

6.2.3 Appointment of Planning Enforcement Authorised Officers

Responsible GM: Peter Benazic
Author: Owen Hardidge

Recommendation(s)

That Council resolve to appoint Mr Andrew Webb, Ms Mia Lindblom, Ms Emma Marsh and Ms Collette Belmuda 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.

Attachments

1. Planning and Environment Act Council Instrument - Andrew WEBB Feb 2021 [6.2.3.1 - 1 page]
2. Planning and Environment Act Council Instrument - Collette BELMUDA Feb 2021 [6.2.3.2 - 1 page]
3. Planning and Environment Act Council Instrument - Emma MARSH Feb 2021 [6.2.3.3 - 1 page]
4. Planning and Environment Act Council Instrument - Mia LINDBLOM Feb 2021 [6.2.3.4 - 1 page]

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 4 new permanent employees:

- Mr Andrew Webb (Deputy Municipal Building Surveyor)
- Ms Collette Belmuda (Planning Enforcement Officer)
- Ms Mia Lindblom (Senior Compliance Services Officer)
- Ms Emma Marsh (Compliance Services Officer)

Policy Implications

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

Relevance to Council Plan

Nil.

Climate Emergency Consideration

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 four staff members 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 Andrew WEBB

By this instrument of appointment and authorisation Cardinia Shire Council -

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer/s to be authorised officer/s 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 officer/s 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 15th February 2021.

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

Councillor

Chief Executive Officer

Date:

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

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

Ms Collette BELMUDA

By this instrument of appointment and authorisation Cardinia Shire Council -

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer/s to be authorised officer/s 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 officer/s 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 15th February 2021.

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

Councillor

Chief Executive Officer

Date:

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

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

Ms Emma MARSH

By this instrument of appointment and authorisation Cardinia Shire Council -

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer/s to be authorised officer/s 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 officer/s generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

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This instrument is authorised by a resolution of the Cardinia Shire Council on 15th February 2021.

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

Councillor

Chief Executive Officer

Date:

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

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

Ms Mia LINDBLOM

By this instrument of appointment and authorisation Cardinia Shire Council -

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer/s to be authorised officer/s 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 officer/s generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

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Date: