

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

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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 Council officers listed in the Schedule to this report be appointed and authorised as Authorised Officers for the purposes of the *Planning and Environment Act 1987*, as set out in the Instrument in attachment 1.
2. The Instrument comes into force immediately after it is signed by the Chief Executive Officer and remains in force until Council determines to vary or revoke it.
3. Any previous authorisations for the officers listed below are revoked:
 - a) Aurora Jin
 - b) Tyson Parsons

INTRODUCTION

This report seeks Council's approval to appoint and authorise Council officers as Authorised Officers under the *Planning and Environment Act 1987* (the Act).

COUNCIL PLAN STRATEGIC OBJECTIVES

A Council with good governance, strong leadership and community involvement in decision making

A Council that provides governance and leadership for the benefit of our community through community engagement, advocacy, decision making and action.

BACKGROUND

Instruments of Appointment and Authorisation permit relevant officers to exercise the powers granted by legislation or local laws. This template of 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.

DISCUSSION

This report is 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 and to address any administrative amendments. The Instrument also updates the authorisations of existing officers to align with the current Instrument template.

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.

SCHEDULE- AUTHORISED OFFICERS

Name	Position
Claire O’Garey	Statutory Planner
Kiara Martin	Student Planner
Kirmin Sidhu	Statutory Planner

FINANCIAL IMPLICATIONS

There are no financial implications to this report.

POLICY IMPLICATIONS

There are no policy implications to this report.

CONSULTATION

Community consultation was not required.

SOCIAL IMPLICATIONS

There are no social implications to this report.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications to 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 adopts the recommendation to ensure Council officers can continue to undertake their regulatory functions in the public interest.

ATTACHMENT LIST

1. s11A Instrument of Appointment and Authorisation General Planner- Template [**7.3.5.1** - 2 pages]



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

Monash City Council

Instrument of Authorisation

General Planner



Instrument of Authorisation

In this Instrument 'officer' means –

Insert name

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 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.

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]

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DR ANDI DIAMOND
Chief Executive Officer
Monash City Council

[insert date]