

7.10 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* (Vic) and the other legislation referred to in the attached Instrument of Appointment and Authorisation, 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 of Appointment and Authorisation 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 director: Phillip Storer, Chief Executive Officer

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 May 2020.

4. Outline of key issues/options

The Instrument presented to Council is for the appointment and authorisation of staff from the Strategic and 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 Strategic and 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 general or material 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, Manager Governance and Legal

Report officer: Elizabeth Manou, Senior Governance Officer

Boroondara City Council

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

Ali Turvey	Para Planning Officer	Julie Lu (Pham)	Statutory Planning Officer
Amaya De Silva	Senior Statutory Planner	Karen Reid	Para Planning Officer
Brendan Rea	Planning Investigations Officer	Kathy Fletcher	Statutory Planning Officer
Calum Schwindt	Statutory Planning Officer	Kelly Caporaso	Statutory Planning Officer
Cassandra Rea	Coordinator Statutory Planning	Lucy Johnson	Statutory Planning Officer
Chiara Lorini	Statutory Planning Officer	Mathew Mertuszka	Senior Statutory Planner
Craig Murphy	Planning Appeals Co-ordinator	Michael Burton	Public Notice Officer
Damian Bu	Statutory Planning Officer	Mridula Krishna	Para Planning Officer
Daniela Splitgerber	Statutory Planning Officer	Nikhil Shal	Statutory Planning Officer
David Barclay	Development Drainage Engineer	Roberts Birze	Technical Support Officer
Elizabeth Spanjer	Statutory Planning Officer	Roxanne Kavanagh	Subdivisions Officer
Erin McCarthy	Coordinator Statutory Planning	Seuna Byrne	Principal Planner
Gregory (Greg) Pocock	Para Planning Officer	Sherman Tang	Statutory Planning Officer
Gregory (Greg) Stewart	Counter Planner	Simon Quinn	Para Planning Officer
Ida LaRocca	Para Planning Officer	Sofia Skliris	Para Planning Officer
Jessica Nedelkos	Para Planning Officer	Stephanie Ng	Senior Statutory Planner/ Acting Coordinator Statutory Planning
Jennifer Estrada	Para Planning Officer	Sylvia Georges	Urban Designer
Jon Harper	Coordinator Statutory Planning	Timothy Luckin	Statutory Planning Officer
Jonathan Welcome	Investigations Officer	Toni Johnson	Para Planning Officer
Joanne Amanda (Mandy) Hollywood	Team Leader Para Planning	Trevor Saunders	Planning Investigations Officer
		Vanessa Kwaczynski	Administration Officer

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

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

Ali Turvey
Amaya De Silva
Brendan Rea
Calum Schwindt
Cassandra Rea
Chiara Lorini
Craig Murphy
Damian Bu
Daniela Splitgerber
David Barclay
Elizabeth Spanjer

Erin McCarthy
Gregory (Greg) Pocock
Gregory (Greg) Stewart
Ida LaRocca
Jessica Nedelkos
Jennifer Estrada
Jon Harper
Jonothan Welcome
Joanne Amanda (Mandy)

Hollywood
Julie Lu (Pham)
Karen Reid
Kathy Fletcher
Kelly Caporaso
Lucy Johnson
Mathew Mertuszka
Michael Burton
Mridula Krishna
Nikhil Shal
Roberts Birze
Roxanne

Kavanagh
Seuna Byrne
Sherman Tang
Simon Quinn
Sofia Skliris
Stephanie Ng
Sylvia Georges
Timothy Luckin
Toni Johnson
Trevor Saunders
Vanessa Kwaczynski

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 313 of the *Local Government Act 2020* 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 August 2021.

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

..... Chief Executive Officer

..... Councillor

..... Date