

**1.4 INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987**

PP:CS

Responsible Director: Peter Panagakos

**RECOMMENDATION**

*That in the exercise of the powers conferred by Section 147(4) of the Planning and Environment Act 1987, Monash City Council resolves that:*

- 1. The members of Council staff referred to in the Instrument of Appointment and Authorisation at Attachment 1 be appointed and authorised as set out in the Instrument.*
- 2. The Instrument of Appointment and Authorisation 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, or until the Authorised Officer ceases to be a member of Council staff.*
- 3. The Instrument of Appointment and Authorisation be signed and sealed.*
- 4. That the authorisations of Natasha Swan and Fiona Johnstone be rescinded.*

**INTRODUCTION**

This report is submitted to provide for authorisations from Council to staff to act as Authorised Officers under the Planning and Environment Act 1987.

This report also recommends rescinding two previous authorisations of staff that have since left Council.

**KEY CONSIDERATIONS/ISSUES**

Section 224 of the Local Government Act 1989 provides for the appointment of Authorised Officers for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

The Chief Executive Officer, by authority conferred by instrument of delegation from Council makes these appointments.

Under the Planning and Environment Act 1987, however, Authorised Officers can only be appointed by Council resolution as the Act prohibits delegation

of the power to appoint Authorised Officers under the Act.

As the Authorised Officers involved enforce several other Acts and regulations other than the Planning and Environment Act 1987, Maddocks Lawyers' other general Instrument of Appointment and Authorisation covering these Acts and regulations will continue to operate in tandem with the separate Instrument of Appointment and Authorisation (Planning and Environment Act 1987 only) where Authorised Officers are appointed by Council resolution.

Due to new staff, promotions and departure of staff, the following updated authorisations are recommended:

- Catherine Sherwin     Manager City Planning
- James Heitmann     Team Leader Statutory Planning
- Alexandra Wade     Team Leader Statutory Planning

As a result of staff departure, it is recommended that the authorisations granted to Natasha Swan and Fiona Johnstone be rescinded.

### ***CONCLUSION***

The Instrument of Appointment and Authorisation allows Officers to fulfil their duties and it is recommended that Council endorse the appointment for the Officers listed in Attachment 1. This Authorisation will be revoked should the Officers cease to be a member of Council staff.

It is recommended that authorisations to the Council staff, as recommended in this report, be made by the Council.