



FRANKSTON CITY COUNCIL

INSTRUMENT OF DELEGATION

S18 INSTRUMENT OF SUB-DELEGATION UNDER THE
ENVIRONMENT PROTECTION ACT 2017

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 members 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:

CEO	means	Chief Executive Officer
CLO	means	Community Laws Officer
EHC	means	Coordinator Environmental Health
CMD	means	Coordinator Major Development
CP	means	Coordinator Prosecutions
CSC	means	Coordinator Safer Communities
DComm	means	Director Communities
EHO	means	Environmental Health Officers
IRO	means	Internal Review Officer
MDS	means	Manager Development Services
MSC	means	Manager Safer Communities
PIO	means	Planning Investigations Officer
PO	means	Prosecutions Officer
RRCLO	means	Rapid Response - Community Laws Officer
SCPO	means	Safer Communities Project Officer
SEHO	means	Senior Environmental Health Officer
SPIO	means	Senior Planning Investigations Officer
SRR	means	Senior Rapid Response
SRRO	means	Senior Rapid Response Officer
SSCO	means	Senior Safer Communities Officer

SSCOPL means Senior Safer Communities Officer - Parking and Litter

SPC means Statutory Planning Co-ordinator

TLPI means Team Leader Planning Investigations

3. records that on the coming into force of this Instrument of Sub Delegation under the Environmental Protection Act 2017 to Members of Council Staff each delegation under the instrument dated 16 May 2022 is revoked.
4. declares that:
 - 4.1 this Instrument of Sub-Delegation is authorised by a resolution of Council passed on 3rd October 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; and
 - 4.2 the delegation:
 - 4.2.1 comes into force immediately the execution of the Instrument of Sub-Delegation;
 - 4.2.2 remains in force until varied or revoked;
 - 4.2.3 is subject to any conditions and limitations set out in sub-paragraph 5, and the Schedule; and
 - 4.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts.
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:
 - 6.1.1 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;
 - 6.1.2 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) policy; or
 - (b) strategy adopted by Council;
 - 6.1.3 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
 - 6.1.4 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.

This Instrument of Sub-Delegation is executed by the Chief Executive Officer on behalf of Frankston City Council under authority conferred by resolution of Council on 24 October 2022.

DocuSigned by:

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Phil Cantillon
Chief Executive Officer

Schedule

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	IRO, CP, SEHO, PO, MSC, CSC, CLO, EHC, EHO, MDS, SSCO, SSCOPL, SRR, RRCLO, SCPO, SRRO	
s 272	Power to issue prohibition notice	IRO, CP, SEHO, PO, MSC, CSC, CLO, EHC, EHO, MDS, SSCO, SSCOPL, SRR, RRCLO, SCPO, SRRO	
s 279	Power to amend a notice	IRO, CP, SEHO, PO, MSC, CSC, CLO, EHC, EHO, MDS, SSCO, SSCOPL, SRR, RRCLO, SCPO, SRRO	
s 358	Functions of the Environment Protection Authority	SPIO, TLPI, CEO, IRO, CP, SEHO, PO, MSC, CSC, CLO, EHC, EHO, DComm, MDS, SSCO, SPC, SSCOPL, PIO, CMD, SRR, RRCLO, SCPO, SRRO	
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.	SPIO, TLPI, CEO, IRO, CP, SEHO, PO, MSC, CSC, CLO, EHC, EHO, DComm, MDS, SSCO, SPC, SSCOPL, PIO, CMD, SRR, RRCLO, SCPO, SRRO	

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	SPIO, TLPI, CEO, IRO, CP, SEHO, PO, MSC, CSC, CLO, EHC, EHO, DComm, MDS, SSCO, SPC, SSCOPL, PIO, CMD, SRR, RRCLO, SCPO, SRRO	