

7.4 Instruments of Appointment and Authorisation

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.

Council subscribes to the Maddocks Authorisations and Delegations Service and the Instrument of Appointment and Authorisation has been prepared based on current advice by Maddocks.

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

This report is consistent with the strategy within the Council Plan 2017-2021 focused on responsible management and decision making in the delivery of high quality services by capable and professional people, reflecting transparent, accountable and fair practices.

The Instrument of Appointment and Authorisation prepared for Council's consideration also relates to Priority Theme 7: Civic Leadership and Governance under the Boroondara Community Plan 2017-2027.

3. Background

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

Section 224 of the Local Government Act 1989 stipulates that a Council may appoint any person other than a Councillor to be an authorised officer for the purpose of the administration and enforcement of any Act, regulation or a local law which relate to the functions and powers of the Council.

A Council must maintain a register that shows the names of all people appointed by it to be authorised officers.

The Instrument of Appointment and Authorisation prepared for Council's consideration is 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; or at least twice yearly to ensure they are up to date. The previous review occurred in October 2017.

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: Elizabeth Manou, Governance Projects Officer

Boroondara City Council

Instrument of Appointment and Authorisation

(Planning and Environment Act 1987)

Andrea Sparkes	Administrative Assistant
Andrew Kerr	Planning Appeals Co-ordinator
Andrew Gilbert	Public Signs Officer
Andrew McIlveen	Planning Investigations Officer
Brendan Rea	Planning Investigations Officer
Cassandra Rea	Coordinator Statutory Planning
Chiara Lorini	Statutory Planning Officer
Christine Daly	Counter Planner
Christopher Marulli	Student Statutory Planner
Christopher Robert Mullan	Senior Statutory Planner
Damian Bu	Statutory Planning Officer
Damian Laird	Para Planner
Daniela Splitgerber	Statutory Planning Officer
Erin McCarthy	Coordinator Statutory Planning
Fiona Troise	Coordinator Statutory Planning
Gregory (Greg) Pocock	Para Planning Officer
Gregory (Greg) Stewart	Counter Planner
Hanna-Rose Worthington-Currie	Para Planning Officer
Ida LaRocca	Para Planning Officer
Jessica Nedelkos	Para Planning Officer
Jennifer Estrada	Para Planning Officer
Jennifer Vincent	Para Planning Officer
Joseph (Joe) Sevellano	Senior Statutory Planner

Jon Harper	Coordinator Statutory Planning
Joanne Amanda (Mandy) Hollywood	Team Leader Para Planning
Julia Bennett-Mitrovski	Senior Statutory Planner
Julia Mary Baird Smith	Statutory Planning Officer
Julie Pham	Statutory Planning Officer
Kathy Fletcher	Statutory Planning Officer
Katie Johnstone	Statutory Planning Officer
Kelly Caporaso	Statutory Planning Officer
Lucy Johnson	Statutory Planning Officer
Mikaela Carter	Statutory Planning Officer
Roberts Birze	Technical Support Officer
Roxanne Kavanagh	Subdivisions Officer
Seuna Byrne	Principal Planner
Shiran Joseph Aiden Wickramasinghe	Director City Planning
Simon Mitchell	Manager, Statutory Planning
Sofia Skliris	Para Planning Officer
Stephanie Ng	Statutory Planning Officer
Sylvia Georges	Urban Designer
Thomas (Tom) Albert	Statutory Planning Officer
Toni Johnson	Para Planner
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 -

Andrea Sparkes	Erin McCarthy	Joanne Amanda (Mandy) Hollywood	Roxanne Kavanagh
Andrew Kerr	Fiona Troise	Julia Bennett-Mitrovski	Seuna Byrne
Andrew Gilbert	Gregory (Greg) Pocock	Julia Mary Baird Smith	Shiran Joseph Aiden Wickramasinghe
Andrew McIlveen	Gregory (Greg) Stewart	Julie Pham	Simon Mitchell
Brendan Rea	Hanna-Rose Worthington-Currie	Kathy Fletcher	Sofia Skliris
Cassandra Rea	Ida LaRocca	Katie Johnstone	Stephanie Ng
Chiara Lorini	Jessica Nedelkos	Kelly Caporaso	Sylvia Georges
Christine Daly	Jennifer Estrada	Lucy Johnson	Thomas (Tom) Albert
Christopher Marulli	Jennifer Vincent	Mikaela Carter	Toni Johnson
Christopher Robert Mullan	Joseph (Joe) Sevellano	Roberts Birze	Trevor Saunders
Damian Bu	Jon Harper		Yim Yuen
Damian Laird			
Daniela Splitgerber			

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 28 May 2018.

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

..... Chief Executive Officer

..... Councillor

..... Date