

## 6.2.2 Appointment of Authorised Officers under Planning and Environment Act

**Responsible GM:** Debbie Tyson  
**Author:** Owen Hardidge

### Recommendation(s)

That Council resolve to appoint the following staff members as Authorised Officers pursuant to Section 147(4) of the *Planning and Environment Act 1997*, and resolve to attach the Council Seal to the instrument of appointment attached to this report:

- Ms Samantha McMAHON
- Ms Lauren WILBY
- Ms Lisa HURLEY
- Mr Troy LEDBURY
- Ms Kristen GOETZ
- Mr Russell GREY
- Mr Darryl McKEAN
- Mr Ashley REED
- Mr Aditya MOOND
- Mr Ankur KHOSLA
- Mr Tim DREDGE
- Ms Jennifer FALLU
- Mr Peter TRUONG
- Mr Andrew WEBB
- Mr Adrian DOWELL
- Mr David GULENC
- Mr Minh LE
- Mr Nathan JOHNSTON
- Mr Jack ALFORD

### Attachments

1. Planning and Environment Appointment Compliance Building Staff [6.2.2.1 - 1 page]

### Executive Summary

Section 147 (4) of the *Planning and Environment Act 1997* allows Council to appoint staff members to conduct enforcement when breaches of the Cardinia Planning Scheme occur. Council routinely appoints staff members to undertake enforcement, and it is recommended that the named staff members should be so appointed. They will exercise their powers in accordance with the Cardinia Shire Compliance and Enforcement Policy. All investigating officers in Compliance and Building teams are included in the above list, and in some cases are proposed for re-appointment

### Background

When breaches of the Cardinia Planning Scheme are detected, certain investigative powers may be exercised, such as entering land without consent, applying for search warrants, issuing infringements or issuing charge sheets. Only designated appointees may exercise these powers.

Council routinely appoints staff members to undertake enforcement. Typically, the Chief Executive Officer directly appoints staff, but a section 188 (2)(c) of the *Planning and Environment Act* does not allow this function to be delegated to the CEO or to Committees. As such, Council resolutions are required to appoint staff members for this purpose.

The staff members are officers in the Compliance Services, Building and Prosecutions teams, some of whom have recently commenced with Council. Others have previously been appointed as Authorised Officers. In all cases, it is recommended that the authorisation be made. All staff will exercise their powers in accordance with the Cardinia Shire Compliance and Enforcement Policy.

### **Policy Implications**

There are not Policy Implications with this report

### **Relevance to Council Plan**

#### **5.1 We practise responsible leadership**

5.1.1 Build trust through meaningful community engagement and transparent decision-making.

### **Climate Emergency Consideration**

There are no Climate Emergency considerations required as part of this report.

### **Consultation/Communication**

There is no consultation necessary in respect of this resolution

### **Financial and Resource Implications**

There are no financial implications of this resolution. The named staff are existing staff members.

### **Conclusion**

It is recommended that all named staff members be appointed as authorised officers for the purpose of conducting enforcement powers under the *Planning and Environment Act 1997*.

- Ms Samantha McMAHON
- Ms Lauren WILBY
- Ms Lisa HURLEY
- Mr Troy LEDBURY
- Ms Kristen GOETZ
- Mr Russell GREY
- Mr Darryl McKEAN
- Mr Ashley REED
- Mr Aditya MOOND
- Mr Ankur KHOSLA
- Mr Tim DREDGE
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- Mr Adrian DOWELL

- Mr David GULENC
- Mr Minh LE
- Mr Nathan JOHNSTON
- Mr Jack ALFORD

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

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

Ms Samantha McMAHON  
Ms Lauren WILBY  
Ms Lisa HURLEY  
Mr Troy LEDBURY  
Ms Kristen GOETZ  
Mr Russell GREY  
Mr Darryl McKEAN  
Mr Ashley REED  
Mr Aditya MOOND  
Mr Ankur KHOSLA  
Mr Tim DREDGE  
Ms Jennifer FALLU  
Mr Peter TRUONG  
Mr Andrew WEBB  
Mr Adrian DOWELL  
Mr David GULENC  
Mr Minh LE  
Mr Nathan JOHNSTON  
Mr Jack ALFORD

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

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer/s to be authorised officer/s 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 officer/s 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 20<sup>th</sup> February 2023.

**The common seal of Cardinia Shire Council was hereto affixed in the presence of:**

\_\_\_\_\_  
**Councillor**

\_\_\_\_\_  
**Chief Executive Officer**  
**Date:**