

INSTRUMENT OF SUB-DELEGATION

Plumbing and Drainage Regulation 2019



Pursuant to section 259 of the *Local Government Act 2009*, I, David Farmer, Chief Executive Officer, Ipswich City Council ('**Council**'), delegate to the position or positions set out in Schedule 1, the authority to exercise the powers of the 'local government' as set out in Schedule 2 in relation to the *Plumbing and Drainage Regulation 2019* ('**the Act**').

The powers, the subject of this instrument, have been delegated to me by Council resolution dated ****Date of Council Resolution****.

These powers must be exercised subject to any conditions set out in Schedule 3.

If the position title/number mentioned in this Instrument of Sub-delegation is redesignated or retitled, but the duties, functions and responsibilities attached to the position remain substantially the same, then the reference to the position title/number in this Instrument shall be read as if it is a reference to the redesignated or retitled position title/number.

This instrument of sub-delegation repeals the existing version of this instrument of sub-delegation which confers powers under the Act on the positions the subject of this appointment.

SCHEDULE 1		
Position Title	E-Hub Position ID	Department
GENERAL MANAGER (PLANNING AND REGULATORY SERVICES)	P2535	PLANNING AND REGULATORY SERVICES
BUILDING AND PLUMBING MANAGER	P1018	PLANNING AND REGULATORY SERVICES
TEAM COORDINATOR (PLUMBING)	P1029	PLANNING AND REGULATORY SERVICES
SENIOR PLUMBING INSPECTOR	P1020 P1237	PLANNING AND REGULATORY SERVICES
PLUMBING INSPECTOR	P1021 P1238 P1239 P1240 P1241 P1242 P1243 P1244 P1245	PLANNING AND REGULATORY SERVICES
COORDINATOR (PLUMBING)	P1277	INFRASTRUCTURE AND ENVIRONMENT

SCHEDULE 2	
Section	Delegated powers under the <i>Plumbing and Drainage Regulation 2019</i>
Part 4, Division 3	
<i>Section 26 - Notice to local government requiring information</i>	
s.26(2)	<p>Power to comply with a notice issued by the chief executive under subsection (1)</p> <p><u>Subsection 1</u></p> <p><i>The chief executive may give a notice to a local government requiring the local government to give the chief executive the following information—</i></p> <p><i>(a) the address of each premises in the local government area where an affected treatment plant has been installed;</i></p> <p><i>(b) the name of the owner of the premises.</i></p>
<i>Section 27 - Notice requesting access to premises</i>	
s.27(c)	Power, as the owner of premises, to consent to the entry of the premises to carry out the inspection of the treatment plant.
Part 5, Division 2, Subdivision 2	
<i>Section 41 - Publishing declarations</i>	
s.41	<p>Power, where Council makes a fast-track work declaration or fast-track opt-out declaration, to:-</p> <p>(a) publish the declaration on Council's website;</p> <p>(b) give a copy of the declaration to the chief executive;</p> <p>(c) if Council is a participating local government for a distributor retailer – give a copy of the declaration to the distributor retailer;</p> <p>(d) ensure a copy of the declaration may be inspected, free of charge, at Council's public office.</p>
Part 5, Division 2, Subdivision 4	
<i>Section 45 - Request for further information for deciding application</i>	
s.45(2)	<p>Power, in a circumstance listed in subsection (1), to give the applicant an information request.</p> <p><u>Subsection 1</u></p> <p><i>This section applies if the local government considers—</i></p> <p><i>(a) the application is not a properly made application; or</i></p> <p><i>(b) that the local government does not have the expertise to assess work the subject of the application (the specialist work); or</i></p> <p><i>(c) that the local government requires further information to decide the application.</i></p>
<i>Section 46 - Deciding application—generally</i>	

