

**Management report to Council**

**Agenda item 6.2**

**Revocation of Delegation and Authorisations under the Planning and Environment Act 1987**

**Council**

**Presenter:** Angela Meinke, Manager Planning and Building

**27 March 2018**

**Purpose and background**

1. The purpose of this report is to revoke the delegation to staff by Council in regards to the *Planning and Environment Act 1987* (the Act) and update the authorisations from Council under the Act.

**Key issues**

2. Most delegations to member of staff are made by the Chief Executive Officer by sub-delegations in reliance on the delegation to the Chief Executive Officer by the Council and the associated power to sub-delegate.
3. A small number of statutes do not allow the delegation of the power to delegate requiring a direct delegation from the Council. Until recently, this was the case with the Act. This restriction was removed from the Act by the *Victorian Planning Authority Act 2017*.
4. Appropriate sub-delegations having been put in place, the delegation from the Council under the Act can now be revoked.
5. An added restriction in the Act was and remains that the power to appoint authorised officers cannot be delegated. This requires the Council to appoint the authorised officers under the Act.
6. Two officers have resigned from the Planning Enforcement team requiring their revocation as authorised officers under the Act.

**Recommendation from management**

7. That Council:
  - 7.1. note that as a result of changes to the *Planning and Environment Act 1987* (Act) by the *Victorian Planning Authority Act 2017*, delegations under Act are now managed by the Chief Executive Officer under delegation
  - 7.2. pursuant to section 188 of the Act and section 41A of the *Interpretation of Legislation Act 1984*, revoke:
    - 7.2.1. the instrument of delegation by Council under the Act dated 24 March 2017 made by resolution of Council on 28 February 2017
    - 7.2.2. the authorisations of the officers listed at part 2 of Attachment 2 of the management report.

**Attachments:**

1. Supporting Attachment (page 2 of 3)
2. List of Revocations (page 3 of 3)

## Supporting Attachment

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### Legal

1. The report accurately identifies the relevant legal issues.

### Finance

2. There are no financial implications to Council arising from the recommendation contained in this Management Report.

### Conflict of interest

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

### Stakeholder consultation

4. There is no requirement to consult with external stakeholders.

### Environmental sustainability

5. There are no environmental implications to Council arising from the recommendation contained in this Management Report.

**Individuals to be revoked**

Jeff Eeles

Tim Vickers