

7.6 Revised Instruments of Appointment and Authorisation (Statutory Planning)

Abstract

The appointment of authorised officers enables appropriate staff within the organisation to administer and enforce various Acts, regulations or local laws in accordance with the powers granted to them under legislation or a local law.

Instruments of Appointment and Authorisation are prepared based on advice from the Maddocks Authorisations and Delegations Service.

Whilst the appointment and authorisation of authorised officers under other relevant legislation is done by the Chief Executive Officer under delegation, Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* be authorised by Council resolution.

Officers' recommendation

That Council resolve, in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and section 147(4) of the *Planning and Environment Act 1987*, that:

1. The members of Council staff referred to in the Instrument of Appointment and Authorisation (Attachment 1 as annexed to the minutes) be appointed and authorised as set out in the Instrument.
2. The Instrument comes into force immediately once the common seal of Council is affixed to the Instrument, and remains in force until Council determines to vary or revoke it.
3. The Instrument of Appointment and Authorisation be sealed.

**Responsible manager: Krysten Forte
Governance**

1. Purpose

The purpose of this report is for Council to consider executing an Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987*.

2. Policy implications and relevance to community plan and council plan

An Instrument of Appointment and Authorisation relates to Priority Theme 7: Civic Leadership and Governance in the Boroondara Community Plan 2017-2021.

An Instrument of Appointment and Authorisation is also consistent with Strategic objective 7: Ensure that ethical, financial and socially responsible decision making reflects community needs and is based on principles of accountability, transparency, responsiveness and consultation.

The appointment of authorised officers is a purely administrative exercise.

3. Background

Instruments of Appointment and Authorisation empower relevant staff to exercise the powers granted to authorised officers by legislation or a local law.

The Instruments of Appointment and Authorisation prepared for Council's consideration are based on advice from the Maddocks Authorisations and Delegations Service.

Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* be authorised by Council resolution and that Instruments of Appointment and Authorisation be refreshed on a regular basis. The instruments are reviewed by Governance as required to ensure they are up to date. The previous review occurred in November 2018.

4. Outline of key issues/options

The Instrument presented to Council is for the appointment and authorisation of staff from the Statutory Planning Department. A copy of the Instrument is at **Attachment 1**.

5. Consultation/communication

Council subscribes to the Maddocks Authorisations and Delegations Service, and relevant advice has been considered in the preparation of this report.

This Instrument of Appointment and Authorisation has been prepared following feedback from the Statutory Planning Department.

6. Financial and resource implications

The costs to prepare and adopt the Instrument are minimal and met within the current Governance departmental budget.

7. Governance issues

The implications of this report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

The officers responsible for this report have no direct or indirect interests requiring disclosure.

8. Social and environmental issues

There are no social or environmental issues associated with the appointment of authorised officers.

Acting Manager: Krysten Forte, Governance

Report officer: Helen Pavlidis, Governance Projects Officer

Boroondara City Council

Instrument of Appointment and Authorisation

(Planning and Environment Act 1987)

| | |
|---------------------------------|---------------------------------|
| Alexandra San Martin - Hall | Para Planning Officer |
| Andrew McIlveen | Planning Investigations Officer |
| Brendan Rea | Planning Investigations Officer |
| Callum McBride | Statutory Planning Officer |
| Cassandra Rea | Coordinator Statutory Planning |
| Chethanika (Chethi) Abeyasinghe | Administrative Assistant |
| Chiara Lorini | Statutory Planning Officer |
| Christopher Marulli | Student Statutory Planner |
| Craig Murphy | Planning Appeals Coordinator |
| Damian Bu | Statutory Planning Officer |
| Daniela Splitgerber | Statutory Planning Officer |
| Elizabeth Spanjer | Statutory Planning Officer |
| Erin McCarthy | Coordinator Statutory Planning |
| Gregory (Greg) Pocock | Para Planning Officer |
| Gregory (Greg) Stewart | Counter Planner |
| Hanna-Rose Worthington-Currie | Para Planning Officer |
| Hayden Parker | Statutory Planning Officer |
| Ida LaRocca | Para Planning Officer |
| Jessica Nedelkos | Para Planning Officer |
| Jennifer Estrada | Para Planning Officer |
| Jennifer Vincent | Para Planning Officer |
| Jon Harper | Coordinator Statutory Planning |