SCHEDULE 2	
Section	Delegated powers under the <i>Plumbing and Drainage Regulation 2019</i>
s.46	Power to consider each properly made application and decide to:- (a) approve the application with or without conditions; or (b) refuse the application.
<i>Section 48 - Issuing or amending permit</i>	
s.48	Power, where Council decides to approve an application, to:- (a) issue a permit, or an amended permit, to the applicant; and (b) give a copy of the permit, or amended permit, to – (i) if the applicant is not the permit holder—the permit holder; and (ii) if the applicant is not the owner of the premises—the owner of the premises; and (iii) if a distributor-retailer supplies a water service or sewerage service for the premises—the distributor-retailer; and (iv) if the work involves installing a water meter and the local government is not the water service provider for the premises—the water service provider.
<i>Section 50 - Information notice about decisions</i>	
s.50(2)	Power, in a circumstance listed in subsection (1), to give an information notice about the decision. <u>Subsection 1</u> <i>Subsection (2) applies if the local government decides to—</i> (a) <i>approve the application and issue the permit, or amended permit, with a condition mentioned in section 46(a)(ii); or</i> (b) <i>refuse the application.</i>
Part 5, Division 4	
<i>Section 59 - Duration of permit</i>	
s.59(3)	Power, where Council has issued a permit and has not given a final inspection certificate for the work carried out under the permit at least 3 months before the permit is to end, to give notice of the day the permit is to end to – (a) the permit holder; and (b) if the permit holder is not the owner of the premises to which the permit relates—the owner of the premises.
Part 6, Division 2, Subdivision 1	
<i>Section 64 - Inspecting work for compliance</i>	
s.64(2)	Power to inspect the work if the responsible person requests Council to inspect the work under subsection (1) <u>Subsection 1</u>

SCHEDULE 2	
Section	Delegated powers under the <i>Plumbing and Drainage Regulation 2019</i>
	<i>This section applies if the responsible person for the work makes a request under section 63 for the local government to inspect the work.</i>
Section 66 - Action notice for covering plumbing or drainage	
s.66(2)	<p>Power in the circumstances listed in subsection (1) to issue an action notice to the responsible person.</p> <p><u>Subsection 1</u></p> <p><i>This section applies if—</i></p> <p>(a) <i>the responsible person covers plumbing or drainage resulting from, or affected by, the work before an inspector has inspected the work; and</i></p> <p>(b) <i>the inspector inspecting the work reasonably believes the responsible person has failed to comply with section 65.</i></p>
Section 67 - Allowing covered work declaration to be given if inspection delayed	
s.67(2)	<p>Power in the circumstances listed in the subsection (1), to allow the responsible person to give a covered work declaration for the work.</p> <p><u>Subsection 1</u></p> <p><i>This section applies if—</i></p> <p>(a) <i>the responsible person has asked the local government to inspect the work under section 63(1); and</i></p> <p>(b) <i>an inspector has not started to inspect the work within the period mentioned in section 64(2)(a) or (b); and</i></p> <p>(c) <i>the responsible person covers plumbing or drainage resulting from, or affected by, the work before an inspector has inspected the work.</i></p>
Part 6, Division 2, Subdivision 2	
Section 68 - Inspection of work by public sector entity or local government	
s.68(3)	<p>Power to inspect the work if the public sector entity asks Council to inspect the work under subsection (2).</p> <p><u>Subsection 2</u></p> <p><i>The public sector entity may inspect the work or ask the local government to inspect the work.</i></p>
Part 6, Division 3, Subdivision 1	
Section 69 - Declaration that on-site sewage work is compliant	
s.69(2)	Power to, instead of inspecting on-site sewage work, allow an appropriate person to give Council an on-site sewage work declaration.

