



# City of Bunbury Register of Delegated Authority

Annual Review - 27 June 2023 Council Decision 111/23  
Sub-delegations approved by CEO - 2 August 2023

## REVIEW

Reviewed by	Date approved	References
Council	18 Mar 2014	Council Decision 88/14 - Annual Review CP-023743
Council	18 Mar 2014	Amended delegations as per Policy Review and Development Committee Recommendation Council Decision 89/14
Council	23 Jun 2015	Annual Review - Council Decision 219/15 CP-032903
Council	8 Dec 2015	Amended numerous Planning Delegations Council Decision 440/15 CP-032903
Council	13 Dec 2016	Annual Review Council Decision 444/16 CP-037603
Council	13 Dec 2016	Amended Delegation DACL06 – cancellation of infringement notices Council Decision 445/16 CP-037858
Council	24 Jan 2017	Additional Delegation DAH08 - Public Health Act 2016 and Criminal Procedure Act 2004 Council Decision 21/17 CP-038170
Council	21 Feb 2017	Additional Delegation DAO09 – Power to dispose of property (land) Council Decision 58/17 CP-038170
Council	11 Jul 2017	Amended Delegation DAG02 – Contract Price Variations Council Decision 264/17 CP-039456
Council	5 Sep 2017	Amended Delegation DASP03 – Development Applications Council Decision 331/17 CP-040048
Council	26 Jun 2018	Annual Review Council Decision 185/18 CP-043175
Council	11 Dec 2018	Amended delegations as per Policy Review and Development Committee Council Decision 367/18 CP-044126
CEO	18 Jan 2019	Sub-delegations approved CP-044119
Council	5 Feb 2019	Amended delegation 9.1.2 – Grant of Development Approval Council Decision 020/19 CP-044511
CEO	21 Feb 2019	Sub-delegation of 9.1.2 approved CP-044511
CEO	30 Apr 2019	Sub-delegation of 2.1.5 amended CP-044822
Council	17 Sep 2019	Amend Delegation 1.1.1 Appoint Authorised Persons and 1.1.13 Disposal of property. New delegation 1.1.19 Local Law Parking and Parking Facilities Local Law 2018 Council Decision 260/19
CEO	23 Sep 2019	Sub-delegation of 1.2.05 amended DOC/441507 and DOC/451251
Senior Governance Officer	18 Oct 2019	New version produced following an upgrade of options within Attain.

Senior Governance Officer	1 Nov 2019	Amended sub-delegation of Delegations 1.1.14 and 1.1.15
Council	31 Mar 2020	Amend the conditions of Delegation 1.1.16 Defer, Grant Discounts, Waive or Write off Debt to provide the CEO the ability to grant a concession or waive payments. Council Decision 067/20
Council	23 Jun 2020	Annual Review Council Decision 131/20. DOC/590049
CEO	9 Jul 2020	Sub-delegations reviewed and approved with some amendments. Changes of manager titles and removal/addition of positions due to the restructure of 01/07/2020. DOC/587626
Council	21 Jul 2020	Council Decision 154/20. Council agreed to retain the current conditions associated with Delegation 1.1.16
Council	15 Sep 2020	Council Decision 207/20 New delegation adopted. 1.1.20 Agreement for the Payment of Rates and Service Charges
Council	29 Sep 2020	Council Decision 224/20. Amend condition a(i) of delegation 1.1.13 Disposal of Property by increasing the threshold for the disposal of plant, equipment and materials from \$50,000 to \$100,000.
Senior Governance Officer	18 Jan 2021	Repealed Delegations 1.1.1, 4.1.4, 5.1.3 06 November 2020 Pursuant to amendments proclaimed within Local Government Legislation Amendment Act 2019.
Council	23 Feb 2021	Council Decision 28/21. New delegation adopted. 1.1.21 Receiving and withdrawal of complaints alleging a breach of Council Code of Conduct.
Senior Governance and Risk Officer	11 Mar 2021	Sub-delegations amended to remove and add Manager positions - DOC/730934
Council	29 Jun 2021	Annual Review Council Decision 128/21 DOC/784533
CEO	7 Jul 2021	Sub-delegations reviewed and approved with an amendment to Delegation 1.2.05 relating to position titles. DOC/787220
Senior Governance and Risk Officer	1 Sep 2021	Delegation Reissued on 20/01/2021. 11.2.2 WAPC (Sections 15, 21 and 22 of Strata Titles Act) DOC/816159
Senior Governance and Risk Officer	7 Dec 2021	CEO approved the sub-delegated authority for Delegations 1.1.09 and 1.1.10 to Manager Finance. DOC/870260
Senior Governance and Risk Officer	11 Apr 2022	Change of title from Manager Community Services to Manager Community Wellbeing
Senior Governance and Risk Officer	12 May 2022	Change of title from Team Leader Development Assessment & Compliance to Team Leader City Planning
Council	28 Jun 2022	Council Decision 139/22 Review of Council Policy Purchasing and Delegations (Delegations 1.1.10, 1.1.11, 1.1.12 and 1.1.13)

Council	28 Jun 2022	Annual Review Council Decision 140/22 DOC/980888
A/Manager Governance	30 Aug 2022	Added the position of Cadet Building Surveyor / Compliance Officer
CEO	2 Sep 2022	Sub-delegations reviewed and approved with the addition of Manager Waste Operations and Infrastructure Business Services as sub-delegate for Delegations 1.1.10, 1.1.11, 1.1.12 and 1.1.13. DOC/1001466
CEO	2 Sep 2022	CEO Delegations reviewed. DOC/1001466
Council	27 Jun 2023	Annual Review Council Decision 111/23 DOC/1142611
CEO	2 Aug 2023	Sub-delegations reviewed and approved - no amendments made. DOC/1159776

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## INTRODUCTION

### Register of Delegated Authority

#### Introduction

Section 5.42 of the Local Government Act 1995 (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act (other than those under s5.43). The local government may also delegate the exercise of any of its powers to Committees pursuant to section 5.16, other than those under Section 5.17(1).

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of his or her powers to another employee, this must be done in writing. The Act also allows for the Chief Executive Officer to place conditions on any delegations that he or she has delegated. These powers or duties cannot, however, be further sub-delegated. These powers or duties are delegated to assist with improving the time taken to make decisions and are made within the constraints allowed by the relevant legislation. This is consistent with our commitment to a strong customer service focus.

The Department of Local Government & Communities Guideline No.17 – Delegations, establishes the principal issue in determining whether a statutory function or duty is suitable for 'acting through' that being - where the statute provides no discretion in carrying out a function or duty, then the function or duty may be undertaken through the 'acting through' concept.

Conversely, where the statute allows for discretion on the part of the decision maker, then the function must either be delegated or a person authorised, or a policy implemented, that provides sufficient control for another person to have that authority and fulfil the function or duty.

The Local Government Act 1995 does not specifically define the meaning of the term "acting through", however section 5.45(2) states;

"Nothing in this Division is to read as preventing –

- (a) A local government from performing any of its functions by acting through a person other than the CEO"; or
- (b) A CEO from performing any of his or her functions by acting through another person."

The purpose of this register is to ensure a record is kept of those powers or duties that have been delegated to ensure accountability and to meet the requirements of Section 5.46 of the Act. This register is a public document that contains 'Instruments of Delegation' that detail the function being delegated and the relevant statutory reference which is the source of power for the exercise of that function. Without limiting the effect of sections 58 and 59 of the Interpretation Act 1984, these delegations, made under the Act have effect for the period of time specified in the delegation or where no period has been specified, indefinitely. Any decision to amend or revoke these delegations by a local government is to be by an absolute majority.

This register of delegated authority will be reviewed in accordance with the Act on an annual basis.



## Delegations and authorisations under other Legislation

Where legislation provides for the direct delegation to authorise a person or a member of a class of persons by other agencies or decision makers. For example: the Environmental Protection Act allows for the CEO of the Department of Environment Regulation to grant delegated authority direct to a local government.

The authorisation is dealt with in the relevant legislation and, where required, the Instrument of Delegation or Notice of the Appointment is advertised in the Government Gazette.

Those Delegations or authorisations that may occur under legislation other than the Local Government Act 1995, its regulations and the local government's local laws include:

*Planning and Development Act 2005 and associated regulations*

*Dog Act 1976 and regulations;*

*Cat Act 2011 and regulations*

*Bush Fires Act 1954, regulations and local law created under that Act;*

*Litter Act 1979 and regulations*

*Local Government (Miscellaneous Provisions) 1960 as amended;*

*Caravan Parks and Camping Grounds Act 1995;*

*Control of Vehicles (Off-Road Areas) Act 1978 and regulations;*

*Environmental Protection Act 1986*

*Environmental Protection (Noise) Regulations 1997*

*Building Act 2011*

N.B. – This is not an exhaustive list.

## Requirements of a Delegate (and Sub-Delegate)

It is a statutory requirement for delegates to maintain a record of each decision made under delegated authority. Documents relating to delegated authority decisions shall as a minimum, record:

- a. Date the decision was exercised;
- b. Name of the officer/committee exercising the decision;
- c. Description of how the person exercised the power or discharged the duty, including where appropriate, any directions to staff to carry out work associated with the decision unless those directions are included in policies, or the delegation register;
- d. Notation of the people or class of people directly affected by the decision (other than Council or committee members or employees of the City).

Wherever possible these records will be maintained in Authority and CM10. Where no other documentation is created and recorded in the City's record keeping system that will evidence a decision, the decision must be recorded by entering the details into Attain.

Non-statutory duties and decisions are managed through the governance mechanisms of policy, procedures and position descriptions.

The following requirements are obligations on Delegates (and Sub-delegates) relevant to all legislation:

- Must be appointed in writing to the office (position) specified in the Instrument of Delegation.
- Exercises the power or discharges the duty:
  - on behalf of the Local Government (delegator); and
  - must exercise the delegated power by applying their own discretion based upon their own opinion, belief or state of mind in relation to the matter.
- Must avoid and disclose conflicts of interest.
- Must comply with relevant legislation and the City of Bunbury's local laws, policies, resolutions of Council and procedures, when exercising a delegated power or duty.

- Must use discretion, reason, and judgement to form their own opinion before making a decision using delegated authority.
- Can instruct others to carry out administrative and technical work to implement a decision.
- Where the Delegate considers there is a conflict of interest or an element of risk or sensitivity making the decision, the Delegate may refer the decision to another Delegate or back to the Delegator.
- Maintain records of decisions that are in accordance with the City's Record Keeping Plan.

The following requirements are obligations on Delegates (and Sub-delegates) relevant only to Delegations made under the Local Government Act 1995 and Planning and Development Act 2005:

- Must retain records of decisions they make in accordance with the requirements of section 5.46(3) of the Local Government Act 1995, Regulation 19 of the Local Government (Administration) Regulations 1996 and the City of Bunbury's Record Keeping Plan.
- Must provide Primary and Annual Financial Returns in accordance with sections 5.74 and 5.75 of the Local Government Act 1995.
- Must disclose gifts and travel contributions in accordance with s.5.82 of the Local Government Act 1995.

Sub-delegates must also comply with any additional conditions or limitations imposed by the Delegate on the sub-delegation of the authority.

**Instrument of Delegation** means the written form of a delegation. Legislation requires delegation to be provided in writing. The Instrument of Delegation communicates the Delegation from the Delegator to the Delegate.

The Power and Duty outlined in each Instrument of Delegation **is a reference only**. Delegates must ensure they have a comprehensive understanding of the legal framework that informs their decision making, including conditions.

## DELEGATIONS

## 01 Local Government Act 1995

Local Government Act 1995

## 01.1 Council to CEO

<b>Delegation</b>	<b>1.1.1 Declare Vehicle is Abandoned Vehicle Wreck</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	Local Government Act 1995 s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	Local Government Act 1995 s.3.40A(4) Abandoned vehicle wreck may be taken
<b>Function</b>	Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.1.3 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Manager Community Wellbeing Rangers/Fire Control Officers Senior Ranger/Fire Control Officer Team Leader Rangers and Emergency Management
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	Nil
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
18 Jan 2019	Amended delegation	Sub-Delegation approved by CEO.	CP-044119
9 Jul 2020	Amended delegation	Sub-delegations reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626
26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035

<b>Delegation</b>	<b>1.1.2 Disposing of Confiscated or Uncollected Goods</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s.3.46 Goods may be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of s.3.40A(4) Abandoned vehicle wreck may be taken
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46]</li> <li>2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47].</li> <li>3. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)].</li> <li>4. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>The sections of the Act being delegated have varying notice requirements and time periods which must be complied with when using this delegation.</p> <p>Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may occur, in accordance with Functions and General Regulation 30 and Management Policy: Disposal of Minor Assets.</p>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	<p>Manager Community Wellbeing</p> <p>Rangers/Fire Control Officers</p> <p>Senior Ranger/Fire Control Officer</p> <p>Team Leader Community Safety and Emergency Management</p>
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	City of Bunbury Corporate Guideline: Disposal of Minor Assets
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	29 June 2021

<b>Adoption references</b>	Council Decision 128/21
<b>Last reviewed</b>	27 June 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
11 Dec 2018	Amended delegation	Amended in accordance with WALGA template issued July 2017. Replaces previous delegation DACLO2 Disposal of Confiscated Goods.	Council Decision 367/18
18 Jan 2019	Amended delegation	Sub-Delegation approved by CEO	CP-044119
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626
29 Jun 2021	Amended delegation	Remove the function of section 3.40A(4) to declare that an impounded vehicle is abandoned and replace with section 3.46 to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government.	Council Decision 128/21

<b>Delegation</b>	<b>1.1.3 Close Thoroughfares to Vehicles (Road Closures)</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s.3.50 Closing certain thoroughfares to vehicles. s.3.50A Partial closure of thoroughfare for repairs or maintenance. s.3.51 Affected owners to be notified of certain proposals
<b>Function</b>	<p>1. Authority to close a thoroughfare managed by the City (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)].</p> <p>2. Authority to determine to close a thoroughfare managed by the City (wholly or partially) for a period exceeding 4-weeks and before doing so, to: give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].</p> <p>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</p> <p>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]</p> <p>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</p> <p>b. Maintain access to adjoining land [s.3.52(3)]</p>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Infrastructure Manager Infrastructure Maintenance Services Manager Projects and Asset Management
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	Nil
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 May 1999

<b>Adoption references</b>	Council Decision 244/99
<b>Last reviewed</b>	27 June 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
23 Jun 2015	Amended delegation	This delegation is amended to reflect the wording recommended by the Department of Local Government.	Council Decision 219/15
11 Dec 2018	Amended delegation	Amended in accordance with WALGA template issued July 2017. Replaces Delegation DAO01 Thoroughfare Submissions.	Council Decision 367/18
18 Jan 2019	Amended delegation	Sub-delegation approved by CEO.	CP-044119
11 Mar 2021	Amended delegation	Sub-delegation amended to remove position of Manager Engineering Operations and add the positions of Manager Infrastructure Maintenance Services and Manager Projects and Asset Management.	DOC/730934



<b>Delegation</b>	<b>1.1.4 Obstruction of Footpaths and Thoroughfares</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
<b>Function</b>	<p>1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:</p> <p>a. prevent damage to the footpath; or</p> <p>b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</p> <p>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].</p> <p>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</p> <p>4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].</p> <p>5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</p> <p>b. Permission may only be granted where, the proponent has:</p> <p>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</p> <p>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</p> <p>iii. Provided evidence of sufficient Public Liability Insurance.</p> <p>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</p>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Subdelegates</b>	Building Surveyor Cadet Building Surveyor/Compliance Officer Development Engineer Director Infrastructure Manager Infrastructure Maintenance Services Manager Projects and Asset Management Team Leader Building and Compliance
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.2 Determine and manage conditions on approvals to obstruct a public thoroughfare.  <i>Local Government (Uniform Local Provisions) Regulations 1996</i> Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i> .
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
18 Jan 2019	Amended delegation	Sub-delegation approved by CEO.	CP-044119
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Additional Sub-delegation provided to Building Surveyor, Team Leader Building Certification and Development Engineer.	DOC/587626
11 Mar 2021	Amended delegation	Sub-delegation amended to remove position of Manager Engineering Operations and add Manager Infrastructure Maintenance Services and Manager Projects and Asset Management.	DOC/730934
30 Aug 2022	Amended delegation	Added the position of Cadet Building Surveyor/Compliance Officer	DOC/998949

<b>Delegation</b>	<b>1.1.5 Gates Across Public Thoroughfares</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
<b>Function</b>	<p>1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)].</p> <p>2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)].</p> <p>3. Authority to impose conditions on granting permission [ULP r.9(4)].</p> <p>4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)].</p> <p>5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Infrastructure Rangers/Fire Control Officers Senior Ranger/Fire Control Officer Team Leader Rangers and Emergency Management
<b>Subdelegate conditions</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Policy</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i> .
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
18 Jan 2019	Amended delegation	Sub-delegation approved by CEO.	CP-044119
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Sub-delegation added: Rangers, Senior Ranger and Team Leader Community Law, Safety & Emergency Management. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626
11 Mar 2021	Amended delegation	Sub-delegation amended to remove positions of Manager Engineering Operations and Manager Landscape and Natural Environment.	DOC/730934
26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035

<b>Delegation</b>	<b>1.1.6 Public Thoroughfare – Dangerous Excavations</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)].</li> <li>2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.11(6)].</li> <li>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Infrastructure Manager Infrastructure Maintenance Services
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	<p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares.</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.</p>

<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
11 Mar 2021	Amended delegation	Sub-delegation amended to remove position of Manager Engineering Operations and replace with Manager Infrastructure Maintenance Services.	DOC/730934

<b>Delegation</b>	<b>1.1.7 Crossing – Construction, Repair and Removal</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7 (2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12 (1)].</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].</li> <li>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].</li> <li>4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Development Engineer Director Infrastructure Manager Projects and Asset Management
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	<a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a> . <a href="#">Local Government and Public Property Local Law 2003</a> and as amended 2005.
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
11 Mar 2021	Amended delegation	Sub-delegation amended to remove position of Manager Engineering Operations and replace with Manager Project and Asset Management.	DOC/730934



<b>Delegation</b>	<b>1.1.8 Private Works on, over or under Public Places</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.8
<b>Function</b>	1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
<b>Delegates</b>	CEO
<b>Conditions</b>	a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> . b. Permission may only be granted where, the proponent has: i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Infrastructure Manager Infrastructure Maintenance Services Manager Projects and Asset Management
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	<a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places  Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018

<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044116
11 Mar 2021	Amended delegation	Sub-delegation amended to remove positions of Manager Engineering Operations and Manager Landscape and Natural Environment and replace with positions of Manager Infrastructure Maintenance Services and Manager Project and Asset Management.	DOC/730934

<b>Delegation</b>	<b>1.1.9 Expressions of Interest for Goods and Services</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s.3.57 Tenders for providing goods or services Local Government (Functions and General) Regulations 1996 r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
<b>Function</b>	1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Infrastructure Director Strategy and Organisational Performance Director Sustainable Communities Manager Finance
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	<a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit <a href="#">City of Bunbury Council Policy: Purchasing</a>
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Removed position of Manager Works Administration due to the restructure of 01/07/2020.	DOC/587626
30 Nov 2021	Amended delegation	Sub-delegation of Manager Finance approved by CEO	DOC/870260

<b>Delegation</b>	<b>1.1.10 Tenders for Goods and Services - Call Tenders</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s.3.57 Tenders for providing goods or services Local Government (Functions and General) Regulations 1996 r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.11(1).</li> <li>2. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&amp;G r.14 (5)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>Tenders may only be called where:</p> <ol style="list-style-type: none"> <li>a. there is an adopted budget for the proposed goods or services; or</li> <li>b. with the exception being in the period immediately prior to the adoption of a new Annual Budget and where:- <ol style="list-style-type: none"> <li>i. the: proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, or</li> <li>ii. a current supply contract expiry is imminent ; and</li> <li>iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption; and</li> <li>iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.</li> </ol> </li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Subdelegates</b>	Director Infrastructure Director Strategy and Organisational Performance Director Sustainable Communities Manager City Growth Manager Finance Manager Infrastructure Maintenance Services Manager Projects and Asset Management Manager Waste Operations and Infrastructure Business Services
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	<a href="#">City of Bunbury Council Policy: Purchasing</a>
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	28 June 2022
<b>Adoption references</b>	Council Decision 139/22
<b>Last reviewed</b>	27 June 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
23 Aug 2011	Amended delegation	1. The CEO's Delegated Authority be increased to \$500,000 where a tender for the supply of products or services is procured through the Western Australia Local Government Association (WALGA), State or Commonwealth Governments or any of its agencies that provide preferred supplier contracts or agreements.  2. The CEO is to provide quarterly advice on all tenders accepted over \$100,000.	Council Decision 186/11
27 Aug 2013	---	CEO to accept tenders received up to \$250,000	Council Decision 266/13
18 Mar 2014	---	Add a new condition that reads: Price variation approvals are limited to 10% of the contract price.	Council Decision 89/14
23 Jun 2015	---	This delegation is amended to remove the condition which states: "Each delegated officer's capacity to approve an original tender and/or variation is set at according to the schedule of purchasing limits".	Council Decision 219/15
11 Dec 2018	---	Amended in accordance with WALGA template issued July 2017. Replaces delegation DAG01 Power to accept tenders. Conditions of previous delegation were retained in the amended delegation.	Council Decision 367/18

18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Removal of positions Manager Works Administration, Manager City Facilities and Manager Sustainability, Planning and Development, plus Manager title changes and addition of Manager City Growth due to the restructure of 01/07/2020.	DOC/587626
11 Mar 2021	Amended delegation	Sub-delegation amended to remove positions of Manager Engineering Operations and Manager Landscape and Natural Environment and replace with positions of Manager Infrastructure Maintenance Services and Manager Project and Asset Management.	DOC/730934
30 Nov 2021	Amended delegation	Sub-delegation of Manager Finance approved by CEO	DOC/870260
28 Jun 2022	Amended delegation	All conditions remain the same with the inclusion of one new condition • the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.	Council Decision 139/22
2 Sep 2022	Amended delegation	Added sub-delegate position of Manager Waste Operations and Infrastructure Business Services as per CEO Annual Review 2021/22	DOC/1001432

<b>Delegation</b>	<b>1.1.11 Tenders for Goods and Services - Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996</i> r.11(2)(j) Exercising contract extension options r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders r.20(1), (2), (3) Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&amp;G.r.18(2)].</li> <li>2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</li> <li>3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: <ol style="list-style-type: none"> <li>i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and</li> <li>ii. To accept the tender that is most advantageous. [F&amp;G r.18(4)].</li> </ol> </li> <li>4. Authority to decline to accept any tender [F&amp;G r.18(5)].</li> <li>5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into OR the local government and the successful tenderer agree to terminate the contract [F&amp;G r.18(6) &amp; (7)].</li> <li>6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering into a contract [F&amp;G r.20(1) and (3)].</li> <li>7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&amp;G r.20(2)].</li> <li>8. Authority to vary a tendered contract, after it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract.[F&amp;G r.21A(a)].</li> <li>9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).</li> </ol>
<b>Delegates</b>	CEO



<b>Conditions</b>	<ul style="list-style-type: none"> <li>a. Tenders may only be accepted or a contract entered into: <ul style="list-style-type: none"> <li>i. where the total consideration under the contract is \$400,000 or less (ex gst); or</li> <li>ii. in circumstances where the contract is a multi-year contract, the total consideration (over the term of the contract including options) is \$1.2M or less (ex gst); and</li> <li>iii. The expense is expected to be included in the adopted Annual Budget.</li> </ul> </li> <li>b. A decision to renew or extend the term of a contract must only occur in circumstances where the original contract satisfies the requirements of r.11(2)(j) and the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.</li> <li>c. The delegation is subject to compliance with the requirements of the Purchasing Council Policy and operational procedures.</li> </ul>
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
<b>Subdelegates</b>	<p>Director Infrastructure</p> <p>Director Strategy and Organisational Performance</p> <p>Director Sustainable Communities</p> <p>Manager City Growth</p> <p>Manager Infrastructure Maintenance Services</p> <p>Manager Projects and Asset Management</p> <p>Manager Waste Operations and Infrastructure Business Services</p>
<b>Subdelegate conditions</b>	Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.
<b>Policy</b>	Council Policy: Purchasing
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	28 June 2022
<b>Adoption references</b>	Council Decision 139/22
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
28 Jun 2022	New delegation	<p>This delegated authority was previously included within the Delegation 1.1.10 Tenders for Goods and Services. In separating the tenders for good and services power and duties into individual delegations, it allows for the function conditions to be specific and clear, underpinning best practice guidelines.</p> <p>New conditions:</p> <ul style="list-style-type: none"> <li>• Increase the financial authority to accept tenders from \$250,000 or \$500,000 where WALGA or State Common User Agreement to \$400,000 (ex gst) irrespective of where services are procured.</li> <li>• in circumstances where the contract is a multi-year contract, the total consideration (over the term of the contract including options) is increased from \$750,000 to \$1.2M or less (ex gst)</li> <li>• A decision to renew or extend the term of a contract must only occur in circumstances where the original contract satisfies the requirements of r.11(2) (j) and the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.</li> <li>• The prescriptive conditions of authorising minor variations have been removed from the delegation and included within the revised Council purchasing policy.</li> </ul>	Council Decision 139/22
2 Sep 2022	Amended delegation	Added the sub-delegate position of Manager Waste Operations and Infrastructure Business Services	DOC/1001432

<b>Delegation</b>	<b>1.1.12 Tenders for Goods and Services - Exempt Procurement</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996</i> r.11(2) When tenders have to be publicly invited (exemptions)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to undertake tender exempt procurement. [F&amp;G.r.11(2)]</li> <li>2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier [F&amp;G r.11(2)(f)].</li> </ol>
<b>Delegates</b>	CEO

<b>Conditions</b>	<p>a. Tender exempt procurement under F&amp;G.r.11(2) may only be undertaken where:</p> <ul style="list-style-type: none"> <li>i. the total consideration under the resulting contract is expected to be included in the adopted Annual Budget;</li> <li>ii. Awarding/Negotiation must be inline with Purchasing Policy as it relates to tendering; and</li> <li>iii. In accordance with F&amp;G.r.11(2) the tender exempt procurement may only be awarded where the total consideration under the resulting contract is expected to be the maximum \$value or less specified for the following categories:</li> </ul> <table border="0"> <thead> <tr> <th style="text-align: left;"><b>Category</b></th><th style="text-align: left;"><b>Maximum Value for individual contracts</b></th></tr> </thead> <tbody> <tr> <td>WALGA Preferred Supplier Program [F&amp;G.r.11(2)(b)]</td><td>\$400,000</td></tr> <tr> <td>Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&amp;G.r.11(2)(e)]</td><td>\$400,000</td></tr> <tr> <td>Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&amp;G.r.(2)(f)]</td><td>\$400,000</td></tr> <tr> <td>Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&amp;G.r.11(2)(g)]</td><td>\$400,000</td></tr> <tr> <td>Goods or services supplied by a person registered on the Aboriginal Business Directory WA OR Indigenous Minority Supplier Office Limited (T/as Supply Nation) AND where satisfied that the contract represents value for money. [F&amp;G.r.11(2)(h)]</td><td>&lt;\$250,000* *as specified in F&amp;G.r.11(2)(h)(ii)</td></tr> <tr> <td>Goods or services supplied by an Australian Disability Enterprise [F&amp;G.r.11(2)(i)]</td><td>\$400,000</td></tr> </tbody> </table> <p>In circumstances where the contract is a multi-year contract, the total consideration (over the term of the contract including options) is \$1.2M, or less (excluding GST).</p> <p>b. Tender exempt procurement under F&amp;G r.11(2)(f) may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> <li>i. A detailed specification;</li> <li>ii. The outcomes of market testing of the specification; and</li> <li>iii. Rationale for why the supply is unique and cannot be sourced through other suppliers.</li> </ul> <p>c. Tender Exempt Procurement under F&amp;G r11(2)(ia) is exempt from the Maximum Value(s) for Individual Contracts where there is no change to the total consideration under the resulting contract from the original council decision.</p>	<b>Category</b>	<b>Maximum Value for individual contracts</b>	WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$400,000	Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$400,000	Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	\$400,000	Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$400,000	Goods or services supplied by a person registered on the Aboriginal Business Directory WA OR Indigenous Minority Supplier Office Limited (T/as Supply Nation) AND where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	<\$250,000* *as specified in F&G.r.11(2)(h)(ii)	Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	\$400,000
<b>Category</b>	<b>Maximum Value for individual contracts</b>														
WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$400,000														
Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$400,000														
Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	\$400,000														
Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$400,000														
Goods or services supplied by a person registered on the Aboriginal Business Directory WA OR Indigenous Minority Supplier Office Limited (T/as Supply Nation) AND where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	<\$250,000* *as specified in F&G.r.11(2)(h)(ii)														
Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	\$400,000														
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees</p>														

<b>Subdelegates</b>	Director Infrastructure Director Strategy and Organisational Performance Director Sustainable Communities Manager City Growth Manager Infrastructure Maintenance Services Manager Projects and Asset Management Manager Waste Operations and Infrastructure Business Services
<b>Subdelegate conditions</b>	Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.
<b>Policy</b>	Council Purchasing Policy
<b>Record keeping</b>	As per City's Record Keeping Plan.
<b>Date adopted</b>	28 June 2022
<b>Adoption references</b>	Council Decision 139/22
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
28 Jun 2022	New delegation	<p>This delegated authority was previously included within the Delegation 1.1.10 Tenders for Goods and Services. In separating the tenders for good and services power and duties into individual delegations, it allows for the function conditions to be specific and clear, underpinning best practice guidelines.</p> <p>New conditions</p> <ul style="list-style-type: none"> <li>• the maximum \$values for tender exempt procurement categories in line with Local Government (Functions and General) Regulations 1996 and the financial consideration limits as per Delegation instrument: Tenders for Goods and Services - Accepting and Rejecting tenders; varying contracts; exercising contract extension options</li> <li>• Provide evidence that includes a detailed specification, the outcome of market testing and the rationale for why the supply is unique and cannot be sourced through other suppliers.</li> </ul>	Council Decision 139/22
2 Sep 2022	Amended delegation	Added the sub-delegate position of Manager Waste Operations and Infrastructure Business Services	DOC/1001432
27 Jun 2023	Amended delegation	Amends the conditions within delegation 1.1.12 Tender for Goods and Services – Exempt procurement to include enable a new contract to be formed by the novation of a contract which has already be approved from a previous council decision.	Council Decision 111/23

<b>Delegation</b>	<b>1.1.13 Panels of Pre-Qualified Suppliers for Goods and Services</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Functions and General) Regulations 1996</i> r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&amp;G r.24AC(1)(b)].</li> <li>2. Authority to, before inviting submissions, determine the written criteria for deciding which applications should be accepted [F&amp;G r.24AD(3)].</li> <li>3. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&amp;G r.24AD(6)].</li> <li>4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&amp;G r.24AH(2)].</li> <li>5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&amp;G r.24AH(3)].</li> <li>6. Authority to request clarification of information provided in a submission by an applicant [F&amp;G r.24AH(4)].</li> <li>7. Authority to decline to accept any application [F&amp;G r.24AH(5)].</li> <li>8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&amp;G r.24AJ(1)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>The delegate may only enter into a contract with a pre-qualified supplier (as part of a panel of pre-qualified suppliers) where the total consideration under the contract is no greater than;</p> <ol style="list-style-type: none"> <li>a. \$400,000; and</li> <li>b. the expense is included in the adopted Annual Budget</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	<p>Director Infrastructure  Director Strategy and Organisational Performance  Director Sustainable Communities  Manager Infrastructure Maintenance Services  Manager Projects and Asset Management  Manager Waste Operations and Infrastructure Business Services</p>

<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegation.
<b>Policy</b>	<a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit <a href="#">City of Bunbury Council Policy: Purchasing</a>
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	28 June 2022
<b>Adoption references</b>	Council Decision 139/22
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
9 Jul 2020	Amended delegation	CEO approved sub-delegations	DOC/587626
11 Mar 2021	Amended delegation	Sub-delegation amended to remove positions of Manager Engineering Operations and Manager Landscape and Natural Environment and replace with positions of Manager Infrastructure Maintenance Services and Manager Project and Asset Management.	DOC/730934
28 Jun 2022	Amended delegation	Increase the financial authority to procure contracts for goods and services from a particular pre-qualified supplier from \$250,000 to \$400,000 (ex gst).	Council Decision 139/22
2 Sep 2022	Amended delegation	Added the sub-delegate position of Manager Waste Operations and Infrastructure Business Services, as per the CEO 2021/22 Annual Review.	DOC/1001432



<b>Delegation</b>	<b>1.1.14 Disposal of Property</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s.3.58 (2) & (3) Disposing of property
<b>Function</b>	<p>1. Authority to dispose of property to:</p> <p>(a) to the highest bidder at public auction [s.3.58(2)(a)].</p> <p>(b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)].</p> <p>2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>a. In accordance with s.5.43, disposal of property, the following asset value thresholds apply:</p> <ol style="list-style-type: none"> <li>\$100,000 or less for plant, equipment and materials; and</li> <li>\$500,000 or less for land.</li> </ol> <p>b. When determining the method of disposal:</p> <ol style="list-style-type: none"> <li>Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> <li>Reserve price has been set by independent valuation.</li> <li>Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -5% variation on the set reserve price.</li> </ul> </li> <li>Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.</li> <li>Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> <li>Negotiate the sale of the property up to a -5% variance on the valuation; and</li> <li>Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded.</li> </ul> </li> <li>Where a lease/licence is determined [s.3.58(3)] as the method of disposal, authority is: <ul style="list-style-type: none"> <li>limited to any lease/licence where the disposal value is less than \$10,000 p/a.</li> </ul> </li> </ol> <p>c. Where the market value of the property is determined as being less than \$20,000 (F&amp;G r.30 (3) excluded disposal) may be undertaken:</p> <ol style="list-style-type: none"> <li>Without reference to Council for resolution; and</li> <li>In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value, then the disposal must ensure environmentally responsible disposal.</li> </ol> <p>d. Sub delegation is restricted to plant, equipment and materials.</p> <p>e. Bunbury Art Gallery, Museum Heritage and local studies collection pieces are excluded from this delegation.</p>

<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Infrastructure Director Strategy and Organisational Performance Director Sustainable Communities
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations
<b>Policy</b>	<a href="#">City of Bunbury Council Policy - Land Rationalisation and Acquisitions</a> City of Bunbury Management Policy: Disposal of Minor Assets <a href="#">City of Bunbury Council Policy – Bunbury Museum, Heritage Centre and Local Studies Collection</a> <a href="#">City of Bunbury Council Policy – City of Bunbury Art Collection</a>
<b>Record keeping</b>	As per the City's Recordkeeping Plan.
<b>Date adopted</b>	29 September 2020
<b>Adoption references</b>	Council Decision 224/20
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
11 Dec 2018	---	Amended in accordance with WALGA template issued July 2017. Replaces delegation DAO09 Disposal of property (land).	Council Decision 367/18
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
17 Sep 2019	Amended delegation	Amended conditions to include limitations regarding disposal by lease/licence.	Council Decision 260/19
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Removal of position of Manager Works Administration due to the restructure of 01/07/2020.	DOC/587626
29 Sep 2020	Amended delegation	Amend condition a(i) of delegation 1.1.13 Disposal of Property by increasing the threshold for the disposal of plant, equipment and materials from \$50,000 to \$100,000.	Council Decision 224/20

<b>Delegation</b>	<b>1.1.15 Payments from Municipal and Trust Funds</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Financial Management) Regulations 1996</i> r12(1)(a) Payments from municipal fund or trust fund, restrictions on making
<b>Function</b>	To approve payments from the Municipal and Trust Funds and to operate those funds and certify accounts [r.12(1)(a)].
<b>Delegates</b>	CEO
<b>Conditions</b>	a) Electronic Funds Transfer (EFT) transactions require dual authorisation of payments before transmission. b) A list of accounts paid by EFT for the month being presented to the next ordinary meeting of the Council (in accordance with Financial Management Regulation 13(2)).
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Strategy and Organisational Performance Manager Finance Manager Governance Team Leader Financial Accounting
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	Local Government (Financial Management regulations 1996 r.11 Payments, procedures for making etc
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
23 Jun 2015	Amended delegation	This delegation is a combination of two existing delegations (DAFM2 – Payments from Municipal and Trust Funds and DAFM5 – Payment of Accounts by Electronic Funds Transfer).	Council Decision 219/15
11 Dec 2018	Amended delegation	Amended in accordance with WALGA Template issued July 2017. Replaces delegation DAFM01 Payments from Municipal and Trust Funds. Previous conditions remain current.	Council Decision 367/18
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
29 Oct 2019	Amended delegation	CEO approved sub-delegation to Director Strategy and Organisational Performance.	DOC/457201

<b>Delegation</b>	<b>1.1.16 Investment of Council Funds</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43(d) Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s.6.14 Power to invest Local Government (Financial Management) Regulations 1996 r.19 Investments, control procedures for
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)].</li> <li>2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [r.19].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Term deposits are to be with Australia's four (4) major banks: Commonwealth, ANZ, National, Westpac and two (2) additional banks, Bankwest and Bendigo Bank.</li> <li>b. All investment activity must comply with the Financial Management Regulation 19C.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Strategy and Organisational Performance Manager Finance Manager Governance Team Leader Financial Accounting
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	Nil
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
23 Jun 2015	Amended delegation	Delegation is amended to provide authority to invest Council funds in term deposits in two (2) additional banks; Bankwest and Bendigo.	Council Decision 219/15
11 Dec 2018	Amended delegation	Amended in accordance with WALGA template issued July 2017. Replaces delegation DAFM03 Investment of Council Funds.	Council Decision 367/18
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
29 Oct 2019	Amended delegation	CEO approved sub-delegation to Director Strategy and Organisational Performance.	DOC/457201

<b>Delegation</b>	<b>1.1.17 Defer, Grant Discounts, Waive or Write Off Debts</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s.6.12 Power to defer, grant discounts, waive or write off debts
<b>Function</b>	1. Waive a debt which is owed to the City [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the City [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the City [s.6.12(1)(c)].
<b>Delegates</b>	CEO
<b>Conditions</b>	1. This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge. 2. A list of waivers, concessions, and debts written-off under this authority will be presented to Council on a quarterly basis. 3. Waivers, concessions and debts written-off are limited up to \$1,000 per matter. Any matter greater than this must be referred to Council for a decision.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Infrastructure Director Strategy and Organisational Performance Director Sustainable Communities Manager Finance
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	Not applicable
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	31 March 2020
<b>Adoption references</b>	Council Decision 067/20
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
23 Jun 2015	Amended delegation	Two conditions within this delegation are proposed to be amended. The first is a decrease to the limit of individual debt write-off from \$5,000 to \$1,000, and the second is the list of debts written off under this authority are to be presented to council quarterly, instead of annually.	Council Decision 219/15
11 Dec 2018	Amended delegation	Amended in accordance with WALGA template issued July 2017. Replaces delegation DAFM04 Write of Moneys. Previous conditions kept in current delegation.	Council Decision 367/18
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
31 Mar 2020	Amended delegation	Updated conditions in response to the COVID-19 pandemic. The CEO will present to Council a subsequent review of delegation and conditions by the end of July 2020.	Council Decision 067/20
21 Jul 2020	Amended delegation	Council agreed to retain the current conditions associated with delegation 1.1.16 Defer, Grant Discounts, Waive or Write Off Debt for a further six month period, with monthly reporting of any exercise of delegations to continue.	Council Decision 154/20
8 Dec 2020	Amended delegation	Council agreed to retain the current conditions associated with this delegation for a further period ending 30 June 2021, with reporting of any exercise of delegations to continue.	Council Decision 264/20
29 Jun 2021	Amended delegation	Council agreed to retain the current conditions for a further 12 month period (refer to Officer Comments of Council Decision 128/21 29 June 2021).	Council Decision 128/21
28 Jun 2022	Amended delegation	This delegated authority was reviewed as requested by Council and it was agreed to keep the current conditions due to the ongoing uncertainty surrounding the pandemic. The delegated authority will be reviewed again in conjunction with the 2022/23 annual review of delegations or earlier if required.	Council Decision 140/22
27 Jun 2023	Amended delegation	Amended the condition to reflect the City's operating environment post COVID-19 State of Emergency and the revocation of COVID-19 Financial Hardship Council Policy.	Council Decision 111/23



<b>Delegation</b>	<b>1.1.18 Powers of Entry</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
<b>Function</b>	1. Authority to exercise powers of entry to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
<b>Delegates</b>	CEO
<b>Conditions</b>	Delegated authority may only be used, where there is imminent or substantial risk to public safety or property.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Infrastructure Director Sustainable Communities
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	<a href="#"><i>Local Government Act 1995</i></a> s.9.10 Appointment of authorised persons – refer also s.3.32(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency – Refer to CEO Delegation 1.2.01 - Powers of Entry - Determine if an Emergency
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119

<b>Delegation</b>	<b>1.1.19 Local Law - Parking and Parking Facilities Local Law 2018 and as amended 2019</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><i>Local Government Act 1995</i>  s.5.42 Delegation of some powers or duties to the CEO  s.5.43(d) Limitations on delegations to the CEO  <i>Parking and Parking Facilities Local Law 2018 and as amended 2019</i>  Cl 2.3 Delegation to the CEO to do the thing or exercise discretion in the local law</p>
<b>Express power or duty delegated</b>	<p><i>Parking and Parking Facilities Local Law 2018 and as amended 2019</i>  Cl 3.1 Power to prohibit and regulate  Cl 4.13 Construction site vehicle parking  Cl 7.8 Elected Member parking permit  Cl 8.3 Issue of permits  Cl 8.9 Revocation of parking permits</p>
<b>Function</b>	<p>Authority to:</p> <p>(a) prohibit or regulate by signs or otherwise the stopping and parking of any vehicle or class of person and vehicle, or both, but is to do so consistently with the provisions of this local law [cl.3.1(1)]</p> <p>(b) establish, determine, vary and indicate by signs –  (i) parking facilities; or  (ii) permitted times and conditions of stopping and parking which may vary with the locality; or  (iii) permitted persons who may stop or park their vehicles; or  (iv) permitted classes of vehicles which may stop or park; and  (v) the manner of stopping or parking [cl.3.1(2)]</p> <p>(c) erect signs according to the determination of cl. 3.1(1) and cl. 3.1(2) [cl.3.1(3)]</p> <p>(d) approve an application to establish a work zone [cl. 4.13(2)]</p> <p>(e) issue to any member of the Council an Elected Member parking permit [7.8(1)]</p> <p>(f) issue a parking permit [cl.8.3]</p> <p>(g) revoke a parking permit [cl.8.9(1)]</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	Decisions on issuing a parking permit must be exercised in alignment with the restrictions outlined in cl 8.4, 8.5, 8.6 and 8.7 of the <i>Parking and Parking Facilities Local Law 2018 and as amended 2019</i> .
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995</i>  s.5.44 CEO may delegate some powers and duties to other employees  <i>Parking and Parking Facilities Local Law 2018 and as amended 2019</i>  Cl 2.3(2) CEO may delegate the exercise of any of the CEO's powers or the discharge of any of the CEO's duties to any employee of the local government</p>

<b>Subdelegates</b>	Director Sustainable Communities Manager Community Wellbeing Team Leader Rangers and Emergency Management
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	Nil
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	17 September 2019
<b>Adoption references</b>	Council Decision 260/19
<b>Last reviewed</b>	27 June 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626
17 Feb 2021	Amended delegation	Sub-delegation amended to add the position of Director Sustainable Communities.	DOC/718406
26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035

<b>Delegation</b>	<b>1.1.20 Agreement for the Payment of Rates and Service Charges</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s.6.49 Agreement as to payment of rates and service charges
<b>Function</b>	Authority to make an agreement with a person for the payment of rates or service charges [s.6.49]
<b>Delegates</b>	CEO
<b>Conditions</b>	1. Where an Agreement is in place pursuant to Council Policy COVID-19 Financial Hardship, the Agreement must ensure acquittal of the rates or service charge debt by the end of the 2021/2022 financial year.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees.
<b>Policy</b>	Council Policy Corporate Revenue Debt Collection Council Policy COVID Financial Hardship
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	15 September 2020
<b>Adoption references</b>	Council Decision 207/20
<b>Last reviewed</b>	27 June 2023

<b>Delegation</b>	<b>1.1.21 Receiving and withdrawal of complaints alleging a breach of Council Code of Conduct</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Model Code of Conduct) Regulations 2021</i> c.11 Complaint about alleged breach
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to receive complaints and withdrawals of complaints alleging a breach of a requirement set out in Division 3 of the City of Bunbury Code of Conduct for Council Members, Committee Members and Candidates [cl.11(3)].</li> <li>2. Authority to approve the complaint form and any future amendments to the form [cl.11 (2)(a)]</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	The CEO may appoint one or more persons to receive complaints and withdrawals of complaints in accordance with section 5.42 of the <i>Local Government Act 1995</i> [Council Decision 28/21(4)].
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees.
<b>Policy</b>	Elected Member, Committee Member and Candidate Code of Conduct Complaint Handling Policy
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	29 June 2021
<b>Adoption references</b>	Council Decision 128/21
<b>Last reviewed</b>	27 June 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
29 Jun 2021	Amended delegation	Addition of function (2) to authorise the CEO to approve the complaint form and any future amendments.	Council Decision 128/21

## 01.2 CEO to Employees

<b>Delegation</b>	<b>1.2.01 Powers of Entry – Determine if an Emergency</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s.3.34(2) Entry in emergency
<b>Function</b>	Authority to determine on behalf of the Chief Executive Officer that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
<b>Delegates</b>	Director Infrastructure Director Sustainable Communities Manager Community Wellbeing Manager Infrastructure Maintenance Services Manager Projects and Asset Management
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	18 January 2019
<b>Adoption references</b>	by CEO - CP-044119
<b>Last reviewed</b>	2 August 2023

Amendments			
Approved	Type	Amendment	References
9 Jul 2020	Amended delegation	Delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626
11 Mar 2021	Amended delegation	Sub-delegation amended to remove positions of Manager Engineering Operations and Manager Landscape and Natural Environment and add positions of Manager Infrastructure Maintenance Services and Manager Project and Asset Management.	DOC/730934



<b>Delegation</b>	<b>1.2.02 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.6(4)(d) Obstruction of public thoroughfare by things placed and left – Sch. 9.1 cl. 3(1)(a)
<b>Function</b>	<p>When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.1.5:</p> <ol style="list-style-type: none"> <li>1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)].</li> <li>2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)].</li> <li>3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].</li> </ol>
<b>Delegates</b>	Building Surveyor Development Engineer Director Infrastructure Manager Infrastructure Maintenance Services Manager Projects and Asset Management Team Leader Building and Compliance
<b>Conditions</b>	a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.1.5 Obstruction of Footpaths and Thoroughfares. b. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
<b>Express power to subdelegate</b>	Nil
<b>Policy</b>	This delegated authority is effective only in alignment with Delegated Authority 1.1.5 Obstructions of Footpaths and Thoroughfares. <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	18 January 2019

<b>Adoption references</b>	by CEO - CP-044119
<b>Last reviewed</b>	2 August 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
9 Jul 2020	Amended delegation	Delegation reviewed by CEO following the Annual Review by Council. Approved delegation of Building Surveyor, Team Leader Building Certification, and Development Engineer.	DOC/587626
11 Mar 2021	Amended delegation	Sub-delegation amended to remove position of Manager Engineering Operations and add positions of Manager Infrastructure Maintenance Services and Manager Project and Asset Management.	DOC/730934

<b>Delegation</b>	<b>1.2.03 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8
<b>Function</b>	<p>When determining to grant permission to for a dangerous excavation under <b>Delegated Authority 1.1.7:</b></p> <ol style="list-style-type: none"> <li>1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)].</li> <li>2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)].</li> <li>3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily [r.11(7)(e)].</li> </ol>
<b>Delegates</b>	Director Infrastructure Manager Infrastructure Maintenance Services
<b>Conditions</b>	<p>a. Decisions under this Delegation must be exercised in alignment with Council's <b>Delegated Authority 1.1.7 Public Thoroughfares – Dangerous Excavations</b>.</p> <p>b. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</p>
<b>Express power to subdelegate</b>	Nil
<b>Policy</b>	<p>This delegated authority is effective only in alignment with Delegated Authority 1.1.7 Public Thoroughfares – Dangerous Excavations.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	18 January 2019
<b>Adoption references</b>	by CEO - CP-044119
<b>Last reviewed</b>	2 August 2023

Amendments			
Approved	Type	Amendment	References
11 Mar 2021	Amended delegation	Sub-delegation amended to remove position of Manager Engineering Operations and add position of Manager Infrastructure Maintenance Services.	DOC/730934

<b>Delegation</b>	<b>1.2.04 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine, as a condition of granting permission for <b>Private Works in Public Places under delegation 1.1.8</b>, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)].</li> <li>2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].</li> </ol>
<b>Delegates</b>	Development Engineer Director Infrastructure Manager Infrastructure Maintenance Services Manager Projects and Asset Management
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Policy</b>	This delegated authority is effective only in alignment with Delegated Authority 1.1.8 Private Works on, over or under Public Places
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	18 January 2019
<b>Adoption references</b>	by CEO - CP-044119
<b>Last reviewed</b>	2 August 2023

Amendments			
Approved	Type	Amendment	References
9 Jul 2020	Amended delegation	Delegation reviewed by CEO following the Annual Review by Council. Removed position of Manager Landscape and Natural Environment.	DOC/587626
11 Mar 2021	Amended delegation	Delegation amended to remove position of Manager Engineering Operations and add positions of Manager Infrastructure Maintenance Services and Manager Project and Asset Management.	DOC/730934

<b>Delegation</b>	<b>1.2.05 Infringement Notices</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time s.9.20 Withdrawal of Notice
<b>Function</b>	<p>1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)].</p> <p>2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19].</p> <p>3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].</p>
<b>Delegates</b>	<p>Director Infrastructure</p> <p>Director Sustainable Communities</p> <p>Manager Community Wellbeing</p> <p>Team Leader Community Safety and Emergency Management</p>
<b>Conditions</b>	<p>a. A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.</p> <p>b. Delegation for Dog Act, Cat Act, Parking Local Law, Private Property Local Law, and Local Government and Public Property Local Law Infringement Notices is limited to the following listed positions ONLY:</p> <ul style="list-style-type: none"> <li>(i) Manager Community Services</li> <li>(ii) Team Leader Rangers and Emergency Management</li> <li>(iii) Director Sustainable Communities</li> </ul> <p>c. Delegation for Waste Local Law Infringement Notices is limited to the following listed positions ONLY:</p> <ul style="list-style-type: none"> <li>(i) Director Infrastructure</li> </ul> <p>d. Delegation as an "Approved Officer" in accordance with Building Regulation 70(1) for the purposes of Building Act 2011 Infringement Notices is limited to the following listed positions ONLY:</p> <ul style="list-style-type: none"> <li>(i) Director Sustainable Communities</li> </ul>
<b>Policy</b>	City of Bunbury Corporate Guideline Regulatory Enforcement
<b>Record keeping</b>	As per the City Recordkeeping Plan.
<b>Date adopted</b>	7 July 2021

<b>Adoption references</b>	DOC/787220
<b>Last reviewed</b>	2 August 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
23 Jun 2015	---	Delegation amended to reflect correct references to legislation.	Council Decision 219/15
13 Dec 2016	---	The proclaimed Local Government Legislation Amendment Bill 2016 legislation requires the CEO of the local government to withdraw the notice or extend the time for payment in relation to infringements. Previously authorised officers were able to provide these functions, providing for effective management of service delivery to the community. This amendment enables the CEO to exercise his powers and duties under the Act.	Council Decision 445/16
13 Dec 2016	---	This delegation is amended to apply an additional condition as prescribed in the Bush Fires Act 1954, and change the word "authorised" to "delegated" to ensure consistency.	Council Decision 444/16
11 Dec 2018	---	Amended in accordance with WALGA template issued July 2017 - replaces delegation DACL06 - Cancellation of Infringement Notices. The Local Government Act 1995 provides an express power to Delegate that enables a Local Government CEO to delegate powers and duties directly assigned to the CEO, to Local Government employees.	Council Decision 367/18
23 Sep 2019	Amended delegation	Delegation amended to include recent amendments to the Building Regulations 2012.	Council Decision 260/19 - for related Delegation 1.1.1 Appoint Authorised Persons
25 Sep 2019	Amended delegation	CEO Decision to amend the delegation in relation to the Building Act Infringements and Waste Local Law Infringements	CEO Decision DOC/441507 and DOC/451251
9 Jul 2020	Amended delegation	Delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626
7 Jul 2021	Amended delegation	Condition b amended to update position titles of Manager Community Services and Team Leader Rangers and Emergency Management.	DOC/787220



<b>Delegation</b>	<b>1.2.06 Destruction of Electoral Papers</b>
<b>Head of power</b>	01 Local Government Act 1995
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government (Elections) Regulations 1996</i> r.82(4) Keeping election papers – s4.84(a)
<b>Function</b>	Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
<b>Delegates</b>	Senior Corporate Information Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Policy</b>	City of Bunbury Record Keeping Plan
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	18 January 2019
<b>Adoption references</b>	by CEO - CP-044119
<b>Last reviewed</b>	2 August 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
9 Jul 2020	Amended delegation	Delegation reviewed by CEO following the Annual Review by Council. Removed position of Manager Information Community & Technology due to the restructure of 01/07/2020.	DOC/587626

## 02 Building Act 2011

## Building Act 2011

## 02.1 Council to CEO

<b>Delegation</b>	<b>2.1.1 Grant a Building Permit</b>
<b>Head of power</b>	02 Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011</i> s.127(1) & (3) Delegation special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011</i> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit. <i>Building Regulations 2012</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a building permit application and may require the applicant to verify the information by statutory declaration [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a building permit [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)].</li> <li>4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Decisions made under this delegated authority are to be undertaken or informed by a person qualified in accordance with regulation 5 of the <i>Building Regulations 2012</i> and the <i>Local Government (Building Surveyors) Regulations 2008</i> .
<b>Express power to subdelegate</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Building Surveyor Director Sustainable Communities Manager City Growth Team Leader Building and Compliance

<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	<p><i>Building Act 2011</i>  s.119 Building and demolition permits – application for review by SAT  s.23 Time for deciding application for building or demolition permit  <i>Building Regulations 2012</i>  r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</p> <p><i>Building Services (Registration Act) 2011 – Section 7</i>  <i>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</i>  <i>Building and Construction Industry Training Levy Act 1990</i>  <i>Heritage of Western Australia Act 1990</i></p>
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	23 June 2015
<b>Adoption references</b>	Council Decision 219/15
<b>Last reviewed</b>	27 June 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
11 Dec 2018	Amended delegation	Delegation amended in accordance with WALGA template	Council Decision 367/18
18 Jan 2019	---	Sub-delegation approved by CEO	CP-044119
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626

<b>Delegation</b>	<b>2.1.2 Demolition Permits</b>
<b>Head of power</b>	02 Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011</i> s.127(1) & (3) Delegation special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit. <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied and may require the applicant to verify the information by statutory declaration [s.21(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)].</li> <li>4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Decisions made under this delegated authority are to be undertaken or informed by a person qualified in accordance with regulation 5 of the <i>Building Regulations 2012</i> and the <i>Local Government (Building Surveyors) Regulations 2008</i> .
<b>Express power to subdelegate</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Building Surveyor Director Sustainable Communities Manager City Growth Team Leader Building and Compliance
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.

<b>Policy</b>	<i>Building Act 2011</i> s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit <i>Building Regulations 2012</i> • r. 25 Review of decision to refuse to extend time during which permit has effect (s. 32(3)) <i>Building Services (Registration Act) 2011</i> • s. 7 Carrying out prescribed building service when not registered <i>Building Services (Complaint Resolution and Administration) Act 2011</i> -- Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage of Western Australia Act 1990</i>
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626

<b>Delegation</b>	<b>2.1.3 Occupancy Permits or Building Approval Certificates</b>
<b>Head of power</b>	02 Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011</i> s.127(1) & (3) Delegation special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration. <i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required in order to determine an application for an occupancy permit and/or building approval certificate, and may require the applicant to verify the information by statutory declaration [s.55].</li> <li>2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58].</li> <li>3. Authority to impose, add, vary or revoke conditions on an occupancy permit and/or building approval certificate [s.62(1) and (3)].</li> <li>4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Decisions made under this delegated authority are to be undertaken or informed by a person qualified in accordance with regulation 5 of the <i>Building Regulations 2012</i> and the <i>Local Government (Building Surveyors) Regulations 2008</i> .
<b>Express power to subdelegate</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Building Surveyor Director Sustainable Communities Manager City Growth Team Leader Building and Compliance
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.

<b>Policy</b>	<i>Building Act 2011</i> s.59 time for granting occupancy permit or building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate s.121 Occupancy permits and building approval certificates – application for review by SAT <i>Building Regulations 2012</i> r. 25 Review of decision to refuse to extend time during which permit has effect (s. 32(3)) <i>Building Services (Registration Act) 2011</i> s. 7 Carrying out prescribed building service when not registered <i>Home Building Contracts Act 1991</i> Pt. 3A - Home indemnity insurance and corresponding cover, Div. 2 - Builders <i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage of Western Australia Act 1990</i>
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626

<b>Delegation</b>	<b>2.1.4 Designate Employees as Authorised Persons</b>
<b>Head of power</b>	02 Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011</i> s.127(1) & (3) Delegation special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011</i> s.96(3) authorised persons and Limitation on powers of authorised person
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to designate an employee as an authorised person [s.96(3)].</li> <li>2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Subject to the qualification requirements of the <i>Local Government (Building Surveyors) Regulations 2008</i> .
<b>Express power to subdelegate</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Policy</b>	<i>Building Act 2011</i> s.97 requires each person designated as an authorised person must have an identity card. <i>Building Regulations 2012</i> r.5A Authorised persons (s.3) – definition
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023



<b>Delegation</b>	<b>2.1.5 Building Orders</b>
<b>Head of power</b>	02 Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011</i> s.127(1) & (3) Delegation special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011</i> s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> <li>a. Building work</li> <li>b. Demolition work</li> <li>c. An existing building or incidental structure [s.110(1)].</li> </ol> </li> <li>2. Authority to give written notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].</li> <li>3. Authority to revoke a building order and to serve each person to whom the order is directed with a copy of the notice in writing [s.117].</li> <li>4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> <li>a. take any action specified in the order ; or</li> <li>b. commence or complete any work specified in the order; or</li> <li>c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)].</li> </ol> </li> <li>5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].</li> <li>6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the Building Act 2011.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Decisions made under this delegated authority are to be undertaken or informed by a person qualified in accordance with regulation 5 of the <i>Building Regulations 2012</i> and the <i>Local Government (Building Surveyors) Regulations 2008</i> .
<b>Express power to subdelegate</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Director Sustainable Communities Manager City Growth Team Leader Building and Compliance
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.

<b>Policy</b>	<i>Building Act 2011:</i> Section 110 Building order must be in an approved form Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order Section 113 Limitation on effect of building order Section 114 Service of building order Part 9 Review - s.122 Building orders – application for review by SAT
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
30 Apr 2019	---	Sub-delegation amended to: Director Planning and Development Services, Manager Sustainability, Planning and Development and Team Leader Building Certification.	CP-044776
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626

<b>Delegation</b>	<b>2.1.6 Referrals and Issuing Certificates</b>
<b>Head of power</b>	02 Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011</i> s.127(1) & (3) Delegation special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011</i> s.145A Local Government functions
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)].</li> <li>2. Authority to issue a certificate for Design Compliance (CDC), Construction Compliance (CCC) or Building Compliance (CBC) whether or not the building or incidental structure that is subject of the application is located in the City of Bunbury's District [s.145A(2)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Decisions under s.145A(2) must be undertaken by a level 1, 2 or 3 Building Surveyor as applicable in accordance with the qualification requirements of the <i>Local Government (Building Surveyors) Regulations 2008</i> and a person qualified in accordance with regulation 5 of the <i>Building Regulations 2012</i> .
<b>Express power to subdelegate</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Building Surveyor Director Sustainable Communities Manager City Growth Team Leader Building and Compliance
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	<i>Building Act 2011</i> s. 17 Uncertified application to be considered by building surveyor, sub-s. (1) s. 19 Certificate of design compliance s. 56 Certificate of construction compliance s. 57 Certificate of building compliance
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
18 Jan 2019	---	Sub-delegation approved by CEO	CP-044119
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626

<b>Delegation</b>	<b>2.1.7 Private Pool Barrier – Alternative Solutions</b>
<b>Head of power</b>	02 Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011</i> s.127(1) & (3) Delegation special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Regulations 2012</i> r.51 Approvals by permit authority
<b>Function</b>	<p>1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)].</p> <p>2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier between the building and the private swimming pool would cause:</p> <p>a) significant structural or other problem which is beyond the control of the owner / occupier; or</p> <p>b) the pool is totally enclosed by a building; or</p> <p>c) a fence or barrier between the building and pool would create a significant access problem for a person with a disability who is a resident at the premises [r.51(3)].</p> <p>3. Authority to approve alternative solutions to a Building Code pool barrier requirement if satisfied that the alternative solution complies with the relevant performance requirement [r.51(5)].</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	Decision maker must be level 1 or 2 Building Surveyor in accordance with the qualification requirements of the <i>Local Government (Building Surveyors) Regulations 2008</i> and a person qualified in accordance with regulation 5 of the <i>Building Regulations 2012</i> .
<b>Express power to subdelegate</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Building Surveyor Team Leader Building and Compliance
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	<i>Building Regulations 2012</i> r.50 Barrier to private swimming pool, clauses 4(b) and (c)(ii)
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119

<b>Delegation</b>	<b>2.1.8 Smoke Alarms – Alternative Solutions</b>
<b>Head of power</b>	02 Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011</i> s.127(1) & (3) Delegation special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Regulations 2012</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55].</li> <li>2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Decision maker must be a registered Level 1 or 2 Building Surveyor in accordance with the qualification requirements of the <i>Local Government (Building Surveyors) Regulations 2008</i> and a person qualified in accordance with regulation 5 of the <i>Building Regulations 2012</i> .
<b>Express power to subdelegate</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Building Surveyor Team Leader Building and Compliance
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	<i>Building Regulations 2012</i> reg. 56 Requirement to have smoke alarms or similar prior to transfer of dwelling reg. 57 New owner must install smoke alarms or similar, and right to recover costs reg. 58 Requirement to have smoke alarms or similar prior to tenancy reg. 59 Requirement to have smoke alarms or similar prior to hire of dwelling reg. 60 Requirements for smoke alarms <i>Heritage of Western Australia Act 1990</i>
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119



<b>Delegation</b>	<b>2.1.9 Inspection and Copies of Building Records</b>
<b>Head of power</b>	02 Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Building Act 2011</i> s.127(1) & (3) Delegation special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011</i> s.131(2) Inspection, copies of building records
<b>Function</b>	Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Building Surveyor Cadet Building Surveyor/Compliance Officer Director Sustainable Communities Manager City Growth Team Leader Building and Compliance
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	<i>Building Act 2011</i> - s.146 Confidentiality
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626
2 Sep 2022	Amended delegation	Added the position of Cadet Building Surveyor/Compliance Officer	DOC/998949

## 03 Bush Fires Act 1954

Bush Fires Act 1954

### 03.1 Council to CEO, Mayor, Bush Fire Control Officer

<b>Delegation</b>	<b>3.1.1 Prohibited and Restricted Burning Times - Vary</b>
<b>Head of power</b>	03 Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i> s.17(7) Prohibited burning times may be declared by Minister s.18(5) Vary restricted burning times.
<b>Function</b>	Authority to determine to vary prohibited and restricted burning times, in accordance with s17 (7) and (8) and s18(5) regarding: <ul style="list-style-type: none"> <li>• Shortening, extending, suspending or reimposing a period of prohibited or restricted burning times; or</li> <li>• Imposing a further period of prohibited or restricted burning times.</li> </ul>
<b>Delegates</b>	CEO Chief Bush Fire Control Officer Mayor
<b>Conditions</b>	a. The Mayor and Chief Bush Fire Control Officer are limited to varying prohibited burning times in accordance with s.17(7B) and (8) of the Act. Decisions under this delegation to vary the prohibited burning times must be made jointly between the delegates. b. The Chief Executive Officer is limited to varying restricted burning times in accordance with s18(5) of the Act.
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Policy</b>	City of Bunbury Council Policy: Bushfire Inspection and Mitigation
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	21 December 1999
<b>Adoption references</b>	Council Decision 662/99
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
23 Jun 2015	Amended delegation	Delegation amended to correctly reference the granting of authority to perform the functions of a local government under the Bush Fires Act 1954.	Council Decision 219/15
13 Dec 2016	Amended delegation	This delegation is amended to apply conditions as prescribed in the Bush Fires Act 1954.	Council Decision 444/16
27 Nov 2018	Amended delegation	Council appointed Blair Fisher of the Bunbury Volunteer Bush Fire Brigade (BVBFB) as the Chief Bush Fire Control Officer.	Council Decision 347/18
11 Dec 2018	Amended delegation	Amended in accordance with City of Gosnell's delegation template. Replaces delegation DACL05 Bush Fires Act	Council Decision 367/18

<b>Delegation</b>	<b>3.1.2 Appoint Bush Fire Control Officer/s</b>
<b>Head of power</b>	03 Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i> s.38 Local Government may appoint bush fire control officer
<b>Function</b>	<p>1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and</p> <p>a. Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and</p> <p>b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].</p> <p>2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the City of Bunbury [s.38(5A)]</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by <i>Bush Fires Act 1954</i> s.48(3)
<b>Policy</b>	City of Bunbury Corporate Guideline Appointment of Authorised Persons
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

<b>Delegation</b>	<b>3.1.3 Prosecution of Offences</b>
<b>Head of power</b>	03 Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> s.59(3) Local Government may delegated authority generally or in any particular case to its bush fire control officer or other officer
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i> s.59 Prosecution of offences s.59A Alternative procedure – infringement notices
<b>Function</b>	1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A].  NOTE: s59A(5) and Infringements Reg. 4(a) provide that only the Mayor or the Chief Executive Officer may withdraw an infringement notice.
<b>Delegates</b>	CEO Chief Bush Fire Control Officer Rangers/Fire Control Officers Senior Ranger/Fire Control Officer Team Leader Rangers and Emergency Management
<b>Conditions</b>	Bush Fire Control Officer is limited to issuing infringements only.
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by <i>Bush Fires Act 1954</i> s.48(3)
<b>Policy</b>	<a href="#"><i>Bush Fires Act 1954</i></a> s.65 Proof of certain matters s.66 Proof of ownership or occupancy <a href="#"><i>Bush Fires (Infringements) Regulations 1978</i></a>
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
27 Nov 2018	---	Council appointed Blair Fisher of the Bunbury Volunteer Bush Fire Brigade (BVBFB) as the Chief Bush Fire Control Officer, and the City of Bunbury Team Leader Community Law Safety and Emergency Management as Deputy Chief Bush Fire Control Officer.	Council Decision 347/18
26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035

<b>Delegation</b>	<b>3.1.4 Control of Operations Likely to Create Bush Fire Danger</b>
<b>Head of power</b>	03 Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i> s.27D Requirements for carriage and deposit of incendiary material <i>Bush Fires Regulations 1954</i> r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc r.39D Explosives, use of r.39E Fireworks, use of
<b>Function</b>	<p>1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from:</p> <ul style="list-style-type: none"> <li>a. a person operating a bee smoker device during a prescribed period [r.39CA(5)].</li> <li>b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)].</li> <li>c. a person using explosives [r.39D(2)].</li> <li>d. a person using fireworks [r.39E(3)].</li> </ul> <p>2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. <i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</i></p>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by <i>Bush Fires Act 1954</i> s.48(3)
<b>Policy</b>	Nil
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023



<b>Delegation</b>	<b>3.1.5 Burning Garden Refuse/Open Air Fires</b>
<b>Head of power</b>	03 Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i> s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25 <i>Bush Fires Regulations 1954</i> r.27(3) Permit, issue of
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].</li> <li>2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. <ol style="list-style-type: none"> <li>a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)].</li> <li>b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34].</li> </ol> </li> <li>3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> <li>a. camping or cooking [s.25(1)(a)].</li> <li>b. conversion of bus into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].</li> </ol> </li> <li>4. Authority to prohibit the lighting of fires in the open air for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)].</li> <li>5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by <i>Bush Fires Act 1954</i> s.48(3)
<b>Policy</b>	<a href="#">City of Bunbury Council Policy: Bushfire Inspection and Mitigation</a> City of Bunbury Corporate Guideline: Bushfire Inspection and Mitigation
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18

Last reviewed	27 June 2023
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<b>Delegation</b>	<b>3.1.6 Fire-Breaks</b>
<b>Head of power</b>	03 Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
<b>Function</b>	<p>1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the City of Bunbury;</p> <p>a. clearing of fire-breaks as determined necessary and specified in the notice; and</p> <p>b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and</p> <p>c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)].</p> <p>2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)].</p> <p>a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by <i>Bush Fires Act 1954</i> s.48(3)
<b>Policy</b>	<a href="#">City of Bunbury Council Policy: Bushfire Inspection and Mitigation</a> City of Bunbury Corporate Guideline: Bushfire Inspection and Mitigation
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

<b>Delegation</b>	<b>3.1.7 Recovery of Expenses Incurred through Contraventions of this Act</b>
<b>Head of power</b>	03 Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i> s.58 General penalty and recovery of expenses incurred
<b>Function</b>	Authority to recover expenses incurred as a result of an offence against the Bush Fires Act 1954, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the City of Bunbury or those on behalf of the City of Bunbury to do [s.58].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by <i>Bush Fires Act 1954</i> s.48(3)
<b>Policy</b>	Nil
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

## 04 Cat Act 2011

Cat Act 2011

## 04.1 Council to CEO

<b>Delegation</b>	<b>4.1.1 Cat Registrations</b>
<b>Head of power</b>	04 Cat Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Cat Act 2011</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].</li> <li>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].</li> <li>3. Authority to cancel a cat registration [s.10].</li> <li>4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
<b>Express power to subdelegate</b>	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Manager Community Wellbeing Team Leader Rangers and Emergency Management
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	<a href="#">Cat Regulations 2012</a> r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration. r.12 Period of registration (s.9(7)) r.11 Changes in registration r.14 Registration certificate (s.11(1)(b)) r.15 Registration tags (s.76(2))
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018

<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626
26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035

<b>Delegation</b>	<b>4.1.2 Cat Control Notices</b>
<b>Head of power</b>	04 Cat Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Cat Act 2011</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011</i> s.26 Cat control notice may be given to cat owner
<b>Function</b>	Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the City of Bunbury's District [s.26].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Manager Community Wellbeing Team Leader Rangers and Emergency Management
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	<a href="#">Cat Regulations 2012</a> – r.20 Cat control notice [s.23(3)], prescribes the Form of the notice
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626
26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035



<b>Delegation</b>	<b>4.1.3 Approval to Breed Cats</b>
<b>Head of power</b>	04 Cat Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Cat Act 2011</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011</i> s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37 (1) and (2)].</li> <li>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)].</li> <li>3. Authority to cancel an approval to breed cats [s.38].</li> <li>4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
<b>Express power to subdelegate</b>	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Manager Community Wellbeing Team Leader Rangers and Emergency Management
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	<a href="#">Cat Regulations 2012</a> r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder (s.39(1))
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626
26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035

<b>Delegation</b>	<b>4.1.4 Applications to Keep Additional Cats</b>
<b>Head of power</b>	04 Cat Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Cat Act 2011</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat (Uniform Local Provisions) Regulations 2013</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require any document or additional information required to determine an application [r.8(3)]</li> <li>2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)].</li> <li>3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Notices of decisions must include advice as to Review rights in accordance with r.11 of the <a href="#"><i>Cat (Uniform Local Provisions) Regulations 2013</i></a> .
<b>Express power to subdelegate</b>	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Manager Community Wellbeing Team Leader Rangers and Emergency Management
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	Nil
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626
26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035

## 04.2 CEO to Employees

<b>Delegation</b>	<b>4.2.1 Infringement Notices – Extensions and Withdrawals</b>
<b>Head of power</b>	04 Cat Act 2011
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011</i> s.64 Extension of time s.65 Withdrawal of notice
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64].</li> <li>2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].</li> </ol>
<b>Delegates</b>	Manager Community Wellbeing
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Policy</b>	<a href="#">Cat Regulations 2012</a> r.28 Withdrawal of infringement notice (s.65(1))
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	18 January 2019
<b>Adoption references</b>	By CEO - CP-044119
<b>Last reviewed</b>	2 August 2023

Amendments			
Approved	Type	Amendment	References
9 Jul 2020	Amended delegation	Delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626

## 05 Dog Act 1976

Dog Act 1976

## 05.1 Council to CEO

<b>Delegation</b>	<b>5.1.1 Refuse or Cancel Registration</b>
<b>Head of power</b>	05 Dog Act 1976
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976</i> s.15(2) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
<b>Function</b>	<p>1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)].</p> <p>2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where:</p> <p>i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the Cat Act 2011 or the Animal Welfare Act 2002; or</p> <p>ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or</p> <p>iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept</p> <p>iv. the dog is required to be microchipped but is not microchipped; or</p> <p>v. the dog is a dangerous dog [s.16(3) and s.17A(2)].</p> <p>3. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)].</p> <p>i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express power to subdelegate</b>	<i>Dog Act 1976</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Manager Community Wellbeing Team Leader Rangers and Emergency Management
<b>Subdelegate conditions</b>	Nil

<b>Policy</b>	<a href="#">Dog Act 1976</a> s.17A If no application for registration made – procedure for giving notice of decision under s.16(3) Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6) <a href="#">City of Bunbury Dog Local Law</a>
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626
26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035

