

3.7 Revised Instruments of Appointment and Authorisation for Statutory Planners

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: David Thompson
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 September 2019.

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.

Manager: David Thompson, Governance

Report officer: Helen Pavlidis, Governance Projects Officer

Boroondara City Council

Instrument of Appointment and Authorisation

(Planning and Environment Act 1987)

Amaya De Silva	Senior Statutory Planner	Julie Pham	Statutory Planning Officer
Andrew McIlveen	Planning Investigations Officer	Karen Reid	Para Planner
Brendan Rea	Planning Investigations Officer	Kathy Fletcher	Statutory Planning Officer
Calum Schwindt	Student Statutory Planner	Kelly Caporaso	Statutory Planning Officer
Cassandra Rea	Coordinator Statutory Planning	Leo Bosley	Statutory Planning Officer
Chethanika (Chethi) Abeysinghe	Administrative Assistant	Lucy Johnson	Senior Statutory Planner
Chiara Lorini	Statutory Planning Officer	Marjorie Kennedy	Coordinator Statutory Planning
Craig Murphy	Planning Appeals Coordinator	Mathew Mertuszka	Senior Statutory Planner
Damian Bu	Statutory Planning Officer	Michael Burton	Public Notice Officer
Daniela Splitgerber	Statutory Planning Officer	Nikhil Shah	Counter Planner
Elizabeth Spanjer	Statutory Planning Officer	Roberts Birze	Technical Support Officer
Erin McCarthy	Coordinator Statutory Planning	Roxanne Kavanagh	Subdivisions Officer
Gregory (Greg) Pocock	Para Planning Officer	Seuna Byrne	Principal Planner
Gregory (Greg) Stewart	Counter Planner	Sherman Tang	Statutory Planning Officer
Hayden Parker	Statutory Planning Officer	Shiran Wickramasinghe	Director City Planning
Ida LaRocca	Para Planning Officer	Simon Mitchell	Manager Statutory Planning
Jessica Nedelkos	Para Planning Officer	Simon Quinn	Para Planning Officer
Jennifer Estrada	Para Planning Officer	Sofia Skliris	Para Planning Officer
Jennifer Vincent	Para Planning Officer	Stephanie Ng	Senior Statutory Planner
Jon Harper	Coordinator Statutory Planning	Sylvia Georges	Urban Designer
Joanne Amanda (Mandy) Hollywood	Team Leader Para Planning	Thomas (Tom) Albert	Senior Statutory Planner
Julia Mary Baird Smith	Statutory Planning Officer	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 -

Amaya De Silva
Andrew McIlveen
Brendan Rea
Calum Schwindt
Cassandra Rea
Chethanika (Chethi) Abeyasinghe
Chiara Lorini
Craig Murphy
Damian Bu
Daniela Splitgerber
Elizabeth Spanjer
Erin McCarthy

Gregory (Greg) Pocock
Gregory (Greg) Stewart
Hayden Parker
Ida LaRocca
Jessica Nedelkos
Jennifer Estrada
Jennifer Vincent
Jon Harper
Joanne Amanda (Mandy) Hollywood
Julia Mary Baird Smith
Julie Pham

Karen Reid
Kathy Fletcher
Kelly Caporaso
Leo Bosley
Lucy Johnson
Marjorie Kennedy
Mathew Mertuszka
Michael Burton
Nikhil Shah
Roberts Birze
Roxanne Kavanagh
Seuna Byrne
Sherman Tang

Shiran Wickramasinghe
Simon Mitchell
Simon Quinn
Sofia Skliris
Stephanie Ng
Sylvia Georges
Thomas (Tom) Albert
Timothy Luckin
Toni Johnson
Trevor Saunders
Yim Yuen

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 4 May 2020.

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

..... Chief Executive Officer

..... Councillor

..... Date