



Instrument of Delegation
S18 Instrument of Sub-Delegation
Under the Environment Protection Act 2017

23 March 2022

Preamble

Instrument of 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. this Instrument of Sub-Delegation is authorised by a resolution of Council passed on 23 March 2022 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;
3. the delegation:
 - 3.1 comes into force immediately the common seal of Council is affixed to this Instrument of Sub-Delegation;
 - 3.2 remains in force until varied or revoked;
 - 3.3 is subject to any conditions and limitations set out in sub-paragraph 5, and the Schedule; and
 - 3.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
4. this Instrument of Sub-Delegation is subject to the following limitations:
 - 4.1 the powers, duties and functions described in column and summarised in column 2 of the Schedule are only delegated for the purpose of regulating:
 - 4.1.1 onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
 - 4.1.2 noise from the construction, demolition or removal of residential premises;
5. the delegate must not determine the issue, take the action or do the act or thing:
 - 5.1.1 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;
 - 5.1.2 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) strategyadopted by Council;
 - 5.1.3 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
 - 5.1.4 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.

THE COMMON SEAL of the **YARRIAMBIACK SHIRE**

COUNCIL was affixed hereto by authority of the

Council in the presence of:

Signature of Mayor / Councillor

Name

Signature of Councillor

Name

Signature of Chief Executive Officer

Name

Date _____

Delegation Sources

- Environment Protection Act 2017

Positions

Abbreviation	Position	Name
EHO	Environmental Health Officer	
MCH	Manager Community Health	

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Environment Protection Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 271	Power to issue improvement notice	MCH, EHO	
s 272	Power to issue prohibition notice	MCH, EHO	
s 279	Power to amend a notice	MCH, EHO	
s 358	Functions of the Environment Protection Authority	MCH, EHO	
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.	MCH, EHO	

Environment Protection Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 359(2)	Power to give advice to persons with duties or obligations	MCH, EHO	