

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

**Whittlesea City Council**

**Instrument of Sub-Delegation**

**to**

**Members of Council staff**

**6 September 2021**

Version 1.02

## 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
AIPO	Assets & Infrastructure Protection Officer
APO	Asset Protection Officer
BI	Building Inspector
BSC	Building Surveyor Compliance
CEH	Co-ordinator Environmental Health
DIE	Director Infrastructure and Environment
DPD	Director Planning and Development
EHIO	Environmental Health Investigations Officer
EHO	Environmental Health Officer
IPO	Infrastructure Protection Officer
LLEO	Local Laws Enforcement Officer
MBP	Manager Building and Planning
MBS	Municipal Building Surveyor
MCEH	Manager Compliance and Environmental Health
PEO	Planning Enforcement Officer
SBI	Senior Building Inspector

Abbreviation	Position
SBSC	Senior Building Surveyor Compliance
TLHS	Team Leader Health Services
TLIP	Team Leader Infrastructure Protection
TLLLEAP	Team Leader Local Laws Enforcement Asset Protection
TLPE	Team Leader Planning Enforcement
UWIPO	Utility Works & Infrastructure Protection Officer

3. this Instrument of Sub-Delegation is authorised by a resolution of Council passed on 6 September 2021 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 1 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.

Date: 13 September 2021

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



*Lydia Wilson*

..... Chair of Administrators

*C. [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, TLIP, AIPO, UWIPO, IPO, TLLLEAP DPD, MCEH, LLEO, APO, TLHS, CEH, EHO EHIO, MBP, TLPE, PEO, MBS, SBSC, BSC, SBI, BI	
s 272	Power to issue prohibition notice	DIE, MA DIE, MAF, TLIP, AIPO, UWIPO, IPO, TLLLEAP DPD, MCEH, LLEO, APO, TLHS, CEH, EHO EHIO, MBP, TLPE, PEO, MBS, SBSC, BSC, SBI, BI	
s 279	Power to amend a notice	DIE, MAF, TLIP, AIPO, UWIPO, IPO, TLLLEAP DPD, MCEH, LLEO, APO, TLHS, CEH, EHO EHIO, MBP, TLPE, PEO, MBS, SBSC, BSC, SBI, BI	

<b>ENVIRONMENT PROTECTION ACT 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 358	Functions of the Environment Protection Authority	DIE, MAF, TLIP, AIPO, UWIPO, IPO, TLLLEAP DPD, MCEH, LLEO, APO, TLHS, CEH, EHO EHIO, MBP, TLPE, PEO, MBS, SBSC, BSC, SBI, BI	
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, TLIP, AIPO, UWIPO, IPO, TLLLEAP DPD, MCEH, LLEO, APO, TLHS, CEH, EHO EHIO, MBP, TLPE, PEO, MBS, SBSC, BSC, SBI, BI	
s 359(2)	Power to give advice to persons with duties or obligations	DIE, MAF, TLIP, AIPO, UWIPO, IPO, TLLLEAP DPD, MCEH, LLEO, APO, TLHS, CEH, EHO EHIO, MBP, TLPE, PEO, MBS, SBSC, BSC, SBI, BI	