

***S5 Instrument of Delegation to Chief Executive Officer***

**Greater Shepparton City Council**

**Instrument of Delegation**

**to**

**The Chief Executive Officer**

### Instrument of Delegation

In exercise of the power conferred by s 11(1) of the *Local Government Act 2020 (the Act)* and all other powers enabling it, the Greater Shepparton City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

- 1. this Instrument of Delegation is authorised by a Resolution of Council passed on 20 April 2021;
- 2. the delegation;
- 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
- 2.2 is subject to any conditions and limitations set out in the Schedule;
- 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 2.4 remains in force until Council resolves to vary or revoke it.

The COMMON SEAL of the GREATER )  
 SHEPPARTON CITY COUNCIL was affixed )  
 on the 21 day of April 2021 )  
 in the presence of the Chief Executive Officer )  
 being a delegated officer pursuant to Local )  
 Law No. 2 of the Council. )

.....  
**Peter Andrew Harriott**  
**CHIEF EXECUTIVE OFFICER**

## SCHEDULE

### The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

### Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

1. if the issue, action, act or thing is an issue, action, act or thing which involves
  - 1.1 entering into a contract exceeding the value of \$500,000 (ex GST);
  - 1.2 making any expenditure that exceeds \$500,000 (ex GST) (unless it is expenditure made under a contract already entered into or is expenditure which Council is, by or under legislation, required to make in which case it must not exceed \$2,000,000);
  - 1.3 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
  - 1.4 electing a Mayor or Deputy Mayor;
  - 1.5 granting a reasonable request for leave under s 35 of the Act;
  - 1.6 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
  - 1.7 approving or amending the Council Plan;
  - 1.8 adopting or amending any policy that Council is required to adopt under the Act;
  - 1.9 adopting or amending the Governance Rules;
  - 1.10 appointing the chair or the members to a delegated committee;
  - 1.11 making, amending or revoking a local law;
  - 1.12 approving the Budget or Revised Budget;
  - 1.13 approving the borrowing of money;
  - 1.14 subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
3. 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;

4. 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
  - 4.1 policy; or
  - 4.2 strategy  
adopted by Council;
5. 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, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
6. 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.

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

**Greater Shepparton City Council**

**Instrument of Sub-Delegation**

**to**

**Members of Council staff**

## 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 follows

### Titles

Abbreviation	Position
CEH	Coordinator Environmental Health
CO	Compliance Officer
CPC	Coordinator – Parking Compliance
DSD	Director Sustainable Development
EHO	Environment Health Officer
MBPC	Manager – Building, Planning and Compliance
ME	Manager Environment
SCO	Senior Compliance Officer
TLEH	Team Leader Environmental Health
TLSC	Team Leader – Support and Compliance

3. this Instrument of Sub-Delegation is authorised by a **resolution of Council** passed on **17 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 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:
  - 6.1.1 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) 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.

The **COMMON SEAL** of the **Greater Shepparton City Council** was affixed )  
 on the ..... day of ..... 2021 )  
 in the presence of the Chief Executive )  
 Officer being a delegated officer pursuant )  
 to Local Law No.2 of the Council )

.....  
**Peter Andrew Harriott**  
**CHIEF EXECUTIVE OFFICER**

# SCHEDULE





<b>ENVIRONMENT PROTECTION ACT 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 271	Power to issue improvement notice	EHO, CEH, TLEH, ME, DSD, CO, SCO, TLSC, MBPC, CPC	
s 272	Power to issue prohibition notice	EHO, CEH, TLEH, ME, DSD, CO, SCO, TLSC, MBPC, CPC	
s 279	Power to amend a notice	EHO, CEH, TLEH, ME, DSD, CO, SCO, TLSC, MBPC, CPC	
s 358	Functions of the Environment Protection Authority	EHO, CEH, TLEH, ME, DSD, CO, SCO, TLSC, MBPC, CPC	
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, CEH, TLEH, ME, DSD, CO, SCO, TLSC, MBPC, CPC	
s 359(2)	Power to give advice to persons with duties or obligations	EHO, CEH, TLEH, ME, DSD, CO, SCO, TLSC, MBPC, CPC	

