

VLG CITY OF KINGSTON

S18 INSTRUMENT OF SUB-DELEGATION

ENVIRONMENT PROTECTION ACT 2017

23 AUGUST 2021

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 outlined in the instrument
3. this Instrument of Sub-Delegation is authorised by resolution of Council passed on 23 August 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
 - 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:
 - 6.1.1 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
 - (a) policy; or
 - (b) strategyadopted 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.

Delegation Sources

- Environment Protection Act 2017

Positions

Abbreviation	Position	Number
CCF	Construction Compliance Facilitator	3066
EHO	Environmental Health Officer	1377; 1405; 1489; 1574; 1592; 1790; 1879; 2052; 2562; 3134; 3192
GMPD	General Manager Planning and Development	2774
MCD	Manager City Development	1721
MCEI	Manager City Economy and Innovation	1302
PLEO	Planning Liaison and Enforcement Officer	1558; 1855; 2583
SPLEO	Senior Planning Liaison and Enforcement Officer	1715
TLEH	Team Leader Environmental Health	1440
TLVC	Team Leader Vegetation and Compliance	2924

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
514940	A*	Environment Protection Act 2017	s 271	Power to issue improvement notice	CCF, EHO, GMPD, MCD, MCEI, PLEO, SPLEO, TLEH, TLVC	
514941	A*	Environment Protection Act 2017	s 272	Power to issue prohibition notice	CCF, EHO, GMPD, MCD, MCEI, PLEO, SPLEO, TLEH, TLVC	
514942	A*	Environment Protection Act 2017	s 279	Power to amend a notice	CCF, EHO, GMPD, MCD, MCEI, PLEO, SPLEO, TLEH, TLVC	
514943	A*	Environment Protection Act 2017	s 358	Functions of the Environment Protection Authority	CCF, EHO, GMPD, MCD, MCEI, PLEO, SPLEO, TLEH, TLVC	Function relates to delegated powers and is limited to noise from construction, demolition or removal of residential premises, and wastewater systems.

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
514944	A*	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.	CCF, EHO, GMPD, MCD, MCEI, PLEO, SPLEO, TLEH, TLVC	Function relates to delegated powers and is limited to noise from construction, demolition or removal of residential premises, and wastewater systems.
514945	A*	Environment Protection Act 2017	s 359(2)	Power to give advice to persons with duties or obligations	CCF, EHO, GMPD, MCD, MCEI, PLEO, SPLEO, TLEH, TLVC	Function relates to delegated powers and is limited to noise from construction, demolition or removal of residential premises, and wastewater systems.