

6.2 General Reports

6.2.1 Appointment of Authorised Officers

Responsible GM: Debbie Tyson
Author: Samantha McMahon

Recommendation(s)

In the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, Cardinia Shire Council (Council) RESOLVES THAT –

1. The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument.
2. The instrument comes into force immediately it is signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it.

Attachments

1. Council 18 03 2024 Planning and Environment appointment Compliance staff [6.2.1.1 - 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 Shire 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.

Background

Section 147 (4) of the *Planning and Environment Act 1997* allows Council to appoint staff members to conduct enforcement when breaches of the Cardinia Shire Planning Scheme occur. When breaches of the 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 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 team, two which have recently commenced within the Compliance Services Team the other who will be assisting with high workloads and during periods of leave. In all cases, it is recommended that the authorisations be made.

All staff will exercise their powers in accordance with the Cardinia Shire Compliance and Enforcement Policy.

Policy Implications

There are no Policy Implications with this report

Relevance to Council Plan

5.1 We practise responsible leadership

5.1.3 Strive to be a customer focused organisation and be a great place to work.

5.1.4 Maximise value for our community through efficient service delivery, innovation, strategic partnerships and advocacy.

Climate Emergency Consideration

There are no Climate Emergency considerations.

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 Alannah SHERWEN
- Ms Sarah HODGSON
- Mr Troy LACEY

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

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

- Ms Alannah SHERWEN
- Ms Sarah HODGSON
- Mr Troy LACEY

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 18 March 2024.

Carol Jeffs
Chief Executive officer

Date: