

DELEGATIONS BY THE BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY TO EMPLOYEES OF COUNCILS

Pursuant to section 115 of the *Environment Protection Act 1993* (SA) (hereafter referred to as “the Act”), the Environment Protection Authority (hereafter referred to as “the Authority”) hereby:

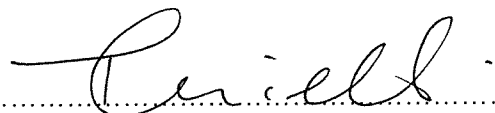
1. revokes all previous delegations of its powers and functions made under the Act to employees of councils (as defined in s3 of the Act) and;
2. delegates such of its powers and functions under the Act, or under Environment Protection Policies made under the Act, as are described in column 1 of the attached Schedule, to the persons for the time being holding or assigned to the positions within the councils as described in column 2 of the attached Schedule, and where more than one such person is specified, each person is intended to be able to exercise the powers or functions singly.

These delegations are subject to the following conditions:

- the delegate may only exercise the delegated powers or functions within the area of the council that employs him or her;
- the delegate may not exercise the delegated powers or functions with respect to prescribed activities of environmental significance (as set out in Schedule 1 to the Act and amended from time to time by regulation) or activities undertaken at the same place as a prescribed activity of environmental significance;
- the delegate may not exercise the delegated powers or functions with respect to activities undertaken by the Crown, the council or another public authority or a person or body prescribed by regulation for the purposes of section 18B(1)(b) of the Act;
- the delegate may not exercise the delegated powers or functions with respect to any other activities prescribed by regulation for the purposes of section 18B(1)(c) of the Act.

Column 3 of the attached Schedule contains an informal description of the power or function appearing opposite Column 1 for the assistance of employees of councils only and does not constitute a formal part of this instrument and in no way limits or expands its operation. It may contain examples or descriptions.

This Delegation Instrument was made by the Board.



Mr Tony Circelli
CHIEF EXECUTIVE
ENVIRONMENT PROTECTION AUTHORITY

Date: 4/4/18

A person authorised by the Board to execute documents on behalf of the Authority, pursuant to sections 117(3) and (4) of the *Environment Protection Act 1993*

SCHEDULE

DELEGATIONS BY THE BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY

UNDER SECTION 115 OF THE ENVIRONMENT PROTECTION ACT 1993

COLUMN 1 SECTIONS OF THE ACT	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
S.93(1), 93(2)(c), s.93(2a), s.93 (6) and s.93(7) of the Act	<p>Adelaide Hills Council Team Leader Regulatory Services Team Leader Environmental Health Manager Waste Health and Regulatory Services Chief Executive Officer Environmental Health Officer</p> <p>City of Adelaide Associate Director Customer Team Leader Community Safety and Health</p> <p>City of Campbelltown Manager Planning Services</p> <p>City of Charles Sturt Manager Public Health and Safety Environmental Health Team Leader</p> <p>City of Holdfast Bay Chief Executive Officer General Manager of Engineering and Environment</p> <p>City of Marion General Manager City Development Unit Manager Community Health and Safety</p> <p>City of Mitcham Director Engineering and Environmental Services Manager Environmental Services</p>	<p>93(1) Power to issue an environment protection order.</p> <p>93(2)(c) Power to impose any requirement reasonably required for the purpose for which the order is issued.</p> <p>93(2a) Where a proposed environment protection order or a proposed variation to an environment protection order would require the undertaking of an activity for which a permit would, but for S.12 of the <i>Water Resources Act 1997</i>, be required under that Act, Board function, before issuing or varying an order, of giving notice to the authority under the <i>Water Resources Act 1997</i> to whom an application for a permit for the activity would otherwise have to be made inviting the authority to make written submission in relation to the proposal within a period specified in the notice.</p> <p>93(6) Power, if of the opinion that it is reasonably necessary to do so in the circumstances, include in an environment protection order a requirement for an act or omission that might otherwise constitute a contravention of the Act.</p> <p>93(7) Power, by written notice served on a person to whom an environment protection order has been issued, to vary or revoke an environment protection order.</p>

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S.93(1), 93(2)(c), s.93(2a), s.93 (6) and s.93(7) of the Act	<p>City of Playford General Manager City Services Senior Manager Health, Environment and Regulatory Services</p> <p>City of Port Adelaide Enfield Chief Executive Officer Director Community Development Manager Community & Environmental Health Environmental Health Leader</p> <p>City of Prospect General Manager Environment and Community Services Manager Development and Environment</p> <p>City of Salisbury Chief Executive Officer General Manager City Development Manager Environmental Health and Safety Senior Environmental Health Officer</p> <p>City of Unley General Manager Community Manager Community Services Senior Environmental Health Officer Environmental Health Officer</p> <p>City of West Torrens Chief Executive Officer Manager Regulatory Services Team Leader Environmental Health</p>	<p>93(1) Power to issue an environment protection order.</p> <p>93(2)(c) Power to impose any requirement reasonably required for the purpose for which the order is issued.</p> <p>93(2a) Where a proposed environment protection order or a proposed variation to an environment protection order would require the undertaking of an activity for which a permit would, but for S.12 of the <i>Water Resources Act 1997</i>, be required under that Act, Board function, before issuing or varying an order, of giving notice to the authority under the <i>Water Resources Act 1997</i> to whom an application for a permit for the activity would otherwise have to be made inviting the authority to make written submission in relation to the proposal within a period specified in the notice.</p> <p>93(6) Power, if of the opinion that it is reasonably necessary to do so in the circumstances, include in an environment protection order a requirement for an act or omission that might otherwise constitute a contravention of the Act.</p> <p>93(7) Power, by written notice served on a person to whom an environment protection order has been issued, to vary or revoke an environment protection order.</p>

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S.93(1), 93(2)(c), s.93(2a), s.93 (6) and s.93(7) of the Act	<p>District Council of Barunga West Deputy Chief Executive Officer Manager Infrastructure Services</p> <p>District Council of Peterborough Chief Executive Officer</p> <p>Eastern Health Authority (EHA) Chief Executive Officer Senior Environmental Health Officer</p> <p>Kangaroo Island Council Chief Executive Officer</p> <p>Naracoorte Lucindale Council Chief Executive Officer Manager Planning and Compliance Planning Officer</p> <p>Northern Areas Council Chief Executive Officer</p> <p>Mount Barker District Council Chief Executive Officer General Manager Council Services Manager Health and Public Safety</p> <p>Port Augusta City Council Chief Executive Officer Director Infrastructure Manager Environmental Health Services</p>	<p>93(1) Power to issue an environment protection order.</p> <p>93(2)(c) Power to impose any requirement reasonably required for the purpose for which the order is issued.</p> <p>93(2a) Where a proposed environment protection order or a proposed variation to an environment protection order would require the undertaking of an activity for which a permit would, but for S.12 of the <i>Water Resources Act 1997</i>, be required under that Act, Board function, before issuing or varying an order, of giving notice to the authority under the <i>Water Resources Act 1997</i> to whom an application for a permit for the activity would otherwise have to be made inviting the authority to make written submission in relation to the proposal within a period specified in the notice.</p> <p>93(6) Power, if of the opinion that it is reasonably necessary to do so in the circumstances, include in an environment protection order a requirement for an act or omission that might otherwise constitute a contravention of the Act.</p> <p>93(7) Power, by written notice served on a person to whom an environment protection order has been issued, to vary or revoke an environment protection order</p>

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S.93(1), 93(2)(c), s.93(2a), s.93 (6) and s.93(7) of the Act	<p>Renmark Paringa Council Chief Executive Officer Director Infrastructure and Environmental Services</p> <p>Wattle Range Council Chief Executive Officer Director Development Services Manager Development, Health & Compliance</p> <p>Whyalla City Council Chief Executive Officer Group Manager Engineering and Infrastructure Group Manager City Development and Delivery</p>	<p>93(1) Power to issue an environment protection order.</p> <p>93(2)(c) Power to impose any requirement reasonably required for the purpose for which the order is issued.</p> <p>93(2a) Where a proposed environment protection order or a proposed variation to an environment protection order would require the undertaking of an activity for which a permit would, but for S.12 of the <i>Water Resources Act 1997</i>, be required under that Act, Board function, before issuing or varying an order, of giving notice to the authority under the <i>Water Resources Act 1997</i> to whom an application for a permit for the activity would otherwise have to be made inviting the authority to make written submission in relation to the proposal within a period specified in the notice.</p> <p>93(6) Power, if of the opinion that it is reasonably necessary to do so in the circumstances, include in an environment protection order a requirement for an act or omission that might otherwise constitute a contravention of the Act.</p> <p>93(7) Power, by written notice served on a person to whom an environment protection order has been issued, to vary or revoke an environment protection order</p>

COLUMN 1 SECTIONS OF THE ACT,	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
S.95(1), s.95(4) and s.95(5)(a) of the Act	<p>Adelaide Hills Council Chief Executive Officer Manager Waste Health and Regulatory Services Team Leader Regulatory Services Team Leader Environmental Health</p> <p>City of Adelaide Associate Director Customer Team Leader Community Safety and Health</p> <p>City of Campbelltown Team Leader Development Assessment and Compliance Compliance Officer General Inspector</p> <p>City of Charles Sturt Manager Public Health and Safety Environmental Health Team Leader</p> <p>City of Holdfast Bay Chief Executive Officer General Manager of Engineering and Environment</p> <p>City of Playford General Manager City Services Senior Manager Health, Environment and Regulatory Services Manager Regulatory Services</p> <p>City of Port Adelaide Enfield Chief Executive Officer Director Community Development Manager Community and Environmental Health</p>	<p>95(1) Where the requirements of an environment protection order are not complied with, the power to take any action required by the order.</p> <p>95(4) The power to recover the reasonable costs and expenses incurred by the council as a debt from the person who failed to comply with the requirements of the environment protection order.</p> <p>95(5)(a) Where an amount is recoverable from a person under this section, the power by notice in writing to the person, to fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid.</p>

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S.95(1), s.95(4) and s.95(5)(a) of the Act	<p>City of Prospect General Manager Environment and Community Services Manager Development and Environment</p> <p>City of Marion General Manager City Development Unit Manager Community Health and Safety</p> <p>City of Mitcham Director Engineering and Environmental Services Manager Environmental Services</p> <p>City of Salisbury Chief Executive Officer General Manager City Development Manager Environmental Health and Safety Senior Environmental Health Officer</p> <p>City of Unley General Manager Community Senior Environmental Health Officer Environmental Health Officer</p> <p>City of West Torrens Chief Executive Officer General Manager Corporate and Regulatory Manager Regulatory Services Team Leader Compliance Team Leader Environmental Health</p> <p>District Council of Barunga West Deputy Chief Executive Officer Manager Infrastructure Services</p>	<p>95(1) Where the requirements of an environment protection order are not complied with, the power to take any action required by the order.</p> <p>95(4) The power to recover the reasonable costs and expenses incurred by the council as a debt from the person who failed to comply with the requirements of the environment protection order.</p> <p>95(5)(a) Where an amount is recoverable from a person under this section, the power by notice in writing to the person, to fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid.</p>

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S.95(1), s.95(4) and s.95(5)(a) of the Act	<p>District Council of Peterborough Chief Executive Officer</p> <p>Eastern Health Authority (EHA) Chief Executive Officer Senior Environmental Health Officer</p> <p>Kangaroo Island Council Chief Executive Officer</p> <p>Mount Barker District Council Chief Executive Officer General Manager Council Services Manager Health and Public Safety</p> <p>Naracoorte Lucindale Council Chief Executive Officer Director Corporate Services Manager Planning and Compliance</p> <p>Northern Areas Council Chief Executive Officer</p> <p>Port Augusta City Council Chief Executive Officer Director Infrastructure Manager Environmental Health Services</p> <p>Renmark Paringa Council Chief Executive Officer Director Infrastructure and Environmental Services</p> <p>Wattle Range Council Chief Executive Officer Director Development Services Manager Development, Health & Compliance</p>	<p>95(1) Where the requirements of an environment protection order are not complied with, the power to take any action required by the order.</p> <p>95(4) The power to recover the reasonable costs and expenses incurred by the council as a debt from the person who failed to comply with the requirements of the environment protection order.</p> <p>95(5)(a) Where an amount is recoverable from a person under this section, the power by notice in writing to the person, to fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid.</p>

