

Buildings, Licences

Head of Power
Power/Duty Delegated

Local Government (Miscellaneous Provisions) Act) 1960

Part	15
Division	1
Section	374, 374AA, 374AAB
Sub section	15

Detail of Delegation

An application may be made pursuant to section 374 of the Act for the issue of a building licence for works which have not yet been commenced. Pursuant to section 374AA an application may also be made for the issue of a building certificate for unauthorised building works which have already been carried out. The powers of the Shire to delegate approval of plans either under section 374 or 374AA is set out in section 374AAB.

The CEO is delegated authority to approve or refuse Plans and specifications submitted under section 374 and work under section 374AA (unauthorised building works)

Conditions Imposed

The delegate must not refuse the plans and specifications without first obtaining the consent of the Council if the plans and specifications or the unauthorised building work conforms to:

- (i) all local laws enforced in the district of the Shire in respect of building matters in the Shire's predetermined policy in respect of building matters; and
- (ii) all local laws and Town Planning Schemes enforced in the district of the Shire in respect of Town Planning Matters, and the Shire's predetermined policy in respect of Town Planning Matters.

(b) If the delegation is to be exercised by an officer who does not hold the required qualification then the delegate must obtain written certification that the application for the building licence or building certificate as the case requires complied in all respects with part 4 of the Building Regulations 1989.

Extension of Licence

If the building is not completed within the time specified by Building Regulation 15 then the delegate may issue a further approval in a form prescribed by the delegate subject to compliance with Building Regulation 15 and may impose such conditions as the delegate thinks fit on such further licence.

Sub-delegation Permitted Yes

Sub-delegated to Director Development Services
Manager Building Services
Building Surveyor (Size, Type and Class of Building Dependant upon Qualifications and Experience)

Record requirements Documentation to be placed on the property file and in the Information Bulletin Report

Reporting requirements To be reported monthly in the Information Bulletin

DECISION

The Delegator	Date	Reference
---------------	------	-----------

Reviewed by	Date	Reference
-------------	------	-----------

Amended by	Date	Reference
------------	------	-----------

NOTICE OF DELEGATION

Notice in writing	Date	Reference
-------------------	------	-----------

Acknowledged	Date	Reference
--------------	------	-----------

Signature

Prohibition (s5.71) and Code of Conduct

If an employee has been delegated a power or duty relating to a matter in which the employee has an interest that employee must not exercise the power or duty and must refer the matter to the CEO, and if the CEO to the President.

The disclosure must be recorded in the Register of Disclosures.

Disclosure requirements (s5.75 and s5.76)

The delegation of a power or duty to an employee triggers the requirement to make disclosures in primary and annual returns. The LGA contains severe penalties for failure to comply. It is the responsibility of each individual employee to ensure compliance.