



## DELEGATION OF AUTHORITY

<b>DELEGATION NO:</b>	2009-27 (V3)
<b>DELEGATION TITLE:</b>	Plumbing, Drainage and Stormwater
<b>Delegation from Council to:</b>	Chief Executive Officer
<b>Date and Resolution No.:</b>	
<b>Delegation from the Chief Executive Officer to:</b> Refer attached schedule	<b>Date</b>
<b>Source of Authority:</b> <i>Local Government Act 2009</i> <i>Plumbing and Drainage Act 2002</i> <i>Standard Plumbing and Drainage Regulation 2003</i>	

**Delegated Power:**

1. To exercise the powers of the local government under the *Plumbing and Drainage Act 2002* (the **Act**) including without limitation the following:
  - (a) carry out a compliance assessment;
  - (b) issue a compliance permit;
  - (c) issue a compliance certificate;
  - (d) respond to a compliance request for compliance assessable work or on-site sewerage work, including requesting further information, deciding the request and imposing reasonable and relevant conditions;
  - (e) give a copy of a compliance permit;
  - (f) give an information notice about a decision;
  - (g) assess and decide all requests for compliance assessments;
  - (h) decide whether to assess compliance assessable work<sup>1</sup>;
  - (i) request to supply a plan of the assessed and completed work;
  - (j) replace a compliance certificate with a certificate;

<sup>1</sup> Only where an approved person for the assessment gives council a notice in the approved form verifying that the work complies with the relevant compliance permit and the *Standard Plumbing and Drainage Regulation 2003*.

- (k) issue a written notice;
  - (l) amend any compliance certificate; and
  - (m) where the local government has been notified of completed work, assess the work.
2. The authority to administer the *Standard Plumbing and Drainage Regulation 2003* (Regulation) for council's area, or those areas not under council's control where council has been requested to administer the regulation by the entity that has control of the area.
3. To exercise the powers of the local government with regards to the appointment of inspectors under the Act including without limitation the following:
- (a) appoint an individual as an inspector;
  - (b) issue an instrument of appointment to an inspector; and
  - (c) issue an identity card to an appointed inspector.
4. To exercise the powers of the local government under the Act including without limitation the following:
- (a) issue a show cause notice;
  - (b) issue an enforcement notice;
  - (c) authorise a person to dismantle or take away all or part of a grey- water treatment plant or on-site sewerage facility;
  - (d) approve the disposal of the contents of a grey-water treatment plan into the infrastructure of the sewerage service provider;
  - (e) approve the disposal of the contents and effluent of an on-site sewerage facility;
  - (f) monitor grey-water use facilities and on-site sewerage facilities<sup>1</sup>; and
  - (g) keep records, registers and to monitor installations in sewered and non-sewered areas.
5. To exercise the powers of the Local Government under Chapter 3, Part 3 of the *Local Government Act 2009* including without limitation the following:
- (a) require an owner of a property (by written notice) to connect a stormwater installation to the local governments stormwater drain in any way, under the conditions and within the time stated in the notice;
  - (b) give approval for the connection of a stormwater installation to the local government's stormwater drain, including the imposition of conditions;
  - (c) give a notice requiring the owner of a property to perform sewerage installation works; and
  - (d) perform work to fix damage and recover reasonable costs for the work from a person who put a prohibited substance in the stormwater drain.

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<sup>1</sup> On-site sewerage facilities installed for testing purposes in sewered areas in the council's local government area.

6. To exercise the powers of the local government under the *Local Government Act 2009*, including but not limited to the following:
  - (a) act for the local government in legal proceedings including the authority to:
    - (i) give instructions and act as the authorised agent for the local government;
    - (ii) effect substituted service; and
    - (iii) sign all documents for the local government.

**Delegation Criteria:**

7. The Delegated Officer may appoint an inspector in relation to the powers delegated in paragraph 3 (a) of this delegation subject to the following:
  - (a) the individual is qualified for appointment; and
  - (b) the Plumbing Industry Council is advised of the appointment of each inspector within 20 business days; and
  - (c) after July 1 in each year provide the Plumbing Industry Council a list of all inspectors appointed as at that date.
8. In relation to exercising the powers under the Local Government Act (2009), the delegated Officer may exercise the powers delegated in paragraph 5 of this delegation in respect of:
  - (a) comply with the procedural requirements of the *Local Government Act 2009*.

**Delegation Administrative Procedure:**

9. The powers conferred by this delegation must be exercised in accordance with the legislation conferring the authority, including any obligations which are imposed in exercising the power (e.g. performing the function or exercise the power in a way that best achieves the object of the Act).
10. The powers conferred by this delegation must not be exercised in circumstances where the power is not capable of delegation under sections 257, 257A, 258 and 259 of the Local Government Act 2009.
11. The delegated officer must make and keep a register of all instances of where this delegation has been exercised.
12. Unless compliance would be contrary to any law, compliance with the policies and codes of conduct of the local government must be achieved.

