

***S18 Instrument of Sub-Delegation
under the Environment Protection Act 2017***

Whittlesea City Council

Instrument of Sub-Delegation

to

Members of Council staff

Instrument of Sub-Delegation

By this Instrument of Sub-Delegation, in exercise of the power conferred by s 437(2) of the *Environment Protection Act 2017* ('Act') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described in column 3 of the Schedule;
2. record that references in the Schedule are as follows:

Abbreviation	Position	Limitation
ASPO	Asset Protection Officer	5.1.2
UMASP	Unit Manager Asset Protection	5.1.2
CAP	Coordinator Asset Protection	5.1.2
BI	Building Inspector	5.1.2
BS	Building Surveyor	5.1.2
UMEH	Unit Manager Environmental Health	5.1.1 & 5.1.2
CEH	Coordinator Environmental Health	5.1.1 & 5.1.2
DIE	Director Infrastructure and Environment	5.1.1 & 5.1.2
DPD	Director Planning and Development	5.1.1 & 5.1.2
EHO	Environmental Health Officer	5.1.1 & 5.1.2
IPO	Infrastructure Protection Officer	5.1.2
MAF	Manager Assets and Facilities	5.1.2
MBP	Manager Building and Planning	5.1.2
MCEH	Manager Compliance and Environmental Health	5.1.1 & 5.1.2
MEMRP	Manager Emergency Management & Regulatory Programs	5.1.1 & 5.1.2
CA	Coordinator Appeals	5.1.1 & 5.1.2
CP	Coordinator Prosecutions	5.1.1 & 5.1.2
PRSO	Prosecutions Support Officer	5.1.1 & 5.1.2
UMRS	Unit Manager Regulatory Services	5.1.1 & 5.1.2
MBS	Municipal Building Surveyor	5.1.2
UMPE	Unit Manager Planning Enforcement	5.1.2
SPEO	Senior Planning Enforcement Officer	5.1.2
PEO	Planning Enforcement Officer	5.1.2
SBI	Senior Building Inspector	5.1.2
SBS	Senior Building Surveyor	5.1.2
UWIPO	Utility Works & Infrastructure Protection Officer	5.1.2

3. this Instrument of Sub-Delegation is authorised by a resolution of Council passed on 20 August 2024 pursuant to a power of sub-delegation conferred by the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021;
4. the delegation:
 - 4.1 comes into force immediately the common seal of Council is affixed to this Instrument of Sub-Delegation;
 - 4.2 remains in force until varied or revoked;
 - 4.3 is subject to any conditions and limitations set out in sub-paragraph 5, and the Schedule; and
 - 4.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

- 5. this Instrument of Sub-Delegation is subject to the following limitations:
 - 5.1 the powers, duties and functions described in column and summarised in column 2 of the Schedule are only delegated for the purpose of regulating:
 - 5.1.1 onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
 - 5.1.2 noise from the construction, demolition or removal of residential premises;
- 6. the delegate must not determine the issue, take the action or do the act or thing:
 - 6.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
 - 6.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategy
 adopted by Council;
 - 6.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
 - 6.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

DATED: 27 August 2024

THE COMMON SEAL of)
WHITTLESEA CITY COUNCIL)
 was affixed in the presence of)



Lydia Wilson Chair of Administrators

[Signature] Chief Executive Officer

SCHEDULE

ENVIRONMENT PROTECTION ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 271	Power to issue improvement notice	DIE, MAF, ASPO, UWIPO, IPO, DPD, MCEH, CEH, EHO, MBP, PEO, MBS, SBS, BS, SBI, BI, UMASP, CAP, UMEH, MEMRP, CA, CP, PRSO, UMRS, UMPE, SPEO	Refer to the limitations recorded in the reference table at Clause 2 of this instrument
s 272	Power to issue prohibition notice	DIE, MAF, ASPO, UWIPO, IPO, DPD, MCEH, LLEO, CEH, EHO, MBP, PEO, MBS, SBS, BS, SBI, BI, UMASP, CAP, UMEH, MEMRP, CA, CP, PRSO, UMRS, UMPE, SPEO	Refer to the limitations recorded in the reference table at Clause 2 of this instrument
s 279	Power to amend a notice	DIE, MAF, ASPO, UWIPO, IPO, DPD, MCEH, CEH, EHO, MBP, PEO, MBS, SBS, BS, SBI, BI, UMASP, CAP, UMEH, MEMRP, CA, CP, PRSO, UMRS, UMPE, SPEO	Refer to the limitations recorded in the reference table at Clause 2 of this instrument
s 358	Functions of the Environment Protection Authority	DIE, MAF, ASPO, UWIPO, IPO, DPD, MCEH, CEH, EHO, MBP, PEO, MBS, SBS, BS, SBI, BI, UMASP, CAP, UMEH, MEMRP, CA, CP, PRSO, UMRS, UMPE, SPEO	Refer to the limitations recorded in the reference table at Clause 2 of this instrument
s 359(1)(b)	Power to do all things that are necessary or convenient to be done for or in connection with the performance of the Environment Protection Authority's functions and duties and to enable the Authority to achieve its objective.	DIE, MAF, ASPO, UWIPO, IPO, DPD, MCEH, CEH, EHO, MBP, PEO, MBS, SBS, BS, SBI, BI, UMASP, CAP, UMEH, MEMRP, CA, CP, PRSO, UMRS, UMPE, SPEO	Refer to the limitations recorded in the reference table at Clause 2 of this instrument
s 359(2)	Power to give advice to persons with duties or obligations	DIE, MAF, ASPO, UWIPO, IPO, DPD, MCEH, CEH, EHO, MBP, PEO, MBS, SBS, BS, SBI, BI, UMASP, CAP, UMEH, MEMRP, CA, CP, PRSO, UMRS, UMPE, SPEO	Refer to the limitations recorded in the reference table at Clause 2 of this instrument