DELEGATION OF AUTHORITY

CG05 – DIRECTION AND INFRINGEMENT NOTICES

Pursuant to sections 5.42 and 5.45(2) of the Local Government Act 1995 the Council of the Shire of Serpentine Jarrahdale hereby delegates authority to the Chief Executive Officer to:

1. Issue a Direction under the Planning and Development Act 2005 for a contravention of Town Planning Scheme No. 2.

2. Issue infringement notices for a breach or offence against any Act, regulation or local law which has provision for the issue of infringement notices, including but not limited to the:
   - Local Government Act 1995
   - Health Act 1911
   - Bush Fire Act 1956
   - Dog Act 1976
   - Control of Vehicles (Off Road Areas) Act 1978
   - Litter Act 1979
   - Planning and Development Act 2005

3. Subject to due process and good governance principles the withdrawal of a Direction or infringement notices.

4. Institute proceedings for non-payment of a Direction or infringement notices through the Fines Enforcement Registry.

The Chief Executive Officer may act through and authorise appropriate officers for the purpose of this authority with the condition that the withdrawal of any infringement is to be authorised and approved by the Chief Executive Officer.

The Chief Executive Officer authorises the Manager Building Services, Senior Building Surveyor and Trainee Building Surveyor to issue infringement notices under Building Regulations 1989 (as amended).

The Chief Executive Officer delegates the authority under 1 only to the Director Development Services.

[Refer policy........................]

Approved: Council resolution number CGAM064/02/08       Date 25 February 2008

Reviewed: Council resolution number.....................       Date.............
DELEGATION OF AUTHORITY

CG18 - RATES COLLECTION AND GENERAL DEBTORS

Pursuant to section 5.42 of the Local Government Act 1995 the Council of the Shire of Serpentine Jarrahdale hereby delegates authority to the Chief Executive Officer to make decisions within policy parameters to control the rates and general debtors function.

Specifically this includes:

1. Commencement of legal action for recovery by the issue of a Warrant of Execution through the Local Court.
2. Lodging of a caveat to protect the Shire’s interest.
3. Back rating of properties in accordance with policy G903.
5. To vary Rates Collection procedure dependent upon the prevailing economic situation.
6. To make arrangements with ratepayers wishing to make application for alternative instalment arrangements and extensions which will be completed within the current financial year.
7. To allow extended instalment arrangements, which will be finalised outside the current financial year.
8. To proceed with legal action to recover debts overdue by 60 (sixty) days.
9. To approve previous year write-offs:
   a) up to $150
   b) where they occur due to error or oversight by Officers
   in all other situations a separate report is to be submitted to Council

The Chief Executive Officer has delegated this authority to the Director Corporate Services.

This delegation shall remain in force indefinitely.

[Refer policy G903]

Approved: Council resolution number: Date
Reviewed: Council resolution number: Date

SHIRE PRESIDENT       CHIEF EXECUTIVE OFFICER
DELEGATION OF AUTHORITY

DS01A - APPROVAL OF ENGINEERING DRAWINGS
MAKING RECOMMENDATIONS TO THE WESTERN AUSTRALIAN PLANNING COMMISSION ON SUBDIVISION/AMALGAMATION REFERRALS

Pursuant to sections 5.42 and 5.45(2) of the Local Government Act 1995, Clause 8.2 of Town Planning Scheme 2 and all other powers enabling it, the Council of the Shire of Serpentine Jarrahdale hereby delegates authority to the Chief Executive Officer to:

1. Establish conditions relating to roads, drainage and other civil infrastructure.
2. Monitor subdivision civil works to a degree that allows compliance with conditions to be assessed.
3. Issue clearances for subdivision civil works conditions which have been completed.

- Approve Engineering drawings and plans under Section 170 of the Planning and Development Act 2005

The Chief Executive Officer may act through and authorise appropriate officers for the purpose of this authority.

The Chief Executive Officer delegates this authority to the Director Engineering, Executive Manager Engineering and Manager Infrastructure and Design pursuant to section 5.44 of the Local Government Act 1995.

The delegation shall remain in force indefinitely.

[Refer policy…………………………]

Approved: Council resolution number OCM027/03/08 Date 25 March 2008

Reviewed: Council resolution number……………… Date………………
DELEGATION OF AUTHORITY

DS05 - VARIATIONS TO RESIDENTIAL DESIGN CODES

Pursuant to clause 8.2 of Town Planning Scheme 2 the Council of the Shire of Serpentine Jarrahdale hereby delegates authority to the Director Development Services, Executive Manager Planning, Co-ordinator Planning Services, Senior Planner, Manager Building Services, Senior Building Surveyor and Building Surveyor to:

1. Determine setback variations under the Residential Design Codes, (as amended), subject to comments and no objections being received from adjoining property owners that are affected by any reduction in setback requirements;

2. Exercise discretion in relation to other considerations, standards and requirements set out in the Residential Design Codes, (as amended), subject to no objections being received from adjoining property owners that are affected by any variation, and

3. To approve or refuse any application for setback variations or other variations in accordance with Town Planning Scheme No. 2, the Residential Design Codes (as amended) and Council policy.

