

7.3.1 INSTRUMENT OF SUB-DELEGATION (S18) - ENVIRONMENT PROTECTION ACT 2017

Responsible Manager:	Amanda Sapolu, Manager Governance & General Counsel
Responsible Director:	Simone Wickes, Director Corporate Services

RECOMMENDATION

In the exercise of the power conferred by section 437(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Monash City Council resolves that:

1. The current Instrument of Sub-Delegation (s18) under the *Environment Protection Act 2017* dated 25 March 2025 be revoked upon the coming into force of the attached Instrument of Sub-Delegation.
2. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Sub-Delegation under the *Environment Protection Act 2017*, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in the Instrument.
3. The Instrument of Sub-Delegation comes into force immediately after the common seal of Council is affixed to the Instrument.
4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be exercised, in accordance with any guidelines or policies of Council that it may from time to time adopt.

INTRODUCTION

The attached Instrument replaces Council's current Instrument of Sub-Delegation (s18) under the *Environment Protection Act 2017*.

The proposed amendments are administrative and update position titles and delegated positions to reflect Council's current organisational structure. The amendments do not alter the powers currently sub-delegated by Council and have been reviewed by the relevant Managers and Director City Development.

COUNCIL PLAN STRATEGIC OBJECTIVES

A council with good governance, strong leadership and community involvement in decision making

A Council that provides governance and leadership for the benefit of our community through community engagement, advocacy, decision making and action.

BACKGROUND

The Environment Protection Authority delegated certain powers, duties and functions to Councils by Instrument of Delegation dated 4 June 2021. Council may sub-delegate those powers to specified members of Council staff.

A review of the current Instrument identified that some position titles and delegated positions no longer align with Council's organisational structure. The proposed Instrument updates these positions to reflect Council's current organisational structure.

DISCUSSION

The attached Instrument does not make any substantive changes to the powers, duties or functions currently sub-delegated by Council under the *Environment Protection Act 2017*.

The amendments are administrative only and ensure that delegated powers continue to be exercised by the appropriate positions within Council's current organisational structure.

FINANCIAL IMPLICATIONS

There are no financial implications to this report.

POLICY IMPLICATIONS

There are no policy implications to this report.

CONSULTATION

Community consultation was not required.

SOCIAL IMPLICATIONS

There are no social implications to this report.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications to this report.

GENDER IMPACT ASSESSMENT

A GIA was not completed because this agenda item is not a 'policy', 'program' or 'service'.

CONCLUSION

The updated Instrument of Sub-Delegation (s18) under the *Environment Protection Act 2017* is presented for Council's consideration. The amendments are administrative in nature and align the Instrument with Council's current organisational structure and delegated responsibilities.



ATTACHMENT LIST

1. Draft - s18 Instrument of Sub-Delegation - August 2026 [**7.3.1.1** - 4 pages]
2. Current - s18 Instrument of Sub-Delegation - 25 March 2025 [**7.3.1.2** - 5 pages]



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

Monash City Council

Instrument of Sub-Delegation

to

Members of Council Staff

Draft - S18. Instrument of Sub-Delegation to members of Council Staff – effective as at xx August 2026



Instrument of 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

Abbreviation	Position
APO	Asset Protection Officer/Drainage Assets Officer
CLO	Community Laws Officer
CCL	Coordinator Community Laws
CPH	Coordinator Public Health
DCD	Director City Development
EHO	Environmental Health Officer
EHT	Environmental Health Technician
MCPLAN	Manager City Planning
MCA	Manager Community Safety and Amenity
SCLO	Senior Community Laws Officer
SEHO	Senior Environmental Health Officer
SPIO	Senior Planning Investigations Officer
TLAPI	Team Leader Asset Protection Inspections
TLCL	Team Leader Community Laws
TLPI	Team Leader Planning Investigations
TLPH	Team Leader Public Health

3. this Instrument of Sub-Delegation is authorised by a resolution of Monash City Council passed on **25 August 2026** 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
 - 6.2.1. policy; or
 - 6.2.2. 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.