| | |
|---------------------------------|---------------------------------|
| Joanne Amanda (Mandy) Hollywood | Team Leader Para Planning |
| Julia Mary Baird Smith | Statutory Planning Officer |
| Julie Pham | Statutory Planning Officer |
| Kathy Fletcher | Statutory Planning Officer |
| Katie Johnstone | Senior Statutory Planner |
| Kelly Caporaso | Statutory Planning Officer |
| Leo Bosley | Statutory Planning Officer |
| Lucy Johnson | Senior Statutory Planner |
| Marjorie Kennedy | Coordinator Statutory Planning |
| Michael Burton | Public Notice Officer |
| Nikhil Shah | Counter Planner |
| Roberts Birze | Technical Support Officer |
| Roxanne Kavanagh | Subdivisions Officer |
| Seuna Byrne | Principal Planner |
| Sherman Tang | Statutory Planning Officer |
| Shiran Wickramasinghe | Director City Planning |
| Simon Mitchell | Manager Statutory Planning |
| Simon Quinn | Para Planning Officer |
| Sofia Skliris | Para Planning Officer |
| Stephanie Ng | Senior Statutory Planner |
| Sylvia Georges | Urban Designer |
| Thomas (Tom) Albert | Senior Statutory Planner |
| Timothy Luckin | Statutory Planning Officer |
| Toni Johnson | Para Planning Officer |
| Trevor Saunders | Planning Investigations Officer |
| Yim Yuen | Statutory Planning Officer |

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

In this instrument "officer" means -

| | | | |
|--------------------------------|---------------------------------|------------------------|-----------------------|
| Alexandra San Martin - Hall | Erin McCarthy | Julia Mary Baird Smith | Sherman Tang |
| Andrew McIlveen | Gregory (Greg) Pocock | Julie Pham | Shiran Wickramasinghe |
| Brendan Rea | Gregory (Greg) Stewart | Kathy Fletcher | Simon Mitchell |
| Callum McBride | Hanna-Rose Worthington-Currie | Katie Johnstone | Simon Quinn |
| Cassandra Rea | Hayden Parker | Kelly Caporaso | Sofia Skliris |
| Chethanika (Chethi) Abeysinghe | Ida LaRocca | Leo Bosley | Stephanie Ng |
| Chiara Lorini | Jessica Nedelkos | Lucy Johnson | Sylvia Georges |
| Christopher Marulli | Jennifer Estrada | Marjorie Kennedy | Thomas (Tom) Albert |
| Craig Murphy | Jennifer Vincent | Michael Burton | Timothy Luckin |
| Damian Bu | Jon Harper | Nikhil Shah | Toni Johnson |
| Daniela Splitgerber | Joanne Amanda (Mandy) Hollywood | Roberts Birze | Trevor Saunders |
| Elizabeth Spanjer | | Roxanne Kavanagh | Yim Yuen |
| | | Seuna Byrne | |

By this instrument of appointment and authorisation Boroondara City 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 -

- (a) this instrument comes into force immediately upon its execution and remains in force until varied or revoked;
- (b) this instrument must not be exercised in a manner which is inconsistent with Council's corporate position.
- (c) on the coming into force of this instrument, any previous Instruments of Appointment and Authorisation to the members of Council staff named above are revoked.

This instrument is authorised by a resolution of the **Boroondara City Council** on 23 September 2019.

The Common Seal of the Boroondara City Council was hereunto affixed in the presence of:

..... Chief Executive Officer

..... Councillor

..... Date