

7.4.2 REVIEW OF APPOINTMENT AND AUTHORISATION UNDER THE PLANNING & ENVIRONMENT ACT 1987

Responsible Manager:	Amanda Sapolu, Manager Corporate Governance & Legal
Responsible Director:	Jarrod Doake, Director City Services

RECOMMENDATION

In the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, Monash City Council (Council) resolves that

1. The members of Council staff referred to in the Instrument attached be appointed and authorised as set out in the Instrument.
2. The Instrument comes into force immediately after the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.
3. The Instrument be sealed.

INTRODUCTION

This report seeks to update the formal appointment of Council officers as Authorised Officers pursuant to section 147(4) of the *Planning and Environment Act 1987* (the Act).

COUNCIL PLAN STRATEGIC OBJECTIVES

Good Governance

Maintain the highest standards of good governance.

BACKGROUND

Instruments of Appointment and Authorisation permit relevant officers to exercise the powers granted by legislation or local laws. This particular instrument has been prepared based on advice from the Maddocks Authorisations and Delegations Service. It arises from powers delegated to Council from the Act, which cannot be further subdelegated by the Chief Executive Officer. Notably, the Act explicitly states that only Council has the authority to appoint an 'officer or employee' as an authorised officer. This limitation necessitates a formal resolution of Council.

Furthermore, provision has been made to empower Senior Planning officers to initiate proceedings on behalf of Council, as outlined in section 313 of the *Local Government Act 2020*.

DISCUSSION

This report is being presented to Council due to the onboarding of additional officers within the division who require powers to carry out their duties as mandated by the Act.

These powers include issuing planning certificates, serving a planning infringement notice and power to enter land under the *Planning and Environment Act 1987*, as well as instituting proceedings under the *Local Government Act 2020*.

Councils can delegate tasks to officers with relevant expertise, ensuring that decisions are well-informed and aligned with community needs.

FINANCIAL IMPLICATIONS

There are no financial implications from the recommendations in this report.

POLICY IMPLICATIONS

There are no policy implications as a result of the recommendation in this report.

CONSULTATION

Community consultation was not required. Internal consultation with the relevant departments was conducted in preparation of the revised instrument.

SOCIAL IMPLICATIONS

These delegations empower local governments to function effectively, respond swiftly, and serve their communities better.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications as a result of the recommendation in this report.

GENDER IMPACT ASSESSMENT

A GIA was not completed because this agenda item is not a 'policy,' 'program' or 'service.'

CONCLUSION

It is recommended that Council adopt the changes to the Instrument attached to ensure Council officers can continue to undertake their regulatory functions in the public interest.

ATTACHMENT LIST

1. s11A Instrument of Appointment and Authorisation - P&E Act General Group for approval 25-06-2024 [7.4.2.1 - 3 pages]
2. s11A Instrument of Appointment and Authorisation - P&E Act Senior Group for approval 25-06-2024 [7.4.2.2 - 3 pages]



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

Monash City Council

Instrument of Appointment and Authorisation

Planner Group



Instrument of Appointment and Authorisation

In this Instrument 'officer' means –

Sylvia Chan	Danielle Loh
Matt Cooper	Jenny Lui
Tiffany Neofitou	Sally Moser
Celia Davey	Victoria Roseanna Oppedisano
Calum Douglas	Anne Maree Roberts
Lisa Groenewegen	Nicolas Rocca
Melissa Hansford	Dianne Stanley
Michaela Harding	Jack Gleeson
Auroa Jin	Natalie Thum
Aileen Lam	

By this Instrument of Appointment and Authorisation Monash City Council –

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act.

It is declared that this Instrument -

- comes into force immediately upon its execution;
- remains in force until
 - varied or revoked;
 - until the officer's employment with Council terminated; or
 - their employment at Council no longer requires them to hold this authorisation.



This Instrument is authorised by a resolution of the Monash City Council made on [insert date].

[insert signature]

[insert seal]

DR ANDI DIAMOND
Chief Executive Officer
Monash City Council

Date: [insert date]



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

Monash City Council

Instrument of Appointment and Authorisation

Senior Planner Group



Instrument of Appointment and Authorisation

In this Instrument 'officer' means –

Mariella Llopart
Dominic McInerney
Peter Panagakos
Catherine Sherwin
Arren Garlinge
James Heitmann
Alexandra Wade
Nikolas Sakolevas

By this Instrument of Appointment and Authorisation Monash City Council –

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers 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 officers 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;
 - until the officer's employment with Council terminated; or
 - their employment at Council no longer requires them to hold this authorisation.



This Instrument is authorised by a resolution of the Monash City Council made on [insert date].

[insert signature]

[insert seal]

DR ANDI DIAMOND
Chief Executive Officer
Monash City Council

Date: [insert date]