

APPOINTMENT AND AUTHORISATION UNDER THE ENVIRONMENT PROTECTION ACT 2017 AND THE PLANNING AND ENVIRONMENT ACT 1987

Report Author: Coordinator Governance and Integrity

Responsible Officer: Director Corporate Services

Ward(s) affected: (All Wards);

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

To meet legislative obligations, Council delegates powers to officers via Instruments of Appointment and Authorisation. This ensures timely, coordinated, and compliant service delivery.

This report seeks Council approval for updated Instruments appointing officers as Authorised Officers under Section 147(4) of the *Planning and Environment Act 1987* and Section 242(2) of the *Environment Protection Act 2017*. The previous Instruments were authorised on 26 November 2024. Updated versions are provided in Attachments 1 and 2.

RECOMMENDATION

That Council

- 1. Formally appoint the officers referred to in**
 - (a) the Instrument of Appointment and Authorisation included at Attachment 1 to the report as an Authorised Officer, pursuant to Section 147 (4) of the Planning and Environment Act 1987 and Section 313 of the Local Government Act 2020.**
 - (b) the Instrument of Appointment and Authorisation included at Attachment 2 to the report as an Authorised Officer, pursuant to Section 242(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021.**
- 2. Request that both Instruments of Appointment and Authorisation, as outlined in this recommendation, be signed and sealed by the Chief Executive Officer.**
- 3. Note that both Instruments come into force immediately the common seal of Council is affixed to the Instruments and remain in force until Council determines to vary or revoke them.**

RELATED COUNCIL DECISIONS

The Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* was last authorised by a resolution of Council on 26 November 2024.

The Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* was last authorised by a resolution of Council on 26 November 2024.

DISCUSSION

This report seeks Council approval to updated Instruments of Appointment and Authorisation for officers under the *Planning and Environment Act 1987* and the *Environment Protection Act 2017*. These Instruments, prepared with advice from Maddocks, formally appoint Council employees as Authorised Officers and enable them to initiate proceedings under the relevant legislation.

Under section 147(4) of the *Planning and Environment Act 1987*, only Council employees may be appointed. Recent legal advice confirms historical practice that such appointments require a formal Council resolution and recommends including authority to initiate proceedings under section 313 of the *Local Government Act 2020*.

Council may delegate the power for appointments under the *Environment Protection Act 2017*, to the CEO, although this delegation isn't recommended at this stage. Noting, only employees, not contractors, can be appointed.

Approval of these Instruments ensures Council continues to meet its legislative obligations effectively and lawfully.

FINANCIAL ANALYSIS

There are no direct financial implications arising from the appointment of an Authorised Officer.

APPLICABLE PLANS AND POLICIES

This report contributes to the Council Plan specifically Council's Commitment to Excellence which underpins all Council's Strategic Objectives.

By approving these Instruments Council officers can operate effectively. This instrument enables the organisation to perform its role, serving the community, in a compliant manner.

RELEVANT LAW

Under section 242(2) of the *Environment Protection Act 2017* and Section 147(4) of the *Planning and Environment Act 1987*, Council officers must be appointed and authorised directly by Council, in order that they may execute relevant powers.

SUSTAINABILITY IMPLICATIONS

There are no direct economic, social or environmental impacts associated with the appointment of an Authorised Officer or approval of these Instruments.

COMMUNITY ENGAGEMENT

No community consultation has been held or is proposed in relation to this matter.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

No external collaboration, sectoral innovation or continuous improvements activities have been completed in preparing this report.

RISK ASSESSMENT

There are no identified risks associated with this report. The Instruments have been prepared using templated and legal advice from the Maddocks Delegations and Authorisations Service, ensuring Council's appointments and authorisations are compliant with legislative requirements.

CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

ATTACHMENTS TO THE REPORT

1. S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) Nov 2025
2. S11B - Instrument of Appointment and Authorisation (*Environment Protection Act 2017*) - Nov 2025