



Mildura Rural City Council

SUPPLEMENTARY AGENDA

Ordinary Meeting of Council

5:30pm Thursday 26 May 2022

VENUE:

**Committee & Council Room
76 Deakin Ave, Mildura**

NEXT ORDINARY MEETING OF COUNCIL

5:30pm Thursday 23 June 2022

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MARTIN HAWSON

CHIEF EXECUTIVE OFFICER

14 MANAGEMENT REPORTS

14.15 ADOPTION OF S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION

File Number: C-18224 18/02/05
Officer: General Manager Corporate

1. Summary

The *Planning and Environment Act 1987* requires Council to appoint authorised officers by way of a S11A Instrument of Appointment and Authorisation. This report seeks Council's adoption of a new S11A Instrument. This instrument also allows the officer to commence legal proceedings in Council's name.

2. Recommendation

That Council adopt the S11A Instrument of Appointment and Authorisation document as presented for Andrea Collins, Principal Statutory Planner.

3. Background

The *Planning and Environment Act 1987* was previously included in the S11 Instrument of Appointment which is delegated from the Chief Executive Officer to staff.

Council's solicitors have advised that these should be an individual instrument adopted by the Council.

4. Consultation Proposed/Undertaken

Consultation has been undertaken with Senior Management in the development of this instrument of delegation.

5. Discussion

Council's solicitor, Maddocks has provided Council with an S11A Instrument of Appointment and Authorisation document which requires Council to appoint officers by resolution, to be an authorised officer under the *Planning and Environment Act 1987* and also to be an authorised officer to commence proceedings in Council's name.

Adoption of the S11A Instrument of Appointment and Authorisation allows Council officers to conduct their normal business in relation to the *Planning and Environment Act 1987* and act in Council's name.

6. Time Frame

If adopted by Council the documents would come into force once the Common Seal is affixed.

7. Strategic Plan Links

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Leadership

Outcome to be achieved:

- Effective governance to deliver results in line with community expectations.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications**Policy**

There are no policy implications associated with this report.

Legal/Statutory

This report aligns with Section 98 of the Local Government Act 1989.

Financial

There are no financial implications associated with this report.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

- 1 [S11A Instrument of Appointment and Authorisation - Andrea Collins - Principal Statutory Planner - May2022](#)

***S11A. Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)***



Mildura Rural City Council

Mildura Rural City Council

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

for

**ANDREA COLLINS
PRINCIPAL STATUTORY PLANNER**

MAY 2022

Instrument of Appointment and Authorisation

In this Instrument "**officer**" means -

Andrea Collins

By this Instrument of Appointment and Authorisation **Mildura Rural City Council** –

- 1. under section 147(4) of the *Planning and Environment Act 1987* – appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the Regulations made under that Act; and
- 2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case 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; and
- (c) until the Officer ceases to be employed by Council.

This Instrument is authorised by a resolution of the Council on 26 May 2022.

THE COMMON SEAL of the **MILDURA RURAL CITY**)
COUNCIL was affixed hereto by authority of the)
Council in the presence of:)
)

..... **COUNCILLOR**

..... **COUNCILLOR**

..... **CHIEF EXECUTIVE OFFICER**

DATE: 26 May 2022

S11A – Instrument of Appointment and Authorisation
Planning and Environment Act 1987