<b>Delegation</b>	<b>5.1.2 Kennel Establishments</b>
<b>Head of power</b>	05 Dog Act 1976
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976</i> s.27 Licensing of approved kennel establishments
<b>Function</b>	Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
<b>Delegates</b>	CEO
<b>Conditions</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express power to subdelegate</b>	<i>Dog Act 1976</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Manager Community Wellbeing Team Leader Rangers and Emergency Management
<b>Subdelegate conditions</b>	Nil
<b>Policy</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023



Amendments			
Approved	Type	Amendment	References
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626
26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035

<b>Delegation</b>	<b>5.1.3 Recovery of Moneys Due Under this Act</b>
<b>Head of power</b>	05 Dog Act 1976
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976</i> s.29(5) Power to seize dogs
<b>Function</b>	Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
<b>Delegates</b>	CEO
<b>Conditions</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express power to subdelegate</b>	<i>Dog Act 1976</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Manager Community Wellbeing Team Leader Rangers and Emergency Management
<b>Subdelegate conditions</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626
26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035

<b>Delegation</b>	<b>5.1.4 Dispose of or sell a dog which is liable to be destroyed</b>
<b>Head of power</b>	05 Dog Act 1976
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976</i> s.29(11) Power to seize dogs
<b>Function</b>	Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
<b>Delegates</b>	CEO
<b>Conditions</b>	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.
<b>Express power to subdelegate</b>	<i>Dog Act 1976</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Manager Community Wellbeing Team Leader Rangers and Emergency Management
<b>Subdelegate conditions</b>	Proceeds from the sale of dogs are to be directed into the Municipal Fund.
<b>Policy</b>	Nil
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626
26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035

<b>Delegation</b>	<b>5.1.5 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke</b>
<b>Head of power</b>	05 Dog Act 1976
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976</i> s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1) Local government may revoke declaration or proposal to destroy
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)].</li> <li>2. Authority to consider and determine to either dismiss or uphold an objection to the seizure of a dangerous dog [s.33G(4)].</li> <li>3. Authority to revoke a declaration of a dangerous dog or notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)]</li> <li>4. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express power to subdelegate</b>	<i>Dog Act 1976</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Director Sustainable Communities Manager Community Wellbeing
<b>Subdelegate conditions</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626

## 06 Food Act 2008

Food Act 2008

## 06.1 Council to CEO / Employees

<b>Delegation</b>	<b>6.1.1 Prohibition Orders</b>
<b>Head of power</b>	06 Food Act 2008
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Food Act 2008</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it, (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the <i>Food Act 2008</i> [s.65(1)].</li> <li>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]</li> <li>3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].</li> </ol>
<b>Delegates</b>	Manager Community Wellbeing Team Leader Environmental Health
<b>Conditions</b>	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express power to subdelegate</b>	NIL – <i>Food Regulations 2009</i> do not provide for sub- delegation
<b>Policy</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	29 June 2021
<b>Adoption references</b>	Council Decision 128/21
<b>Last reviewed</b>	27 June 2023



Amendments			
Approved	Type	Amendment	References
23 Jun 2015	---	Delegation is amended by virtue of some minor wording changes.	Council Decision 219/15
13 Dec 2016	Amended delegation	This delegation is amended to clearly identify the functions being delegated and to whom. Section 118(4) of the Food Act 2008 states sub delegation is only permissible if expressly provided in regulations and the Food Regulations 2009 do not provide for sub-delegation. This delegation provides the CEO with the authority to appoint authorised and designated officers in accordance with the Food Act 2008.	Council Decision 444/16
11 Dec 2018	Amended delegation	Amended in accordance with WALGA template issued July 2017. Replaces delegation DAH07 Discharge of Powers - Food Act 2008. Previous conditions remain in place.	Council Decision 367/18
9 Jul 2020	Amended delegation	Internal change of manager title from Manager Environmental Health and Community Law, Safety and Emergency to Manager Community Services due to the restructure of 01/07/2020.	CEO Decision. DOC/587626
29 Jun 2021	Amended delegation	Amend the delegate from Manager Community Services to Manager Community Services and Team Leader Environmental Health	Council Decision 128/21

<b>Delegation</b>	<b>6.1.2 Food Business Registrations</b>
<b>Head of power</b>	06 Food Act 2008
<b>Delegator</b>	Council
<b>Express power to delegate</b>	Food Act 2008 s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)].</li> <li>2. Authority to vary the conditions or cancel the registration of a food business [s.112].</li> </ol>
<b>Delegates</b>	Manager Community Wellbeing Team Leader Environmental Health
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: *Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA *Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 *WA Priority Classification System *Verification of Food Safety Program Guideline</li> </ol>
<b>Express power to subdelegate</b>	Nil - <i>Food Regulations 2009</i> do not provide for sub-delegation.
<b>Policy</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	29 June 2021
<b>Adoption references</b>	Council Decision 128/21
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
29 Jun 2021	New delegation	Separate the current functions of power within delegation 6.1.1 Discharge of Powers (Food Act 2008) into three (3) individual Delegations, being 6.1.1 Prohibition Orders, 6.1.2 Food Business Registrations and 6.1.3 Appoint Authorised Officers and Designated Officers as presented	Council Decision 128/21

<b>Delegation</b>	<b>6.1.3 Appoint Authorised Officers and Designated Officers</b>
<b>Head of power</b>	06 Food Act 2008
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Food Act 2008</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegations subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(2)].</li> <li>2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)].</li> <li>3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Appointment of Authorised Officers as Meat Inspectors</li> <li>• Appointment of Authorised Officers</li> <li>• Appointment of Authorised Officers – Designated Officers only</li> <li>• Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer</li> </ul>
<b>Express power to subdelegate</b>	NIL – <i>Food Regulations 2009</i> do not provide for sub-delegation.
<b>Policy</b>	s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	29 June 2021
<b>Adoption references</b>	Council Decision 128/21
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
29 Jun 2021	New delegation	Separate the current functions of power within delegation 6.1.1 Discharge of Powers (Food Act 2008) into three (3) individual Delegations, being 6.1.1 Prohibition Orders, 6.1.2 Food Business Registrations and 6.1.3 Appoint Authorised Officers and Designated Officers as presented	Council Decision 128/21

## 07 Graffiti Vandalism Act 2016

Graffiti Vandalism Act 2016

### 07.1 Council to CEO

<b>Delegation</b>	<b>7.1.1 Give Notice Requiring Obliteration of Graffiti</b>
<b>Head of power</b>	07 Graffiti Vandalism Act 2016
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)].</li> <li>2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Director Infrastructure Manager Waste Operations and Infrastructure Business Services
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Removed position of Manager City Facilities	DOC/587626

<b>Delegation</b>	<b>7.1.2 Deal with Objections and Give Effect to Notices</b>
<b>Head of power</b>	07 Graffiti Vandalism Act 2016
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
<b>Function</b>	1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Director Infrastructure
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119



<b>Delegation</b>	<b>7.1.3 Obliterate Graffiti on Private Property</b>
<b>Head of power</b>	07 Graffiti Vandalism Act 2016
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016</i> s.25(1) Local government graffiti powers on land not local government property
<b>Function</b>	Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Subject to exercising Powers of Entry.
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Director Infrastructure
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	Nil
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119

<b>Delegation</b>	<b>7.1.4 Powers of Entry</b>
<b>Head of power</b>	07 Graffiti Vandalism Act 2016
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016</i> s.28 Notice of entry, s.29 Entry under warrant
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28].</li> <li>2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Director Infrastructure Manager Waste Operations and Infrastructure Business Services
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	Nil
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Removed position of Manager City Facilities.	DOC/587626

## 08 Health (Miscellaneous Provisions) Act 1911

Health (Miscellaneous Provisions) Act 1911

### 08.1 Council to CEO / Environmental Health Officers

<b>Delegation</b>	<b>8.1.1 Discharge of Powers – Section 26 of the Health (Miscellaneous Provisions) Act 1911</b>
<b>Head of power</b>	08 Health (Miscellaneous Provisions) Act 1911
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Health (Miscellaneous Provisions) Act 1911</i> s.26 Powers of local government
<b>Express power or duty delegated</b>	<i>Health (Miscellaneous Provisions) Act 1911</i> Part IV Division 4 - Sanitary Conveniences Part V Dwellings Part VI Public Buildings Part VIIA Pesticides Part IX Infectious Diseases <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974</i> r.4 Approval of construction or installation of apparatus by local government r.10 Permit to use apparatus
<b>Function</b>	<p>The City of Bunbury hereby appoints and authorises the <b>Team Leader Environmental Health</b> to be its Deputy, and in that capacity exercise and discharge all or any of the powers and functions of the local government as provided for in the Health Act (Miscellaneous Provisions) 1911 (as amended) in regard to:</p> <p>Part IV Division 4 Sanitary Conveniences (s.99 – s111) Part V Dwellings (s.135 – s.159) Part VI Public Buildings (s.173 – s.180) and Part IX Infectious Diseases (s.249). [s.26]</p> <p><b>Manager Community Services Team Leader Environmental Health Officer; and Environmental Health Officer</b></p> <ul style="list-style-type: none"> <li>• Authority to grant or refuse to grant an approval for the construction or installation of an apparatus for the treatment of sewage subject to any conditions imposed [r.4(3)].</li> <li>• Authority to grant a permit to use the apparatus when an authorised officer is satisfied that it conforms to the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 and the owner pays the fee (r.10(2)).</li> </ul>
<b>Delegates</b>	Environmental Health Officer Manager Community Wellbeing Senior Environmental Health Officer Team Leader Environmental Health
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Policy</b>	<a href="#">City of Bunbury Health Local Law 2001</a>

<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	29 June 2021
<b>Adoption references</b>	Council Decision 128/21
<b>Last reviewed</b>	27 June 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
23 Jun 2015	Amended delegation	Delegation amended by virtue of some minor wording changes and correct referencing of legislation.	Council Decision 219/15
11 Dec 2018	Amended delegation	Combined delegations DAH01 Discharge of Powers - Section 26 of the Health Act 1911 and DAH02 - Treatment of Sewage and Disposal of Effluent and Liquid Waste. Updated in accordance with WALGA template style.	Council Decision 367/18
9 Jul 2020	Amended delegation	Amended position title of Manager Environmental Health and Community Law, Safety and Emergency Management to Manager Community Services following the restructure of 01/07/2020.	DOC/587626
29 Jun 2021	Amended delegation	The City previously appointed the position Manager Community Services as its Deputy. The position of Team Leader Environmental Health now appointed as Deputy to ensure operational requirements remain efficient and effective.	Council Decision 128/21

<b>Delegation</b>	<b>8.1.2 Appointment of Authorised and Approved Officers</b>
<b>Head of power</b>	08 Health (Miscellaneous Provisions) Act 1911
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Health (Asbestos) Regulations 1992</i> r.15D(7) Local Government may delegate a power or duty under this regulation to the CEO.
<b>Express power or duty delegated</b>	<i>Health (Asbestos) Regulations 1992</i> r.15D(5) Appoint persons to be authorised officers or approved officers
<b>Function</b>	Authority to appoint "Authorised Officers" and "Approved Officers" for the purposes of Part 2 of the <i>Criminal Procedures Act 2004</i> .
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Policy</b>	<a href="#"><u>Health (Asbestos) Regulations 1992</u></a> r.15D(6) requires a local government to issue a certificate, badge or identify card identifying the officer as a person authorised to issue infringement notices
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	11 December 2018
<b>Adoption references</b>	Council Decision 367/18
<b>Last reviewed</b>	27 June 2023

## 09 Planning and Development Act 2005

Planning and Development Act 2005

### 09.1 Council to CEO

<b>Delegation</b>	<b>9.1.1 Unauthorised Development - Directions</b>
<b>Head of power</b>	09 Planning and Development Act 2005
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.42(b) Delegation of some powers or duties to the CEO
<b>Express power or duty delegated</b>	<i>Planning and Development Act 2005</i> s214(2), (3) and (5) Responsible authority may give written directions regarding unauthorised development
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to issue written direction to stop unauthorised development [P&amp;D s 214(2)].</li> <li>2. Authority to issue written direction to require the unauthorised development to be brought into compliance by removing, pulling down, taking up or altering the unauthorised development and by restoring the land to how it was prior to the development [P&amp;D s 214(3)].</li> <li>3. Authority to execute work to have unauthorised development brought into compliance [P&amp;D s 214(5)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Sustainable Communities Manager City Growth Principal Planner Major Projects Team Leader City Planning
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	City of Bunbury Local Planning Scheme 8
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	7 July 1998
<b>Adoption references</b>	Council Decision 26/98
<b>Last reviewed</b>	27 June 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
23 Jun 2015	Amended delegation	Delegation is amended to include the words Local Planning Policies in the Title and Power/Duty.	Council Decision 219/15
8 Dec 2015	Amended delegation	This delegation was originally titled Town Planning Scheme No. 7 and Local Planning Policy Compliance. The delegation title and power and duty are amended to reflect the correct legislation reference as per the Planning and Development (Local Planning Schemes) Regulations 2015, the Local Government Act 1995 and the Planning and Development Act 2005.	Council Decision 440/15
11 Dec 2018	Amended delegation	Amended wording in accordance with WALGA's template issued July 2017	Council Decision 367/18
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
13 Nov 2019	Amended delegation	Newly created position of Principal Planner Major Projects added as a sub-delegate.	DOC/462887
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626
12 May 2022	Amended delegation	Amended sub-delegate Team Leader Development Assessment & Compliance position title to Team Leader City Planning	DOC/965714

