

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



Mansfield Shire

Instrument of Delegation to Members of Council Staff

For endorsement by Council on 21 May 2024

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

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
EHO	Environmental Health Officer
SCCS	Senior Co-ordinator Community Safety

3. this Instrument of Sub-Delegation is authorised by a resolution of Council passed on the twenty first day of May 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. declare that this Instrument of Delegation –
 - 4.1 comes into force immediately upon a resolution from Council;
 - 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) strategyadopted 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.

This Instrument of Delegation is dated 21 May 2024 and is made under resolution of Mansfield Shire Council

Signed by the Mayor)
of Mansfield Shire Council)
in the presence of)

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Witness

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Date

Delegation Sources

- ▶ Environment Protection Act 2017

Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
Environment Protection Act 2017	s 271	Power to issue improvement notice	EHO, SCCS	
Environment Protection Act 2017	s 272	Power to issue prohibition notice	EHO, SCCS	
Environment Protection Act 2017	s 279	Power to amend a notice	EHO, SCCS	
Environment Protection Act 2017	s 358	Functions of the Environment Protection Authority	EHO, SCCS	
Environment Protection Act 2017	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.	EHO, SCCS	
Environment Protection Act 2017	s 359(2)	Power to give advice to persons with duties or obligations	EHO, SCCS	