>
<b>Thursday 28 November 2024</b>	
<p><b>Councillor Transition Program</b> - Council Department Overviews - Media &amp; Social Media Training</p>	<p><b>Councillor Attending</b> Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p><b>Conflict of Interest:</b> Nil</p>

Meeting Title	Details
<p>- Emerging Industries Update</p>	
<p><b>Wednesday 4 December 2024</b></p>	
<p><b>2024/25 Community Grants – Round 1</b></p>	<p><b>Councillor Attending</b>            Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p><b>Conflict of Interest:</b>            Cr Nathan Hersey            Cr Bron Beach</p>
<p><b>Domestic Animal Management Plan</b></p>	<p><b>Councillor Attending</b>            Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p><b>Conflict of Interest:</b>            Nil</p>
<p><b>Monthly Planning Briefing Update</b></p>	<p><b>Councillor Attending</b>            Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p><b>Conflict of Interest:</b>            Nil</p>
<p><b>Thursday 5 December 2024</b></p>	
<p><b>Councillor Transition Program</b>            { <b>Financial &amp; Asset Management</b>            { <b>Diversity , Equity &amp; Inclusion</b></p>	<p><b>Councillor Attending</b>            Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p><b>Conflict of Interest:</b>            Nil</p>

Meeting Title	Details
<b>Wednesday 11 December 2024</b>	
<b>Community Recreation</b>	<p><b>Councillor Attending</b>            Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p><b>Conflict of Interest:</b>            Nil</p>
<b>Pools &amp; Aquatic Strategy Update</b>	<p><b>Councillor Attending</b>            Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p><b>Conflict of Interest:</b>            Nil</p>
<b>Leongatha Memorial Hall Precinct Feasibility Study Update</b>	<p><b>Councillor Attending</b>            Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p><b>Conflict of Interest:</b>            Nil</p>
<b>Thursday 12 December 2024</b>	
<b>Integrated Planning Workshop</b>	<p><b>Councillor Attending</b>            Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p><b>Conflict of Interest:</b>            Nil</p>
<p><b>Councillor Transition Program</b>            { <b>Communicating with Impact</b></p>	<p><b>Councillor Attending</b>            Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p><b>Conflict of Interest:</b>            Nil</p>

Meeting Title	Details
<b>Wednesday 18 December 2024</b>	
<b>Sustainable Infrastructure Bus Tour</b>	<p><b>Councillor Attending</b>            Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p><b>Conflict of Interest:</b>            Cr Clare Williams</p>

**STAFF DISCLOSURE**

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

**ATTACHMENTS**

Nil

**REFERENCE DOCUMENTS**

**Council’s Good Governance Framework**

Pillar 3. Decision Making

**Council Policy / Strategy / Plans**

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

Governance Rules (C82)

Public Transparency Policy (C75)

**Legislative Provisions**

Local Government Act 2020

## 2.7. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 NOVEMBER 2024 -12 JANUARY 2025

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 13 November 2024 to 12 January 2025. 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;
- Contracts varied or extended by the CEO which exceeded the CEO's delegation;

### RECOMMENDATION

1. 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 November 2024 to 12 January 2025.

1. 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 November 2024 to 12 January 2025.

1. 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 November 2024 to 12 January 2025.
  - a. CON/338 for the Provision of Food and Garden Organics Processing Services awarded to Pinegro Pty Ltd, signed by the CEO 20 December 2024
2. Contracts awarded after a public tender process within the CEO's delegation between 13 November 2024 to 12 January 2025.
  - a. CON/406 for the Geographical Information Replacement System was awarded to The Trustee of Chartis Technology Trust, trading as Chartis Technology, signed by the CEO 13 November 2024.
3. Contract variations approved by the CEO between 13 November 2024 to 12 January 2025.
  - a. CON/369 for the Construction of Cell 5 (Stage 1) at Koonwarra Landfill was awarded to Goldsmith Civil and Environmental Pty Ltd on 20 September 2023. A variation (No. 12) is now recommended to allow for unanticipated condition treatments and to complete the project without delay. Signed by CEO, after consultation with the Mayor, on 12 December 2024.
4. Contract extensions approved by the CEO 13 November 2024 to 12 January 2025.
  - 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



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

#### **3.1. NOTICE OF MOTION 726 - CR HERSEY - EMERGENCY SERVICES AND VOLUNTEERS FUND**

Councillor Nathan Hersey has submitted a Notice of Motion to the CEO for Consideration by Council.

#### **MOTION**

##### **That South Gippsland Shire Council**

- 1. Write to the Premier of Victoria, the Treasurer of Victoria, the Victorian Minister for Local Government and to our local Victorian Parliamentary representatives to formally object to Council collecting the increased emergency services tax, the Emergency Services and Volunteers Fund, on behalf of the State Government, on the basis that the;**
  - a. Victorian Government should be utilising the State Revenue Office, who are best placed to collect the new tax.**
  - b. Victorian Government has not adequately engaged or consulted with Local Government regarding the introduction of a tax that will be administered by Local Government and entirely passed to the State Government.**
  - c. Emergency Services and Volunteers Fund represents a state tax reform and a doubling of the levy, which will unfairly impact regional ratepayers, particularly Victorian farmers.**
  - d. Our agricultural producers will carry a disproportionate burden due to this Fund, noting South Gippsland Shire has the most agricultural businesses of any local government area in Victoria as one of State's key food bowls.**
  - e. Administrative burden will be too great, particularly for regional and rural Councils, necessitating system upgrades and reconfiguration to raise a Victorian Government tax, and will significantly impact Council staff who will need to manage the calls from ratepayers requesting assistance and experiencing bill shock due to the doubling of a State Tax.**
- 2. That a further report be prepared for Council which examines;**
  - a. The challenges for South Gippsland in administering this tax, the impact on our ratepayers and outlines options for revising the Rates & Charges Financial Policy (C53) to ensure that payments are applied to current rates charges first, before addressing any overdue charges for the Emergency Services and Volunteers Fund, and**

- b. If the State continues to add force local government to collect taxes that are the responsibility of the State, the report outlines options to clearly explain to and inform our rate payers of what is a Council charge and what is a State Government charge or tax.**

#### **ATTACHMENTS**

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 – Arts Advisory Committee - Appointment, 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;**
2. **Per s.3(1)(g) Agenda item 9.2 – Award Contract CON/419 Fish Creek Streetscape, designated as private commercial information,,**
  - a. **being information provided by a business, commercial or financial undertaking that –**
    - i. **Relates to trade secrets; or**
    - ii. **If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and**
  - b. **The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractors tender information submitted for consideration.**





## **8. MEETING CLOSED**

### **NEXT MEETING**

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