



Rural City of
Wangaratta

Instrument of sub-delegation to members of Council staff under the Environment Protection Act 2017

Responsible Officer	Adoption Date	November 2021
Governance and Reporting Advisor	Approved By	Council
	Review Date	October 2025
Authorising Officer	Policy Type	Council Policy
Director Corporate Services		

Instrument of Sub-Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, 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. records that references in the Schedule are as follows:

Abbreviation		Position (or any successor position)
CCC	means	Community Compliance Coordinator
DDS	means	Director Development Services
DIS	means	Director Infrastructure Services
MBP&C	means	Manager Building Planning & Compliance

3. this Instrument of Sub-Delegation is authorised by a resolution of Council passed on 23 November 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 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.

THE COMMON SEAL OF THE WANGARATTA)
RURAL CITY COUNCIL was hereunto affixed)



Mayor/Councillor

Chief Executive Officer

25/11/2021

Date

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	DDS, MBP&C, CCC	
s 272	Power to issue prohibition notice	DDS, MBP&C, CCC	
s 279	Power to amend a notice	DDS, MBP&C, CCC	
s 358	Functions of the Environment Protection Authority	DDS, DIS	
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.	DDS, DIS	
s 359(2)	Power to give advice to persons with duties or obligations	DDS, DIS, MBP&C, CCC	