

What is a Section 223 (S223) submission process?



South Gippsland
Shire Council

Certain decisions of Council are required to be considered according to a formal statutory process under section 223 of the Local Government Act 1989. The process is often referred to as a 'S223 submission process' and is applied to any of the following decisions that Council may make:

- Review of Mayoral and Councillor allowances
- Making of a local law
- Proposed Council Plan
- Proposed adjustment to Council Plan relating to certain matters
- Proposal contained in budget
- Proposal contained in revised budget
- Decision to change system of valuation
- Proposal to make declaration of a special rate or charge
- Proposal to vary special rate or charge in certain circumstances
- Granting of rebate or concession on rate or charge
- Proposed sale or exchange of land
- Proposed lease of land
- Proposed use of land for another purpose
- Proposal by Council to enter into regional library agreement
- Proposal by regional library to amend regional library agreement
- Proposal to undertake work to concentrate / divert drainage
- Proposed notice to owner / occupier to carry out drainage works
- Declaration of road as a public highway
- Declaration of road to be open to public traffic
- A person may make a submission on the proposed

exercise of any power under certain clauses in the Act.

- Fixing and altering the level of road
- Deviation of road through certain land
- Discontinuance of road and sale, transfer or retention
- Fixing alignment of road
- Narrowing or widening of road
- Placing obstructions / barriers on road permanently
- Placing obstructions / barriers on road temporarily for genuine traffic diversion experiments
- Declaration of road to be a shopping mall
- Restriction of road to vehicles of a certain size / weight

The above list is current as at March 2017, the definitive list is provided in the Act itself.

How do I find out about making a submission?

Council will advertise in the local media and on the 'Documents on Public Exhibition' page on the website, when submissions are being sought. The notices will contain details on what Council is proposing to do, including the date by which submissions must be received by Council.

What happens after I make a submission?

Council will send a communication (e.g. letter or email) acknowledging receipt of your submission, the letter will also confirm your intention to speak in support of your submission.

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What is the process for considering a submission?

Council or a Special Committee appointed by Council is appointed to hear, consider and determine submissions. The following steps are taken when considering a 's.223 submission process':

1. Council resolve to place the proposal on public exhibition.
2. A public notice is placed in the local papers and on Council's website inviting submissions.
3. Full Council or a Special Committee appointed by Council hear submitters who have indicated in their submission that they wish to be heard in support of their submission.
4. Full Council or a Special Committee appointed by Council consider and decide on the outcome of submissions.
5. Each submitter will be notified of the meeting at which the decision on the proposal is to be considered. Following this meeting each submitter will be notified of the decision and the reason.

Hearing of Submissions

Any person lodging a Submission may request to be heard in support of their submission, or be represented by a person specified in the submission. This must be requested in your written submission.

Generally, the Hearing of Submissions will be held in an open forum where members of the public and the media may be in attendance.