The delegation provided in items 1 and 2 may not be exercised until affected adjoining property owners have been notified and the time for submissions has closed and any submissions received have been considered. If any objections are received, the proposal will be referred to Council.

This delegation shall remain in force indefinitely.

[Refer policy…………………….]

**Approved:** Council resolution number: SM012/09/04  **Date** September 2004

**Reviewed:** Council resolution number: CGAM064/02/08  **Date** 25 February 2008

**Approved:** Council resolution number OCM027/03/08  **Date** 25 March 2008

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SHIRE PRESIDENT
DELEGATION OF AUTHORITY

DS06 - OUTBUILDINGS

Pursuant to clause 8.2 of Town Planning Scheme 2 the Council of the Shire of Serpentine Jarrahdale hereby delegates authority to the Executive Manager Planning, Co-ordinator Planning Services, Senior Planner, Manager Building Services, Senior Building Surveyor or Building Surveyor to:

1. Determine setback variations to outbuildings subject to comments and no objections being received from adjoining property owners that are affected by any reduction in setback requirements.
2. Determine any oversized and/or overheight outbuilding within a maximum of 20% variation of the standard in Local Planning Policy 17 as follows:

OVERSIZED OUTBUILDINGS DELEGATION

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Current Provision</th>
<th>Maximum 20% Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Wall Height (m)</td>
<td>Floor Area (m²)</td>
</tr>
<tr>
<td>Residential R20</td>
<td>2.4</td>
<td>10% of the lot area or 60m², whichever is the smallest</td>
</tr>
<tr>
<td>Residential R10</td>
<td>2.4</td>
<td>60</td>
</tr>
<tr>
<td>Residential R12.5</td>
<td>2.4</td>
<td>60</td>
</tr>
<tr>
<td>Special Residential R5</td>
<td>2.7</td>
<td>100</td>
</tr>
<tr>
<td>Rural Living A</td>
<td>3.5</td>
<td>150</td>
</tr>
<tr>
<td>Rural Living B &amp; Special Rural</td>
<td>4.0</td>
<td>200</td>
</tr>
<tr>
<td>Farmlet</td>
<td>5.0</td>
<td>300</td>
</tr>
<tr>
<td>Rural</td>
<td>5.0</td>
<td>500</td>
</tr>
</tbody>
</table>

3. Any variation greater than prescribed in 2 above are to be referred to the Sustainable Development Committee.

This delegation shall remain in force indefinitely.

[Refer policy………………………]

Approved: Council resolution number CGAM064/02/08  Date 25 February 2008
Reviewed: Council resolution number  Date

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SHIRE PRESIDENT
DELEGATION OF AUTHORITY

DS13 - ENFORCEMENT UNDER TOWN PLANNING SCHEME

Pursuant to section 5.42 of the Local Government Act 1995, clause 8.2 of Town Planning Scheme 2 and all other powers enabling it, the Council of the Shire of Serpentine Jarrahdale hereby delegates authority to the Chief Executive Officer to:

1. Approve authorised officers to enter any land (and buildings in the case of the Scheme) at all reasonable times, for the purpose of ascertaining whether the provisions of the Town Planning Scheme are being observed.
2. Initiate legal proceedings for non-compliance with conditions of development approval or for unauthorised development or use (P142/09/02 & P143/09/02) provided that Council be kept informed in a timely manner through the Chief Executive Officer or Development Services Information Report to the Council each month.
3. Issue notices pursuant to Part 7 of Town Planning Scheme No. 2 where a use or activity is likely to contribute or is contributing to dust pollution or soil erosion, requiring the appropriate remedial action. (SM012/09/04).

The Chief Executive Officer delegates the authority in items 2 and 3 only to the Director Development Services pursuant to section 5.44 of the Local Government Act 1995.

This delegation shall remain in force indefinitely.

[Refer policy..........................]

Approved: Council resolution number CGAM064/02/08        Date 25 February 2008
Reviewed: Council resolution number..................         Date.............

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SHIRE PRESIDENT        CHIEF EXECUTIVE OFFICER
Pursuant to section 5.42 of the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Serpentine Jarrahdale hereby delegates authority to the Chief Executive Officer to:

Issue notices pursuant to Section 401 notice of required alteration Part XV - Buildings of the *Local Government (Miscellaneous Provisions) Act 1960* where a breach of building requirements is considered by the Chief Executive Officer to be of a magnitude sufficient to warrant issue of a notice.

