

Instrument of Delegation Under the Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010

Preamble

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

Delegation Sources

- Electricity Act 1996
- Electricity (Principles of Vegetation Clearance) Regulations 2010

Titles

- Director Infrastructure & Environmental Services:- Tim Tol

Instrument of Delegation Under the Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010

Electricity Act 1996			
Provision	Item Delegated	Delegate	Conditions and Limitations
S47(3)(b)	1. Power to Carry Out Work on Public Land 1.1 The power pursuant to Section 47(3)(b) of the Electricity Act 1996 (the Act), to agree with an electricity entity to the entity carrying out work on public land that the Council is responsible for the management of.	Director Infrastructure & Environmental Services	
Electricity (Principles of Vegetation Clearance) Regulations 2010			
Provision	Item Delegated	Delegate	Conditions and Limitations
R4(4)	8. Duty of Electricity Entity or Council 8.1 The power pursuant to Regulation 4(4) of the Electricity (Principles of Vegetation Clearance) Regulations 2010 (the Regulations) to seek approval from the Technical Regulator to keep vegetation clear of the powerlines in accordance with the principles in Regulation 4(2)(b)(ii) of the Regulations.	Director Infrastructure & Environmental Services	
R7(3)	9. Technical Regulator May Grant Exemption from Principles of Vegetation Clearance 9.1 The power pursuant to Regulation 7(3) of the Regulations to make submissions to the Technical Regulator in relation to an application under Regulation 7 of the Regulations.	Director Infrastructure & Environmental Services	
Electricity Act 1996			
Provision	Item Delegated	Delegate	Conditions and Limitations
S47(4)	1. Power to Carry Out Work on Public Land 1.2 The power pursuant to Section 47(4) of the Act, to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest.	Director Infrastructure & Environmental Services	
S47(7)	1. Power to Carry Out Work on Public Land	Director	

Electricity Act 1996			
	1.3 The power pursuant to Section 47(7) of the Act, if a dispute arises between an electricity entity and the Council about whether work should be permitted under Section 47 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister.	Infrastructure & Environmental Services	
Electricity (Principles of Vegetation Clearance) Regulations 2010			
Provision	Item Delegated	Delegate	Conditions and Limitations
R8(2)	10. Vegetation Clearance Scheme Outside Prescribed Areas Agreed Between Council and Electricity Entity 10.1 The power pursuant to Regulation 8(2) of the Regulations and subject to Regulations 8(3), (4), (5) and (6) of the Regulations, to agree a vegetation clearance scheme with an electricity entity governing the way in which the entity will carry out its duty to clear vegetation in the area of the Council or part of that area.	Director Infrastructure & Environmental Services	
R8(5)(b)	10. Vegetation Clearance Scheme Outside Prescribed Areas Agreed Between Council and Electricity Entity 10.2 The power pursuant to Regulation 8(5)(b) of the Regulations, to vary or revoke a scheme by written agreement between the parties.	Director Infrastructure & Environmental Services	
Electricity Act 1996			
Provision	Item Delegated	Delegate	Conditions and Limitations
S47(9)	1. Power to Carry Out Work on Public Land 1.4 The power pursuant to Section 47(9) of the Act, if a dispute is referred to the Minister under Section 47 of the Act: 1.4.1 to make representations to the Minister on the questions at issue in the dispute; and 1.4.2 to make a reasonable attempt to agree to settlement of the dispute on agreed terms.	Director Infrastructure & Environmental Services	
S55(3)	2. Duties in Relation to Vegetation Clearance 2.1 The power pursuant to Section 55(3) of the Act, where vegetation is planted or nurtured near a public powerline contrary to the principles of vegetation clearance, and the Council has the duty under Part 5 of the Act, to keep vegetation clear of the powerline, to remove the vegetation and recover the cost of so doing as a debt from the person by whom the vegetation was planted or nurtured.	Director Infrastructure & Environmental Services	
Electricity (Principles of Vegetation Clearance) Regulations 2010			
Provision	Item Delegated	Delegate	Conditions and

Electricity (Principles of Vegetation Clearance) Regulations 2010			
			Limitations
R10(5)	11. Objections Relating to Vegetation Clearance 11.1 The power pursuant to Regulation 10(5) of the Regulations, to reach an agreement with an objector as to how the objection might be resolved.	Director Infrastructure & Environmental Services	
R10(6)(b)	11. Objections Relating to Vegetation Clearance 11.2 The power pursuant to Regulation 10(6)(b) of the Regulations, to enter into an agreement under Regulation 9 of the Regulations with the objector that relates to the subject matter of the objection.	Director Infrastructure & Environmental Services	
Electricity Act 1996			
Provision	Item Delegated	Delegate	Conditions and Limitations
S55A(1)	3. Vegetation Clearance Schemes 3.1 The power pursuant to Section 55A(1) of the Act and subject to Sections 55A(3), (4) and (6) of the Act to agree a vegetation clearance scheme with an electricity entity governing the way in which vegetation is to be kept clear of public powerlines on land (other than private land) within both the Council's are and a prescribed area.	Director Infrastructure & Environmental Services	
S55A(2)	3. Vegetation Clearance Schemes 3.2 The power pursuant to Section 55A(2) of the Act, to agree a vegetation clearance scheme in accordance with Section 55A(1) of the Act that does one or more of the following: 3.2.1 require the electricity entity to inspect and clear vegetation more frequently than is required under the principles of vegetation clearance or otherwise govern the way in which the entity will carry out its duty to clear vegetation; 3.2.2 contain a delegation by the electricity entity of a function or power under Part 5 of the Act in relation to powerlines designed to convey electricity at 11 kV or less; 3.2.3 require that the electricity entity be indemnified for any liability arising from an act or omission of the council under the delegation; 3.2.4 confer on the Council the duty to keep vegetation of all kinds clear of specified public powerlines that are designed to convey electricity at 11 kV or less; 3.2.5 exempt the Council from the principles of vegetation clearance relating to the planting or nurturing of vegetation near overhead public powerlines; 3.2.6 impose obligations on the electricity entity or the Council with respect to clearance work or reducing the need for clearance work;	Director Infrastructure & Environmental Services	

Electricity Act 1996			
	3.2.7 make provision for other related matters.		
Electricity (Principles of Vegetation Clearance) Regulations 2010			
Provision	Item Delegated	Delegate	Conditions and Limitations
R10(8)	11. Objections Relating to Vegetation Clearance 11.3 The power pursuant to Regulation 10(8) of the Regulations to, when giving notice of an intention to enter private land to carry out work under Part 5 of the Act, include in or with the notice a statement of the rights of the owner or occupier to lodge an objection under Regulation 10 of the Regulations.	Director Infrastructure & Environmental Services	
Electricity Act 1996			
Provision	Item Delegated	Delegate	Conditions and Limitations
S55A(4)(b)	3. Vegetation Clearance Schemes 3.3 The power pursuant to Section 55A(4)(b) of the Act, to modify a vegetation clearance scheme by written agreement.	Director Infrastructure & Environmental Services	
S55B(2)	4. Vegetation Clearance Scheme Dispute 4.1 The power pursuant to Section 55B(2) of the Act and subject to Sections 55B(3) and (4) of the Act, by written notice to the Technical Regulator, ask the Technical Regulator to determine a vegetation clearance scheme dispute under Division 2, Part 5 of the Act.	Director Infrastructure & Environmental Services	
S55C(2)(c)	4. Vegetation Clearance Scheme Dispute 4.2 The power pursuant to Section 55C(2)(c) of the Act, to make an application to the Technical Regulator to not determine a vegetation clearance scheme on the basis that there are good reasons why the dispute should not be determined.	Director Infrastructure & Environmental Services	
S55D	5. Determinations 5.1 The power pursuant to Section 55D of the Act, to consent to the Technical Regulator, in determining a scheme or modification of a scheme, conferring on the Council the duty to keep vegetation clear of public powerlines.	Director Infrastructure & Environmental	

Electricity Act 1996			
		Services	
S56(1)	6. Role of Councils in Relation to Vegetation Clearance Not Within Prescribed Areas 6.1 The power pursuant to Section 56(1) of the Act, to make an arrangement with an electricity entity conferring on the Council a specified role in relation to vegetation clearance around public powerlines that are not within a prescribed area.	Director Infrastructure & Environmental Services	
S56(2)	6. Role of Councils in Relation to Vegetation Clearance Not Within Prescribed Areas 6.2 The power pursuant to Section 56(2) of the Act to include in an arrangement: 6.2.1 a delegation by the electricity entity of a function or power under Part 5 of the Act; and 6.2.2 a requirement that the electricity entity be indemnified for any liability arising from an act or omission of the Council under a delegation; and 6.2.3 provision for the termination of the arrangement by the electricity entity or the Council; and 6.2.4 provision for the variation of the arrangement by the electricity entity and the Council.	Director Infrastructure & Environmental Services	
S58A	7. Program for Undergrounding of Powerlines 7.1 The power pursuant to Section 58A of the Act, in relation to undergrounding work included in a program, to agree to contribute to the cost of the work in the Council's area on the basis determined by the Minister.	Director Infrastructure & Environmental Services	
S58A(5)	7. Program for Undergrounding of Powerlines 7.2 The power pursuant to Section 58A(5) of the Act, to make submissions to the Minister in relation to a program, in preparing a program, the Minister must consult with, and seek proposals and submissions from, councils, electricity entities, bodies (other than councils) responsible for the care, control or management of roads and other persons as the Minister considers appropriate.	Director Infrastructure & Environmental Services	
S58A(8)	7. Program for Undergrounding of Powerlines 7.3 The power pursuant to Section 58A(8) of the Act, to make submissions to the Minister in relation to varying a program.	Director Infrastructure & Environmental Services	

Document history and version control

Date	Council/Chief Executive Officer	Comment
26 May 2020	Annual review adopted at 26 May 2020 Ordinary Council meeting	