

8 APPOINTMENT OF AUTHORISED OFFICERS UNDER PLANNING AND ENVIRONMENT ACT 1987

FILE REFERENCE INT1952070

RESPONSIBLE GENERAL MANAGER Peter Benazic

AUTHOR Owen Hardidge

RECOMMENDATION

That the Council resolve to appoint the persons named in this resolution as Authorised Officers for the purpose of enforcement of the Planning and Environment Act 1987, and that the Council Seal be affixed to the instruments of appointment attached to this report:

- a) Mr Troy Ledbury
- b) Mr David Au
- c) Mr Kelly Richards
- d) Ms Selina Morley

Attachments

1 Instruments of Appointment 4 Pages

EXECUTIVE SUMMARY

It is necessary for Council to directly appoint persons as "Authorised Officers" for the purpose of enforcing the Planning and Environment Act 1987.

By doing so, Council ensures that it has the capacity to investigate and enforce the Cardinia Shire Planning Scheme, planning permits and agreements entered between Council and permit applicants.

BACKGROUND

Part 6 of the Planning and Environment Act 1987 ("the Act) provides for enforcement of planning schemes, planning permits and agreements entered in accordance with Section 173 of the Act.

Investigative powers are vested in individuals appointed as "Authorised Officers", such as the power to enter land, apply for an enforcement order, and file a charge and summons. Most regulatory legislation follows a similar "authorisation" process.

Unlike other Acts, the Planning and Environment Act requires Council to directly appoint officers by resolution (rather than delegate the power of appointment to the Chief Executive Officer).

The proposed resolution will appoint the specified officers for this purpose..

The persons referred to in the resolution are either members of the Compliance Services team (who directly investigate Planning and Environment Act breaches) or members of the Building, Environmental Health and Prosecutions teams, whose work frequently overlaps with that of the

Compliance Services team. All staff are employees, or direct employees of Kernow Environmental Services.

POLICY IMPLICATIONS

The authorisation of officers for this purpose is consistent with previous Council policy and practice.

RELEVANCE TO COUNCIL PLAN

Nil

CONSULTATION/COMMUNICATION

Public consultation is not required or appropriate in respect of this resolution.

FINANCIAL AND RESOURCE IMPLICATIONS

The proposed resolution has no financial or resource implications.

CONCLUSION

It is recommended that the Council resolve to appoint the designated officers referred to above and the Council Seal be affixed to the instruments of appointment.

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

In this instrument "**officer**" means -

Mr Troy LEDBURY

By this instrument of appointment and authorisation Cardinia Shire Council -

1. under section 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 section 232 of the *Local Government Act 1989* authorises the officers generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Cardinia Shire Council on 19 August 2019.

**The common seal of Cardinia Shire
Council was hereto affixed in the
presence of:**

Councillor

Chief Executive Officer

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

In this instrument "**officer**" means -

Mr David AU

By this instrument of appointment and authorisation Cardinia Shire Council -

1. under section 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
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**Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)**

In this instrument "**officer**" means -

Mr Kelly RICHARDS

By this instrument of appointment and authorisation Cardinia Shire Council -

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Instrument of Appointment and Authorisation

(Planning and Environment Act 1987)

In this instrument "officer" means -

Ms Selina MORLEY

By this instrument of appointment and authorisation Cardinia Shire Council -

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