

## **6 APPOINTMENT OF AUTHORISED OFFICERS UNDER PLANNING AND ENVIRONMENT ACT 1987**

FILE REFERENCE INT1838544

RESPONSIBLE GENERAL MANAGER Andrew Paxton

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) Ms Debbie Tyson
- b) Mr Shannon Maynard
- c) Mr Jack Alford
- d) Ms Samantha McMahon
- e) Ms Cassie Lukies
- f) Mr Jason Tiso
- g) Ms Jessica Azzopardi
- h) Ms Nicola Millward
- i) Mr Darryl McKean
- j) Mr Aditya Moond
- k) Mr Ashley Reed
- l) Ms Cara Moody
- m) Mr Owen Hardidge
- n) Ms Linda Ross
- o) Mr Glenn Howard
- p) Mr Dane Gade
- q) Ms Debbie Gorgorinis
- r) Mr Ajeet Ringe
- s) Mr Andre Brewer
- t) Mr Ben Essing
- u) Mr Jessie Jones
- v) Mr Mark Basilios
- w) Ms Jessica Freund

### **Attachments**

1 [↓](#) Instruments of appointment 23 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 renew the instruments of appointment for the specified officers.

The persons referred to in the resolution are members of the Compliance Services team (who directly investigate Planning and Environment Act breaches) and 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 -

Ms Debbie Tyson

**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 18<sup>th</sup> June 2018.

**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 -

Mr Shannon Maynard

**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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**Chief Executive Officer**

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

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

Mr Jack Alford

**By this instrument of appointment and authorisation** Cardinia Shire Council -

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**Chief Executive Officer**

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

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

Ms Samantha McMahon

**By this instrument of appointment and authorisation** Cardinia Shire Council -

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**Instrument of Appointment and Authorisation  
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In this instrument "**officer**" means -

Ms Cassie Lukies

**By this instrument of appointment and authorisation** Cardinia Shire Council -

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**Instrument of Appointment and Authorisation  
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In this instrument "**officer**" means -

Mr Jason Tiso

**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 Jessica Azzopardi

**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 Nicola Millward

**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 -

Mr Darryl McKean

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

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

Mr Aditya Moond

**By this instrument of appointment and authorisation** Cardinia Shire Council -

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**Instrument of Appointment and Authorisation  
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In this instrument "**officer**" means -

Ms Ashley Reed

**By this instrument of appointment and authorisation** Cardinia Shire Council -

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**Instrument of Appointment and Authorisation  
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Ms Cara Moody

**By this instrument of appointment and authorisation** Cardinia Shire Council -

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Ms Jessica Freund

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**Instrument of Appointment and Authorisation  
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Ms Linda Ross

**By this instrument of appointment and authorisation** Cardinia Shire Council -

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

Mr Glenn Howard

**By this instrument of appointment and authorisation** Cardinia Shire Council -

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Mr Dane Gade

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Ms Debbie Gorgorinis

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

Mr Ajeet Ringe

**By this instrument of appointment and authorisation** Cardinia Shire Council -

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Mr Andre Brewer

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Mr Ben Essing

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

Mr Jessie Jones

**By this instrument of appointment and authorisation** Cardinia Shire Council -

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Mr Mark Basilios

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## GENERAL REPORTS

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