SCHEDULE 2	
Section	Delegated powers under the <i>Plumbing and Drainage Regulation 2019</i>
Part 6, Division 4, Subdivision 2	
<i>Section 75 - Amending approved plan with minor inconsistency to represent work carried out</i>	
s.75(2)	<p>Power, in the circumstances identified in subsection (1), to amend the approved plan so that it correctly represents the work carried out under the permit.</p> <p><u>Subsection 1</u></p> <p><i>This section applies if the local government considers—</i></p> <p>(a) <i>the work carried out under the permit is not correctly represented in an approved plan for the work because of a minor inconsistency between the plan and the work; and</i></p> <p>(b) <i>other than for paragraph (a), the work carried out under the permit is compliant.</i></p>
Part 6, Division 4, Subdivision 4	
<i>Section 78 - Criteria for giving action notice for work</i>	
s.78	Power to give an action notice to the responsible person.
Part 6, Division 5, Subdivision 2	
<i>Section 83 - Local government giving inspection certificate for work</i>	
s.83(1)	Power to give an inspection certificate for the work to the responsible person for the work.
<i>Section 84 - Local government giving final inspection certificate for work</i>	
s.84(1)	Power to give a final inspection certificate for the work to the responsible person for the work.
Part 6, Division 5, Subdivision 2	
<i>Section 86 - Giving copies of final inspection certificate</i>	
s.86(1)	<p>Power to give a copy of the final inspection certificate to -</p> <p>(a) the permit holder; and</p> <p>(b) if the permit holder is not the owner of the premises—the owner of the premises; and</p> <p>(c) if the work involves installing a water meter and the local government is not the water service provider for the premises—the water service provider.</p>
s.86(3)	<p>Power, where Council receives a notice under subsection (2), to comply with the notice.</p> <p><u>Subsection 2</u></p> <p><i>Subsection (3) applies if—</i></p> <p>(a) <i>the local government is a participating local government for a distributor-retailer;</i></p>

SCHEDULE 2	
Section	Delegated powers under the <i>Plumbing and Drainage Regulation 2019</i>
	<p><i>and</i></p> <p><i>(b) the distributor-retailer, by notice given to the local government, asks the local government to give the distributor-retailer—</i></p> <p><i>(i) a copy of a stated type of final inspection certificate issued by the local government, including the plans for the work to which the certificate relates; or</i></p> <p><i>(ii) stated information about prescribed water meters installed on premises in the local government area.</i></p>
Section 87 - Failure of local government to give certificate	
s.87(3)	<p>Power, where Council is taken under subsection (2) to have decided to refuse to give an inspection certificate or final inspection certified, to give an information notice about the decision.</p> <p><u>Subsection 2</u></p> <p><i>The local government is taken to have decided to refuse to give the inspection certificate or final inspection for the work to the responsible person.</i></p>
Part 6, Division 6	
Section 94 - Inspection of notifiable work on request of responsible person	
s.94(2)	<p>Power to inspect the work if the responsible person requests Council to inspect the work under subsection (1)</p> <p><u>Subsection 1</u></p> <p><i>This section applies if the responsible person for the notifiable work asks the local government to inspect the work.</i></p>
Section 95 - Inspection of notifiable work on request of local government	
s.95(2)	<p>Power in the circumstances listed in subsection (1) to inspect the notifiable work.</p> <p><u>Subsection 1</u></p> <p><i>This section applies if—</i></p> <p><i>(a) the relevant person for the notifiable work has given the commissioner a notice about the work under section 83(1) of the Act (a completion notice); and</i></p> <p><i>(b) within 1 year after the completion notice is given, the local government contacts the occupier of the premises to arrange to inspect the work.</i></p>
Section 96 - Action notice for non-compliant notifiable work	
s.96(2)	<p>Power in the circumstances listed in subsection (1) to issue an action notice to the responsible person.</p> <p><u>Subsection 1</u></p> <p><i>This section applies if an inspector inspects the notifiable work under section 94 or 95 and is not satisfied the notifiable work or a part of the work is compliant.</i></p>

SCHEDULE 2	
Section	Delegated powers under the <i>Plumbing and Drainage Regulation 2019</i>
Part 6, Division 7	
<i>Section 98 - Requirement to comply with action notice</i>	
s.98(3)	Power, where Council considers that a responsible person has not complied with the action notice, to give a copy of the notice to the owner of the premises.
Part 7	
<i>Section 107 - Maintenance of particular combined sanitary drains</i>	
s.107(2)	<p>Power, in the circumstances listed in subsection (1), to:-</p> <ul style="list-style-type: none"> (a) remove the obstruction or fix the damage; and (b) fairly apportion the reasonable cost of removing the obstruction or fixing the damage between the owners; and (c) recover as a debt from each owner, the owner's share of the cost. <p><u><i>Subsection 1</i></u> <i>This section applies if—</i></p> <ul style="list-style-type: none"> (a) a combined sanitary drain serves 2 or more premises, other than body corporate premises; and (b) the drain is obstructed or damaged, including, for example, because of a tree root or a breakage; and (c) the owners of the premises can not agree on suitable and fair arrangements for removing the obstruction or fixing the damage.
<i>Section 108 - Vents in adjoining buildings</i>	
s.108(2)	<p>Power, in the circumstances listed in subsection (1), to require by notice to the owner of the old building and the owner of the new building:-</p> <ul style="list-style-type: none"> (a) the owner of the old building to change the affected vents; and (b) the owner of the new building to pay the owner of the old building the reasonable cost of changing the affected vents. <p><u><i>Subsection 1</i></u> <i>This section applies if—</i></p> <ul style="list-style-type: none"> (a) a building (the new building) is built next to another building of a lower height (the old building); and (b) because of the building work, it is necessary to— <ul style="list-style-type: none"> (i) carry out plumbing or drainage work affecting vents of the old building (the affected vents); and (ii) change the affected vents to comply with the code requirements for the plumbing or drainage work.
Part 8, Division 2	