THE COMMON SEAL OF)
MONASH CITY COUNCIL)
was hereunto affixed this)
..... day of)
.....20)
in the presence of:

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SCHEDULE

Environment Protection Act 2017				
Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
Environment Protection Act 2017	s 271	Power to issue improvement notice	DCD, MCA, MCPLAN, CCL, CLO, CPH, EHO, SEHO, SCLO, TLPI, APO, TLPH, TLCL, EHT, TLAPI, SPIO	
Environment Protection Act 2017	s 272	Power to issue prohibition notice	DCD, MCA, MCPLAN, CCL, CLO, CPH, EHO, SEHO, SCLO, TLPI, APO, TLPH, TLCL, EHT, TLAPI, SPIO	
Environment Protection Act 2017	s 279	Power to amend a notice	DCD, MCA, MCPLAN, CCL, CLO, CPH, EHO, SEHO, SCLO, TLPI, APO, TLPH, TLCL, EHT, TLAPI, SPIO	
Environment Protection Act 2017	s 358	Functions of the Environment Protection Authority	DCD, MCA, MCPLAN, CCL, CLO, CPH, EHO, SEHO, SCLO, TLPI, APO, TLPH, TLCL, EHT, TLAPI, SPIO	
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	DCD, MCA, MCPLAN, CCL, CLO, CPH, EHO, SEHO, SCLO, TLPI, APO, TLPH, TLCL, EHT, TLAPI, SPIO	
Environment Protection Act 2017	s 359(2)	Power to give advice to persons with duties or obligations	DCD, MCA, MCPLAN, CCL, CLO, CPH, EHO, SEHO, SCLO, TLPI, APO, TLPH, TLCL, EHT, TLAPI, SPIO	



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

Monash City Council

Instrument of Sub-Delegation

to

Members of Council Staff

S18. Instrument of Sub-Delegation to members of Council Staff

January 2025 update

Instrument of 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

APO	means Asset Protection Officer
CAPE	means Coordinator Asset Protection Engineering
CCL	means Coordinator Community Laws
CLO	means Community Laws Officer
CPH	means Coordinator Public Health
DCD	means Director City Development
EHO	means Environmental Health Officer
EHT	means Environmental Health Technician
MCA	means Manager Community Amenity
MCPLAN	means Manager City Planning
MENG	means Manager Engineering
SCLO	means Senior Community Laws Officer
SEHO	means Senior Environmental Health Officer
TLAP	means Team Leader Asset Protection
TLCL	means Team Leader Community Laws
TLIM	means Team Leader Immunisation
TLPH	means Team Leader Public Health
TLPI	means Team Leader Planning Investigations

3. this Instrument of Sub-Delegation is authorised by a resolution of Council passed on 25 February 2025 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;

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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
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 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
 - 6.2.1. policy; or
 - 6.2.2. strategy
 - 6.2.3. 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)

MONASH CITY COUNCIL)

was hereunto affixed this)

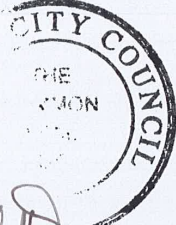
.....^{25th}..... day of)

.....^{March}.....20²⁵)

in the presence of:

Simone Wickes, CA
Director, Corporate Services
City of Monash
293 Springvale Road
Glen Waverley Vic 3150

Simone Wickes
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AD Diamond
CEO

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	APO, CAPE, CCL, CLO, CPH, DCD, EHO, EHT, MCA , MCPLAN, MENG , SCLO, SEHO, TLAP, TLCL, TLIM, TLPH, TLPi	
s 272	Power to issue prohibition notice	APO, CAPE, CCL, CLO, CPH, DCD, EHO, EHT, MCA , MCPLAN, MENG , SCLO, SEHO, TLAP, TLCL, TLIM, TLPH, TLPi	
s 279	Power to amend a notice	APO, CAPE, CCL, CLO, CPH, DCD, EHO, EHT, MCA , MCPLAN, MENG , SCLO, SEHO, TLAP, TLCL, TLIM, TLPH, TLPi	
s 358	Functions of the Environment Protection Authority	APO, CAPE, CCL, CLO, CPH, DCD, EHO, EHT, MCA , MCPLAN, MENG , SCLO, SEHO, TLAP, TLCL, TLIM, TLPH, TLPi	
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.	APO, CAPE, CCL, CLO, CPH, DCD, EHO, EHT, MCA , MCPLAN, MENG , SCLO, SEHO, TLAP, TLCL, TLIM, TLPH, TLPi	
s 359(2)	Power to give advice to persons with duties or obligations	APO, CAPE, CCL, CLO, CPH, DCD, EHO, EHT, MCA , MCPLAN, MENG , SCLO, SEHO, TLAP, TLCL, TLIM, TLPH, TLPi	

S18. Instrument of Sub-Delegation to members of Council Staff

January 2025 update