

Management report to Council

Agenda item 6.3

Update of Delegations under the Planning and Environment Act 1987

30 September 2014

Presenter: Angela Meinke, Manager Planning and Building

Purpose and background

1. The purpose of this report is to update the delegations by Council under the *Planning and Environment Act 1987* (Act).

Key issues

2. A small number of statutes do not allow the delegation of the power to delegate. An example is the Act.
3. The change in structure in the Planning and Building Branch has resulted in changes to the titles of the positions within the Branch. A new delegation is required to reflect the new structure.
4. The title of the former 'Planning Investigation Officer' has changed to 'Enforcement Officer'. The Class 5 'Planning Investigation Officer' has been retitled as 'Senior Enforcement Officer'.
5. The positions of 'Executive Officer Planning' and 'Planning Projects Coordinator' have been made redundant.

Recommendation from management

6. That Council:
 - 6.1. by instrument of delegation sealed by the Council under section 188(1) of the *Planning and Environment Act 1987* (Act), delegate to the persons from time to time holding the positions referred to in Attachment 2 of the management report, its powers, discretions and functions under the Act subject to:
 - 6.1.1. the restrictions contained in section 188(2) of the Act and section 98(1) of the *Local Government Act 1989*
 - 6.1.2. compliance with Council's General Delegations Policy and the Council's Delegations Policy for Planning Applications
 - 6.2. revoke the instrument of delegation by Council under the Act dated 31 March 2014 made by resolution of Council on 25 March 2014, such revocation to take effect immediately after the execution of the instrument of delegation referred to in paragraph 6.1 above.

Attachments:

1. Supporting Attachment
2. Positions to Positions to which Council's powers, discretions and functions will be delegated under section 188(1) of the *Planning and Environment Act 1987*

Supporting Attachment

Legal

1. The report accurately describes the relevant legal issues.

Finance

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

Relation to Council policy

5. Delegations are exercised in accordance with the general delegation policy and the delegation policy for planning applications.

Environmental sustainability

6. Environmental sustainability issues are not considered relevant to this proposal which does not itself involve any works.

Positions to which Council's powers, discretions and functions will be delegated under section 188(1) of the *Planning and Environment Act 1987*

Chief Executive Officer
Chief Legal Counsel
Director City Planning and Infrastructure
Fast Track Planner
Manager Planning and Building
Manager Strategic Planning
Planning Coordinator
Enforcement Officer
Senior Enforcement Officer
Planning Officer
Policy Planner
Principal Planning Officer
Principal Project Officer Strategic Planning
Senior Planning Officer
Senior Strategic Planner
Strategic Planner
Surveyor
Team Leader Land Survey
Team Leader Local Policy