SCHEDULE 2	
Section	Delegated powers under the <i>Plumbing and Drainage Regulation 2019</i>
<i>Section 112 – Register of permits and inspection certificates</i>	
s.112	<p>Power to keep a register containing each document listed in subsection (1).</p> <p><u>Subsection 1</u></p> <p><i>A local government must keep a register containing—</i></p> <p>(a) <i>the plans and other documents relating to each application for a permit made to the local government, including any plans amended under section 75; and</i></p> <p>(b) <i>a copy of each permit issued by the local government; and</i></p> <p>(c) <i>a copy of each permit issued by a public sector entity and given to the local government under section 54(b); and</i></p> <p>(d) <i>a copy of each inspection certificate or final inspection certificate given by the local government; and</i></p> <p>(e) <i>a copy of each final inspection certificate prepared by a public sector entity and given to the local government under section 91(c).</i></p>
<i>Section 113 - Register of testable backflow prevention devices</i>	
s.113	Power to keep a register containing each notice given to Council under section 102(2) or 103(3).
<i>Section 114 - Register for greywater use and on-site sewage facilities</i>	
s.114	Power to keep a register containing each service report for a greywater use facility or on-site sewage facility given to Council under section 106.
<i>Section 115 - Register of show cause and enforcement notices</i>	
s.115(1)	Power to keep a register containing a copy of each show cause notice and enforcement notice given by Council.
s.115(2)	<p>Power to remove a notice mentioned in subsection (1) from the register if the premises to which the notice relates are demolished or removed.</p> <p><u>Subsection 1</u></p> <p><i>A local government must keep a register containing a copy of each show cause notice and enforcement notice given by the local government.</i></p>
<i>Section 116 - Public access to registers</i>	
s.116	<p>Power, in relation to each register kept under part 8, division 2, to allow a person to:-</p> <p>(a) inspect the register, free of charge, at Council's public office; or</p> <p>(b) buy a copy of an entry in the register for not more than the reasonable cost of producing the copy.</p>

SCHEDULE 3
Conditions

1. Whenever this power is exercised, a record of the exercise shall be made in writing at the time of exercising such power, and a copy thereof shall be kept in such a format as determined from time to time by the Chief Executive Officer.
2. Sections **26(2), 41, 107(2), 108(2), 112, 113, 114, 115(1), 115(2)** and **116** may only be exercised by the **General Manager (Planning and Regulatory services), Building and Plumbing Manager** and **Team Coordinator (Plumbing)**
3. Section **27(c)** may only be exercised by the **Coordinator (Plumbing)** and is the only power which can be exercised by this position.
4. Sections **64(2), 94 (2), 95(2)** may only be exercised by the **Building and Plumbing Manager, Team Coordinator (Plumbing), Senior Plumbing Inspector** and **Plumbing Inspector**
5. The Chief Executive Officer may in his discretion:
 - (a) suspend this delegation for a position listed in Schedule 1; and
 - (b) lift a suspension imposed under (a).
6. If this delegation is suspended for a position in Schedule 1, the occupant of the position must not exercise the powers granted under this delegation until the suspension is lifted by the Chief Executive Officer.
7. This delegation expires when it is revoked by the Chief Executive Officer.
8. This delegation is to be reviewed annually.

Dated this day of 2019.

David Famer
Chief Executive Officer
Ipswich City Council