



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

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
COO - Chief Operating Officer
EHO – Environmental Health Officer
MCH - Manager Community Health
3. 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;
4. the delegation:
 - a. comes into force immediately the common seal of Council is affixed to this Instrument of Sub- Delegation;
 - b. remains in force until varied or revoked;
 - c. is subject to any conditions and limitations set out in sub-paragraph 5, and the Schedule; and
 - d. 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:
 - a. the powers, duties and functions described in column and summarised in column 2 of the Schedule are only delegated for the purpose of regulating:
 - b. onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and 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 policy; or 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.

THE COMMON SEAL of the **YARRIAMBIACK SHIRE COUNCIL** was affixed hereto by authority of the Council in the presence of:

Name:

Signature of Mayor/Councilor

Name:

Signature of Councilor

Name: Tammy Smith

Signature of Chief Executive Officer

Date: 26 March 2025

Abbreviation	Position	Name
COO	Chief Operating Officer	Tim Rose
EHO	Environmental Health Officer	Helene Vanderwaal
MCH	Manager Community Health	TBA

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

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

12.4 S18 Instrument of Sub-Delegation EPA 2017

Final Audit Report 2022-03-24

2022-03-25

By: Belinda Penny (BPenny@Yarriambiack.vic.gov.au)

Status: Signed

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