

6.2.5 Appointment of Authorised Officer

Responsible GM: Debbie Tyson
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Recommendation(s)

That Council resolve to appoint the following staff member 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:

- Mr Pete Courtney

Attachments

Nil

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 planning scheme occur. Council routinely appoints staff members to undertake enforcement, and it is recommended that the named staff member 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 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 this staff member for this purpose.

The staff member is an officer in the Compliance Services team, it is recommended that the authorisation be made.

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

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

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 the named staff member be appointed as authorised officers for the purpose of conducting enforcement powers under the *Planning and Environment Act 1997*.

- Mr Pete Courtney