

# INSTRUMENT OF DELEGATION

## INSTRUMENT OF DELEGATION UNDER THE SOUTH AUSTRALIA PUBLIC HEALTH (WASTEWATER) REGULATIONS 2013

29 NOVEMBER 2023

## Delegation Sources

- South Australia Public Health (Wastewater) Regulations 2013

### Positions

Abbreviation	Position	Name
CEO	Chief Executive Officer	Kelly Westell
MDRS	Manager Development & Regulatory Services	Gabby Swearse
MIO	Manager Infrastructure & Operations	

### Positions Groups

Positions Group	Position	Positions
EHO	Environmental Health Officers	EH1, EH2

## Instrument of Delegation under the South Australia Public Health (Wastewater) Regulations 2013

<b>South Australia Public Health (Wastewater) Regulations 2013</b>				
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>	<b>Capacity of Council</b>
regulation 6(1)(b)	Agree to act as a relevant authority in respect of a wastewater systems or wastewater works being undertaken by another council or a person in conjunction with another council	CEO, MDRS, MIO, EHO		council
regulation 8(1)	Give notice to the owners of land in the area affected by the proposed establishment of a community wastewater management system by the council	CEO, MDRS, MIO, EHO		council
regulation 8(2)	Consider any submissions received regarding the proposed establishment of a community wastewater management system by the council	CEO, MDRS, MIO, EHO		council
regulation 8(3)	Obtain a wastewater works approval from the Minister	CEO, MDRS, MIO, EHO		council

**South Australia Public Health (Wastewater) Regulations 2013**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>	<b>Capacity of Council</b>
regulation 9(1)	Require the operator of an on-site wastewater system to connect the system to a community wastewater management system and submit an application for the connection to the relevant authority	CEO, MDRS, MIO, EHO		council
regulation 9(1)(b)	Receive an application for connection of an on-site wastewater system to a community wastewater management system	CEO, MDRS, MIO, EHO		relevant authority
regulation 9(4)	Grant approval for wastewater works for the connection of an on-site wastewater system to a community wastewater management system	CEO, MDRS, MIO, EHO		relevant authority
regulation 9(6)	Cause the requirements of an approval under regulation 9 for wastewater works to be carried out	CEO, MDRS, MIO, EHO		relevant authority
regulation 9(7)	Recover the costs and expenses reasonably incurred in exercising power under regulation 9(6) and the application fee which would have been payable	CEO, MDRS, MIO		relevant authority

**South Australia Public Health (Wastewater) Regulations 2013**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>	<b>Capacity of Council</b>
regulation 10(1)	Determine application for an exemption from regulation 9	CEO, MDRS, MIO, EHO		council
regulation 10(3)	Impose conditions on an exemption from regulation 9	CEO, MDRS, MIO, EHO		council
regulation 10(4)	Vary or revoke an exemption granted under regulation 10(3)	CEO, MDRS, MIO		council
regulation 11(1)	Ensure that the requirements of regulation 11(1) are met	CEO, MDRS, MIO, EHO		CWMS operator
regulation 11(2)	Receive a certificate indicating that wastewater works have been undertaken in accordance with the wastewater works approval and detailed drawings as prescribed	CEO, MDRS, MIO, EHO		relevant authority

**South Australia Public Health (Wastewater) Regulations 2013**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>	<b>Capacity of Council</b>
regulation 12(1)	Ensure that the wastewater system is operated, maintained and serviced in accordance with the conditions of any wastewater works approval and any prescribed code	CEO, MDRS, MIO, EHO		CWMS operator
regulation 13(1)	Ensure that wastewater from the wastewater system is not reused or disposed of to land unless authorised by conditions of the wastewater works approval	CEO, MDRS, MIO, EHO		CWMS operator
regulation 15(1)	Receive an application for exemption from compliance with specific provisions of the regulations requiring compliance with prescribed codes	CEO, MDRS, MIO, EHO		relevant authority
regulation 15(1)	Apply for exemption from compliance with specific provisions of the regulations requiring compliance with prescribed codes	CEO, MDRS, MIO, EHO		CWMS operator
regulation 15(3)	Determine conditions to apply to an exemption from a prescribed code	CEO, MDRS, MIO, EHO		relevant authority

**South Australia Public Health (Wastewater) Regulations 2013**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>	<b>Capacity of Council</b>
regulation 15(5)	Vary or revoke an exemption from a prescribed code	CEO, MDRS, MIO		relevant authority
regulation 23(1)	Receive an application for a wastewater works approval	CEO, MDRS, MIO, EHO		relevant authority
regulation 23(2)	Request applicant for a wastewater works approval to provide further technical specifications, information or documents	CEO, MDRS, MIO, EHO		relevant authority
regulation 23(1)	Apply for a wastewater works approval	CEO, MDRS, MIO, EHO		CWMS operator
regulation 23(2)	Provide further technical specifications, information or documents requested by the relevant authority	CEO, MDRS, MIO, EHO		CWMS operator

### South Australia Public Health (Wastewater) Regulations 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 24(1)	Refuse to grant a wastewater approval	CEO, MDRS, MIO, EHO		relevant authority
regulation 24(2)	Provide SA Water with a reasonable opportunity to comment on an application for a wastewater works approval involving the connection of a community wastewater management system to SA Water sewerage infrastructure	CEO, MDRS, MIO, EHO		relevant authority
regulation 25(1)	Specify conditions applying to a wastewater works approval	CEO, MDRS, MIO, EHO		relevant authority
regulation 25(1)	Comply with conditions applying to a wastewater works approval	CEO, MDRS, MIO, EHO		CWMS operator
regulation 25(4)	Provide a copy of a code referred to in a condition of approval for inspection and the council's office	CEO, MDRS, MIO, EHO		relevant authority



**South Australia Public Health (Wastewater) Regulations 2013**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>	<b>Capacity of Council</b>
regulation 25(6)	Vary or revoke a condition of a wastewater approval	CEO, MDRS, MIO, EHO		relevant authority
regulation 25(6)	Apply for a variation or revocation of a condition of a wastewater approval	CEO, MDRS, MIO		CWMS operator
regulation 25(7)	Vary or revoke a condition of a wastewater approval or impose a further condition	CEO, MDRS, MIO		relevant authority
regulation 25(7)	Consent to the variation or revocation of a condition of a wastewater approval or the imposition of a further condition	CEO, MDRS, MIO, EHO		CWMS operator
regulation 26(2)	Postpone the expiry of a wastewater approval	CEO, MDRS, MIO		relevant authority
regulation 27(1)	Keep a register of wastewater approvals	CEO, MDRS, MIO, EHO		relevant authority

### South Australia Public Health (Wastewater) Regulations 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 27(5)	Enable the inspection of the register of wastewater works approvals at the council's offices and the provision of extracts of the register by electronic means	CEO, MDRS, MIO, EHO		relevant authority
regulation 29(1)	Notify the operator of a wastewater system which the council considers on reasonable grounds is adversely affecting or threatening public or environmental health to provide a report from an independent wastewater engineer	CEO, MDRS, MIO, EHO		council
regulation 29(1)	Provide a report from an independent wastewater engineer to the Minister or relevant authority as requested under regulation 29(1)	CEO, MDRS, MIO, EHO		CWMS operator
regulation 29(3)	Obtain a report from an independent wastewater engineer regarding a wastewater system which the council considers on reasonable grounds is adversely affecting or threatening public or environmental health	CEO, MDRS, MIO, EHO		council
regulation 29(3)	Recover the costs and expenses reasonably incurred in obtaining a report from an independent wastewater engineer	CEO, MDRS, MIO		council