



Delegation No: 2014-67
Version: (1)

DELEGATION OF AUTHORITY

TITLE: Distributor –Retailer Planning and Development Functions

Delegation from Council to:

Resolution No. and Date:

Delegation from the Chief Executive Officer to:

Date:

Source of Authority:

Delegation by Northern SEQ Distributor Retailer Authority -Unitywater - *Mandatory Delegation of Distributor –Retailer Planning and Development Functions 30 June 2014*
South East Queensland Water (Distribution and Retail Restructuring) Act 2009 – s.53(5)
Local Government Act 2009 (Qld) - s. 257 and s.259

Delegated Power:

1. Authority to exercise the powers of the local government as the delegate of the Northern SEQ Distributor –Retailer Authority pursuant to s.53(5) of the *South East Queensland Water (Distribution and Retail Restructuring) Act 2009* (the **DR Act**) and the delegation instrument *Mandatory Delegation of Distributor –Retailer Planning and Development Functions* delegated by the Northern SEQ Distributor Retailer Authority -Unitywater which delegates the following:
 - (a) the duty of undertaking the Functions of the Northern SEQ Distributor –Retailer Authority -
 - i. as concurrence agency for a development application in the local government area; and
 - ii. under chapter 9 , part 7A, division 4 of the *Sustainable Planning Act 2009*.
 - (b) the powers of the Northern SEQ Distributor –Retailer Authority under the DR Act and under the Sustainable Planning Act 2009 to undertake the Functions –
 - i. as concurrence agency for a development application in the local government area; and
 - ii. under chapter 9 , part 7A, division 4 of the *Sustainable Planning Act 2009*.

Delegation No: 2014-67

Version: (1)

- (c) to execute and deliver any document that is required by law or reasonably requested by any person in connection with the undertaking of the Functions, as the lawful delegate of the Northern SEQ Distributor –Retailer Authority.

Conditions:

2. This delegation is subject to the following conditions:

- (a) The Delegated Officer, when performing the Functions delegated under this delegation must:
- i. consult with and seek the advice and recommendations of the Northern SEQ Distributor –Retailer Authority (including conditions for inclusion in development approvals) in accordance with the applicable laws and policies, including the SLA schedule, the Distributor-Retailers Connections Policy and the Practice Note, in force at the time;
 - ii. where consultation has occurred under paragraph (i), take full account of an endeavour to apply the requirements and conditions that the Northern SEQ Distributor –Retailer Authority recommends for attachment to a development approval relating to water service or wastewater service or to water infrastructure of the Distributor-Retailer;
 - iii. perform the delegated functions and exercise the delegated powers solely for the purpose of carrying out the Functions;
 - iv. give the Northern SEQ Distributor –Retailer Authority a copy of each compliance permit, compliance certificate and development approval granted by the Delegate under this delegation;
 - v. comply with all laws. If any law conflicts with this delegation, the law will prevail to the extent of any inconsistency.

Delegation Administrative Procedures:

3. The following course of action is to be undertaken for this delegation in relation to the powers delegated in paragraph 1 of this delegation:

- (a) This delegation is to be exercised in accordance with s.53 (5) of the *South East Queensland Water (Distribution and Retail Restructuring) Act 2009* (the DR Act) and the delegation instrument *Mandatory Delegation of Distributor –Retailer Planning and Development Functions* delegated by the Northern SEQ Distributor Retailer Authority -Unitywater; and
- (b) The extent of authority is in accordance with the relevant provisions outlined in s.53 (5) *South East Queensland Water (Distribution and Retail Restructuring) Act 2009* (the DR Act) and the delegation instrument *Mandatory Delegation of Distributor –Retailer Planning and Development Functions* delegated by the Northern SEQ Distributor Retailer Authority -Unitywater.

Delegation No: 2014-67

Version: (1)

4. The following procedure is to be undertaken for this delegation in accordance with the powers delegated:

The delegated officer-

- (a) must act impartially and consider any potential conflicts of interest when exercising this delegation;
- (b) must follow lawful and fair procedures, gather information relevant to any decision and give procedural fairness to ensure due process is followed when exercising this delegation;
- (c) should consider the impacts of any obligations and contractual responsibilities being imposed on council as a result of exercising the powers in this delegation;
and
- (d) will apply all relevant policies, guidelines and procedures; where such documents exist.