The Chief Executive Officer delegates the authority to the Manager Building Services pursuant to section 5.44 of the *Local Government Act 1995* to issue notices pursuant to Section 401 of the *Local Government (Miscellaneous Provisions) Act 1960*.

[Refer policy………………………]

**Approved:** Council resolution number CGAM064/02/08  **Date** 25 February 2008

**Reviewed:** Council resolution number………………..  **Date**…………..
Pursuant to Section 374 of the Local Government (Miscellaneous Provisions) Act 1960 and the Building Regulations 1989 (as amended) the Council of the Shire of Serpentine Jarrahdale hereby delegates authority to Manager Building Services to:

Determine building applications and issue building licences in accordance with the requirements of Section 374 of the Local Government (Miscellaneous Provisions) Act 1960, the Building Regulations 1989 (as amended), other applicable legislation and Council policy.

This delegation shall remain in force indefinitely.

Refer policy [..........................]

Approved: Council resolution number CGAM064/02/08 Date 25 February 2008

Reviewed: Council resolution number ..................... Date .............
DELEGATION OF AUTHORITY

DS19 - CLASSIFICATION OF BUILDINGS

Pursuant to section 5.42 of the Local Government Act 1995 the Council of the Shire of Serpentine Jarrahdale hereby delegates authority to the Chief Executive Officer to issue Classification Certificates pursuant to Section 374C of the Local Government (Miscellaneous Provisions) Act 1960 subject to the building complying with the Building Regulations 1989 (as amended), Building Code of Australia and other relevant building legislation, subject to:

1. Those buildings requiring the issuance of a Classification Certificate, pursuant to the provisions of the Building Regulations, shall be inspected at practical completion.

The Chief Executive Officer delegates this authority to the Manager Building Services pursuant to section 5.44 of the Local Government Act 1995.

[Refer policy…………………………]

Approved: Council resolution number CGAM064/02/08  Date 25 February 2008
Reviewed: Council resolution number…………………..  Date……………. 

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SHIRE PRESIDENT  CHIEF EXECUTIVE OFFICER
Pursuant to section 5.42 of the Local Government Act 1995 the Council of the Shire of Serpentine Jarrahdale hereby delegates authority to the Chief Executive Officer to:

Approve or refuse an application for a Demolition Licence subject to compliance with the Town Planning Scheme, Section 374A of the Local Government (Miscellaneous Provisions) Act 1960, subject to the following:

- The relevant approvals comply with the Heritage of Western Australia Act as required by Section 374A (2a).
- Payment of the Building Construction Training Levy has been made as required under Section 374AB.

The Chief Executive Officer delegates this authority to the Manager Building Services.

This delegation shall remain in force indefinitely.

[Refer policy..........................]

**Approved:** Council resolution number CGAM064/02/08  **Date** 25 February 2008

**Reviewed:** Council resolution number ..................  **Date** ............

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SHIRE PRESIDENT   CHIEF EXECUTIVE OFFICER
The Council of the Shire of Serpentine Jarrahdale hereby delegates authority to the Director Development Services, Executive Manager Planning, Co-ordinator Planning Services and Senior Planner and Manager Building Services to:

Provide advice to the appointed Tribunal Member in mediation proceedings as to whether the Shire of Serpentine Jarrahdale would be willing to reconsider its original determination on an application, pursuant to Section 31 of the State Administrative Tribunal Act 2004.

This delegation shall remain in force indefinitely.

Approved: Council resolution number SD023/08/09 Date 24 August 2009
Reviewed: Council resolution number …………….. Date ……………..
DELEGATION OF AUTHORITY

ENG01 - ACCEPTANCE OF TENDERS

Pursuant to section 5.42 of the Local Government Act 1995 the Council of the Shire of Serpentine Jarrahdale hereby delegates authority to the Chief Executive Officer to:

1. Invite tenders for works and services in the relevant financial year adopted budget, where required in accordance with the provisions of the Local Government Act 1995 and Council's Purchasing Policy CSP2.
2. Specify selection criteria for all tenders called in accordance with part 1 above.

1. Accept tenders, negotiate and execute contracts up to a value of $150,000 where there is a budget provision approved, or in the case of a multiple year contract (including extensions thereof) up to a total contract value of $200,000.
2. Dispose of minor plant and equipment with a depreciated value of not more than $20,000 without the requirement of Council approval.
3. Accept tenders relating to the disposal of impounded perishable and non-perishable goods in accordance with Section 3.47 of the Local Government Act 1995.

This delegation shall remain in force indefinitely.

[Refer policy………………………………]

Approved: Council resolution number CGAM064/02/08 Date 25 February 2008
Reviewed: Council resolution number……………… Date………………

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SHIRE PRESIDENT