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S.95(1), s.95(4) and s.95(5)(a) of the Act	Whyalla City Council Chief Executive Officer Group Manager Engineering and Infrastructure Group Manager City Development and Delivery	<p>95(1) Where the requirements of an environment protection order are not complied with, the power to take any action required by the order.</p> <p>95(4) The power to recover the reasonable costs and expenses incurred by the council as a debt from the person who failed to comply with the requirements of the environment protection order.</p> <p>95(5)(a) Where an amount is recoverable from a person under this section, the power by notice in writing to the person, to fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid.</p>

COLUMN 1 CLAUSES OF ENVIRONMENT PROTECTION POLICIES	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
<p><i>Clause 6(1), Clause 6(2), Clause 6(3)(a)(i), Clause 6(3)(a)(ii), Clause 6(3)(b), Clause 6(3)(g) and Clause 6(4) of the Environment Protection (Air Quality) Policy 2016</i></p>	<p>Chief Executive Officers or City Managers, District and Municipal Councils Fire Prevention Officers, District and Municipal Councils</p> <p>Adelaide Hills Council Environmental Health Officer Team Leader Regulatory Services Team Leader Environmental Health Manager Waste Health and Regulatory Services Director Strategy and Development</p> <p>Alexandrina Council Community Safety Officer Community Safety Support Officer Team Leader Community Safety Manager Health, Environment and Community Safety Environmental Health Officer Senior Environmental Health Officer Environmental Health Support Officer</p> <p>City of Adelaide Associate Director Customer Team Leader Community Safety and Health Senior Environmental Health Officer Environmental Health Officer</p>	<p>Authority's power to issue a burning permit for one or more of the burning activities listed in 6(1)(a),(b) and (c).</p> <p>Authority's power to determine the written manner and form of an application for a burning permit.</p> <p>Authority's power to issue a burning permit by notice in writing to the person to whom the permit applies.</p> <p>Authority's power to issue a burning permit by notice published on the relevant council's website and in a newspaper circulating in the council area.</p> <p>Authority's power to specify the conditions to which a burning permit is subject including: the period when the burning can take place, or the specified matter or specified class of matter that can be burned, or any other conditions considered necessary or desirable to control or minimise air pollution from the burning activity.</p> <p>Authority's power to vary or revoke a burning permit at any time by further notice given in the same manner as for its issuing (under paragraph 6(3)(a)).</p> <p>Authority's power to refuse an application for a burning permit on the grounds that the applicant is not a suitable person to be issued with such a permit.</p>

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Clause 3(1): <i>characteristic, extraneous noise</i> (b) <i>Environment Protection (Noise) Policy 2007</i>	<p>Authorised officers appointed under s.85(3) by the following councils:</p> <p>Adelaide Hills Council Corporation of the City of Adelaide Corporation of the City of Whyalla Mount Barker District Council Naracoorte Lucindale Council City of West Torrens</p>	<p><i>characteristic</i>: Authority's power to determine in relation to noise from a noise source, that a tonal, impulsive, low frequency or modulating characteristic of the noise that is fundamental to the nature and impact of the noise.</p> <p><i>-extraneous noise</i>: (b) Authority's power to determine that noise is extraneous because it is of a significant level and the result of an organised activity that might be discontinued, reduced or relocated.</p>
Clauses 4(2), 4(3) <i>Environment Protection (Noise) Policy 2007</i>	<p>Authorised officers appointed under s.85(3) by the following councils:</p> <p>Adelaide Hills Council Corporation of the City of Adelaide Corporation of the City of Whyalla Mount Barker District Council Naracoorte Lucindale Council City of West Torrens</p>	<p>Cl.4(2): Authority's power to determine, if there is uncertainty as to what land uses are principally promoted by relevant Development Plan provisions for the purposes of the Policy, in consultation with the council for the area concerned, what land uses are principally promoted by the relevant Development Plan provisions.</p> <p>Cl.4(3): Authority's power to determine, in accordance with the Guidelines for the use of the Environment Protection (Noise) Policy 2007 published by the Authority as in force from time to time, what land use category (specified in the tables at Cl.5(9) of the Policy) a land use principally promoted by the relevant Development Plan provisions, fall within.</p>
Clause 5(8) <i>Environment Protection (Noise) Policy 2007</i>	<p>Authorised officers appointed under s.85(3) by the following councils:</p> <p>Adelaide Hills Council Corporation of the City of Adelaide Corporation of the City of Whyalla Mount Barker District Council Naracoorte Lucindale Council City of West Torrens</p>	<p>Authority's power to determine the relevant level set out in AS/NZS 2107:2000 as the indicative noise level for the noise source.</p>

