

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

Responsible Manager:	Amanda Sapolu, Manager Corporate Governance & Legal
Responsible Director:	Simone Wickes, Director Corporate 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 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 authorisation 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 authorise an 'officer or employee' generally to carry out the duty or function or to exercise the powers under the Act and the regulations made under that Act. 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 generally presented to Council due to the onboarding and removal of officers within the division who require powers to carry out their duties as mandated by the Act.

The Instruments of Authorisation seek to authorise officers to exercise specific powers that are granted to authorised officers. Officers are authorised in accordance with section 147(4) of the Act



and must be authorised generally or in a specific case. The Instruments propose to authorise officers generally to exercise all the powers of authorised officers under this Act.

The powers now specified in the instrument include:

- Issuing planning certificates
- Serving a planning infringement notice
- Entering land under the Act.

as well as instituting proceedings under the Local Government Act 2020.

The Instrument names a group of officers and will be taken to be amended in the case that one officer leaves the employment of council or no longer requires the authorisation. The Instrument can be revoked or otherwise varied by Council.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

CONSULTATION

Community consultation was not required.

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 associated with 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 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 Senior Planner Group [7.3.4.1 - 2 pages]
2. s11A Instrument of Appointment and Authorisation General Planner Group [7.3.4.2 - 2 pages]



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

Monash City Council

Instrument of Authorisation

Senior Planner Group



Instrument of Authorisation

In this Instrument 'officer' means –

Alexandra Wade
Arren Garlinge
Dominic McInerney
James Heitmann

Kaitlyn Zeeck
Mariella Llopart
Nikolas Sakolevas
Peter Panagakos

By this Instrument of Authorisation Monash City Council –

1. under s 147(4) of the *Planning and Environment Act 1987* - authorises the officers generally to carry out the duty or function or to exercise the powers under the *Planning and Environment Act 1987* and the regulations made under that Act: in particular
 - 1.1. the power to serve a planning infringement notice: section 130;
 - 1.2. the power to enter land: section 133
 - 1.3. the power to take any action, after entering land, that is necessary to find out if any person has contravened the PE Act, the regulations, a planning scheme, a permit condition, an enforcement order or a section 173 agreement: section 135; 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;
- is amended by the deletion of an individual officer's name, where:
 - the officer's employment with Council is terminated; or
 - the officer's 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 Authorisation
(Planning and Environment Act 1987)**

Monash City Council

Instrument of Authorisation

General Planner Group



Instrument of Authorisation

In this Instrument 'officer' means –

Aileen Lam	Jonathan Koura
Anne Maree Roberts	Jordan Lambeski
Arren Garlinge	Lisa Groenewegen
Auroa Jin	Melissa Hansford
Calum Douglas	Michaela Harding
Celia Davey	Natalie Thum
Danielle Loh	Sally Moser
Dianne Stanley	Sylvia Chan
Jack Gleeson	Tiffany Neofitou
Jenny Lui	Victoria Roseanna Oppedisano

By this Instrument of Authorisation Monash City Council –

1. under s 147(4) of the *Planning and Environment Act 1987* - authorises the officer generally to carry out the duty or function or to exercise the powers under the *Planning and Environment Act 1987* and the regulations made under that Act: in particular
 - 1.1. the power to enter land: section 133
 - 1.2. the power to take any action, after entering land, that is necessary to find out if any person has contravened the PE Act, the regulations, a planning scheme, a permit condition, an enforcement order or a section 173 agreement: section 135.

It is declared that this Instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked;
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 - the officer's employment with Council is terminated; or
 - the officer's 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]