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COLUMN 1 CLAUSES OF ENVIRONMENT PROTECTION POLICIES	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
Clause 12(3) <i>Environment Protection (Noise) Policy 2007</i>	Authorised officers appointed under s.85(3) by the following councils: Adelaide Hills Council Corporation of the City of Adelaide Corporation of the City of Whyalla Mount Barker District Council Naracoorte Lucindale Council City of West Torrens	Authority's power to determine, the measurement place when it is not practicable to be located outside a building.
Clauses 13(a)(vi), 13(b)(vi), 13(c), 13(c)(vi) <i>Environment Protection (Noise) Policy 2007</i>	Authorised officers appointed under s.85(3) by the following councils: Adelaide Hills Council Corporation of the City of Adelaide Corporation of the City of Whyalla Mount Barker District Council Naracoorte Lucindale Council City of West Torrens	Cl.13(a)(vi): Authority's power to determine, if steps must be taken, and if steps are taken, what those steps should be, to take account of any significantly varying meteorological patterns in the locality when measuring noise in accordance with Cl.13(a). Cl.13(b)(vi): Authority's power to determine, if steps must be taken, and if steps are taken, what those steps should be, to take account of any significantly varying meteorological patterns in the locality when measuring noise pursuant to Cl.13(b). Cl.13(c): Authority's power to determine the measurement place other than in a room. Cl.13(c)(vi): Authority's power to determine, if steps must be taken, and if steps are taken, what those steps should be, to take account of any significantly varying meteorological patterns in the locality when measuring noise in accordance with Cl.13(c).

COLUMN 1 CLAUSES OF ENVIRONMENT PROTECTION POLICIES	COLUMN 2 DELEGATED TO	COLUMN 3 DESCRIPTION OF POWER OR FUNCTION
Clauses 14(1)(b)(ii), 14(2) <i>Environment Protection (Noise) Policy 2007</i>	<p>Authorised officers appointed under s.85(3) by the following councils:</p> <p>Adelaide Hills Council Corporation of the City of Adelaide Corporation of the City of Whyalla Mount Barker District Council Naracoorte Lucindale Council City of West Torrens</p>	<p>Cl.14(1)(b)(ii): Authority's power to determine, that a measurement time, other than 15 minutes required by Cl.14(1)(b)(i), is more or equally representative of the impact of the noise from the noise source.</p> <p>Cl.14(2): Authority's power to determine, in what manner the source noise level (continuous), when measured in accordance with Part 3 of the Policy, must be adjusted to remove the influence of the ambient noise level (continuous).</p>
Clauses 15(1)(b), 15(2), 15(2)(c) <i>Environment Protection (Noise) Policy 2007</i>	<p>Authorised officers appointed under s.85(3) by the following councils:</p> <p>Adelaide Hills Council Corporation of the City of Adelaide Corporation of the City of Whyalla Mount Barker District Council Naracoorte Lucindale Council City of West Torrens</p>	<p>Cl.15(1)(b): Authority's power to determine, over what period a measurement of ambient noise level (continuous), or background noise level, made for the purposes of this policy, must be made so that noise from the noise source is absent from the measurement place and is adequately representative of the nature of the ambient noise.</p> <p>Cl.15(2): Authority's power to determine, where a noise measurement must be taken if it is not reasonably practicable to measure the ambient noise level (continuous) or background noise level at the noise-affected premises because of difficulty in eliminating noise from the noise source or eliminating the effect of extraneous noise on the measurement.</p> <p>Cl.15(2)(c): Authority's power to determine, the noise to adequately match the ambient noise at the noise-affected premises, when measuring in accordance with Cl.15(2).</p>