<b>Delegation</b>	<b>9.1.2 Determination of Development Application</b>
<b>Head of power</b>	09 Planning and Development Act 2005
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Cl 82 Delegation of any powers or duties to the CEO
<b>Express power or duty delegated</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 Clause 63 Accompanying material Clause 64 Advertising applications Clause 66 Consultation with other authorities Clause 68 Determination of applications Clause 72 Temporary development approval Clause 74 Approval subject to later approval of details Clause 77 Amending or cancelling applications



<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to waive or vary a requirement for accompanying material to an application for development approval [sch 2 cl 63(2)].</li> <li>2. Authority to publicly advertise, or waive a requirement for an application for development approval to be advertised, that does not comply with a requirement of the Local Planning Scheme and/or other planning instrument where the departure from the requirements of the Scheme and/or other planning instrument is of a minor nature [sch 2 cl 64(2),(3)].</li> <li>3. Authority to refer an application for development approval to any other relevant statutory, public or planning authority for the provision of referral advice, objections and recommendations [sch 2 cl 66(1)-(2)], and to determine that there is no objections or recommendations if no memorandum received within time allowed [sch 2 cl 66(4)].</li> <li>4. Authority to interpret and apply the provisions of the Local Planning Strategy, Local Planning Scheme, local planning policies, a structure plan, activity centre plan, development contribution plan, local development plan, or an amendment to a planning instrument [sch 2 cl 67].</li> <li>5. Authority to determine an application for development approval by: <ol style="list-style-type: none"> <li>(a) granting development approval with or without conditions [sch 2 cl 68(2)(a)-(b)];</li> <li>(b) grant temporary development approval with or without conditions [sch 2 cl 72];</li> <li>(c) granting development approval subject to later approval of details with conditions [sch 2 cl 74(1)-(2)];</li> <li>(d) amending or cancelling a development approval in respect of an application determined under delegated authority [sch 2 cl 77(4)]; or</li> <li>(e) refusing to grant development approval in respect of an application where there is no exercising of discretion involved [sch 2 cl 68(2)(c)].</li> </ol> </li> <li>6. Authority to determine an application for development approval under and in accordance with clause 2.1.4 of the Residential Design Codes (R-Codes) by: <ol style="list-style-type: none"> <li>(a) granting development approval with or without conditions for the following matters only [sch 2 cl 68(2)(a)-(b)]: <ol style="list-style-type: none"> <li>(i) dwellings on land zoned to allow for residential development which satisfies all relevant deemed-to-comply provisions of the R-Codes, or</li> <li>(ii) dwellings on land that is zoned to allow for residential development and which involves assessment under clause 5.1.3 (lot boundary setback) design principles of the R-Codes in accordance with any relevant local planning policies;</li> </ol> </li> <li>(b) amending or cancelling a development approval in respect of an application for dwellings determined under delegated authority [sch 2 cl 77(4)]; or</li> <li>(c) refusing to grant development approval in respect of an application for dwellings where there is no exercising of discretion involved [sch 2 cl 68(2)(c)].</li> </ol> </li> <li>7. Authority to waive or vary a requirement in respect of a development application to amend an approval where the application relates to a minor amendment to the development approval [sch 2 cl 77(3)].</li> </ol>
<b>Delegates</b>	CEO

<b>Conditions</b>	<p>1. Determinations are subject to the provisions of the <i>Planning and Development Act 2005</i>, <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, the State Planning Framework and the relevant requirements and standards of the Local Planning Framework (i.e. Local Planning Strategy, Local Planning Scheme and local planning policies).</p> <p>2. Where an application for development approval on a property has previously been subject to consideration and determination by Council, all subsequent applications involving any significant elements of the original proposal shall be presented to Council for its determination.</p> <p>3. Where neighbouring landowner notification and/or public advertising of an application for development approval is required - determination is subject to written consent, no objection or no response being received from those consulted.</p> <p>4. Any power or duty granted by this delegation is not to be exercised where an applicant specifically requests in writing that their application for development approval be determined by Council.</p> <p>5. Any power or duty granted by this delegation is not to be exercised where written objection is received to a development proposal in response to neighbouring landowner notification and/or public advertising of an application, unless:</p> <ul style="list-style-type: none"> <li>(a) the grounds for an objection to a variation is able to be overcome by imposing a condition(s) on the development approval or by modifying the design of the development; and</li> <li>(b) the proposal is consistent with the objectives and intent of the Local Planning Scheme, design principles of the Residential Design Codes, and the provisions of any relevant local planning policies or other planning instruments; or</li> <li>(c) the objection does not relate to valid planning and development considerations associated with the proposal.</li> </ul>
<b>Express power to subdelegate</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, CI 83 Local Government CEO may delegate powers
<b>Subdelegates</b>	<p>Building Surveyor</p> <p>Director Sustainable Communities</p> <p>Manager City Growth</p> <p>Principal Planner Major Projects</p> <p>Senior Planning Officer</p> <p>Team Leader Building and Compliance</p> <p>Team Leader City Planning</p>
<b>Subdelegate conditions</b>	<p>Conditions on the original delegation also apply to the sub-delegations.</p> <p>Team Leader Building Certification and Building Surveyor's may only determine applications for development approval under and in accordance with clause 2.1.4 of the Residential Design Codes (R-Codes).</p>
<b>Policy</b>	<p><a href="#"><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></a></p> <p>Schedule 2 – CI 76 application for review by SAT</p> <p>State Planning Policy 3.1 Residential Design Codes (or 'R-Codes') made under s. 26 of the <i>Planning and Development Act 2005</i></p> <p>City of Bunbury Local Planning Scheme 8 (gazetted 13 February 2018)</p>
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	28 June 2022
<b>Adoption references</b>	Council Decision 140/22
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
18 Mar 2014	Amended delegation	Amend to include reference to "AA" use.	Council Decision 89/14
23 Jun 2015	Amended delegation	Delegation is amended to correct scheme text referencing.	Council Decision 219/15
8 Dec 2015	Amended delegation	This delegation has been reworded to accurately reflect the intention of the power and duty, and also includes updated legislation reference as per the Planning and Development (Local Planning Schemes) Regulations 2015.	Council Decision 440/15
5 Sep 2017	Amended delegation	Amendment of delegation to allow for officers, in respect of granted development approval, to determine applications to: <input type="checkbox"/> amend a development approval so as to extend the period within which any development approved must be substantially commenced; <input type="checkbox"/> amend or delete any condition to which the approval is subject; <input type="checkbox"/> amend any aspect of the development approved which, if amended, would not substantially change the development approved; <input type="checkbox"/> cancel the approval. subject to the conditions outlined.	Council Decision 331/17
11 Dec 2018	Amended delegation	Amended in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 and City of Bunbury Local Planning Scheme 8 (gazetted 13/02/2018)	Council Decision 367/18
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
5 Feb 2019	Amended delegation	Council removed condition 6: Team Leader Building Certification may only determine applications for development approval under and in accordance with clause 2.1.4 of the Residential Design Codes (R-Codes), as it prevented the CEO from sub-delegating the power or duty to determine applications for development approval under and in accordance with clause 2.1.4 of the Residential Design Codes (R-Codes) to other Officers, namely the City's building surveyors..	Council Decision 020/19
21 Feb 2019	---	CEO approved sub-delegation to Building Surveyor (s) and added the following condition: Team Leader Building Certification and Building Surveyor's may only determine applications for development approval under and in accordance with clause 2.1.4 of the Residential Design Codes (R-Codes)	CP-044509

13 Nov 2019	Amended delegation	Newly created position of Principal Planner Major Projects added as a sub-delegate.	DOC/462887
23 Jun 2020	Amended delegation	Deleted condition "Decisions made under this delegated authority are to be undertaken or informed by a person qualified in accordance with the eligibility requirements for corporate membership of the Planning Institute of Australia (PIA) and the Local Government Planners Association of Western Australia". Qualification requirements, where applicable, are established by regulation.	Council Decision 131/20
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title in sub-delegation due to the restructure of 01/07/2020.	DOC/587626
12 May 2022	Amended delegation	Amended sub-delegate Team Leader Development Assessment & Compliance position title to Team Leader City Planning	DOC/965714
28 Jun 2022	Amended delegation	Changed the title from "Grant of Development Approval" to "Determination of Development Application" and amended function 6(a)(ii) to include the words "clause 5.1.3 (lot boundary setback).	Council Decision 140/22

<b>Delegation</b>	<b>9.1.3 Grant of Approval for a Local Development Plan</b>
<b>Head of power</b>	09 Planning and Development Act 2005
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Cl 82 Delegation of any powers or duties to the CEO
<b>Express power or duty delegated</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 Clause 47 When local development may be prepared Clause 48 Preparation of local development plan Clause 50 Advertising of local development plan Clause 51 Consideration of submissions Clause 52 Decision of local government Clause 53 Local development plan may provide for later approval of details of development
<b>Function</b>	<p>1. Authority to determine a local development plan is required for orderly and proper planning [sch 2 cl 47(d)].</p> <p>2. Authority to require accompanying maps, material or information to be provided as part of an application for a proposed local development plan or amendment to be accepted for assessment and advertising [sch 2 cl 48(1)(b)].</p> <p>3. Authority to determine not to advertise a local development plan as the plan is not likely to adversely affect any owners or occupiers within the area or adjoining area [sch 2 cl 50(3)].</p> <p>5. Authority to interpret and apply the provisions of schedule 2 clause 67 in the consideration of an application for a proposed local development plan or amendment and any submissions [sch 2 cl 51(c)].</p> <p>6. Authority to:</p> <p>(a) approve the local development plan [sch 2 cl 52(1)(a), (4)];</p> <p>(b) require that the local development plan be modified in the manner specified by the local government, and resubmitted as modified to the local government for approval [sch 2 cl 52(1)(b)];</p> <p>(c) approve the local development plan subject to later approval of details of development [sch 2 cl 53(1)]; or</p> <p>(d) refuse to approve the local development plan [sch 2 cl 52(1)(c), (4)].</p>
<b>Delegates</b>	CEO

<b>Conditions</b>	<p>1. Determination of when a proposed local development plan may be prepared is subject to the Western Australian Planning Commission first having directed in writing that it considers that a local development plan is required for the purposes of orderly and proper planning.</p> <p>2. Approval of a proposed local development plan is subject to the provisions of the <i>Planning and Development Act 2005</i>, <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, the State Planning Framework (i.e. Liveable Neighbourhoods and Residential Design Codes, etc.) and the relevant requirements and standards of the Local Planning Framework (i.e. Local Planning Strategy, Local Planning Scheme and local planning policies).</p> <p>3. Where a local development plan has previously been subject to consideration and determination by Council, with the exception of variations that the CEO considers are minor, all subsequent amendments involving any significant changes to the plan shall be presented to Council for its determination.</p> <p>4. Where public advertising of a proposed local development plan or amendment is required - determination is subject to written consent, no objection or no response being received from those consulted.</p> <p>5. Any power or duty granted by this delegation is not to be exercised where an applicant specifically requests in writing that their application for a proposed local development plan or amendment be determined by Council.</p> <p>6. Any power or duty granted by this delegation is not to be exercised where written objection is received to a proposed local development plan in response to public advertising of the draft plan, unless:</p> <ul style="list-style-type: none"> <li>(a) the grounds for an objection to a variation is able to be overcome by imposing a condition(s) on the local development plan or by modifying the design of the plan; and</li> <li>(b) the proposal is consistent with the objectives and intent of the Local Planning Scheme, requirements of Liveable Neighbourhoods, design principles of the Residential Design Codes, and the provisions of any relevant local planning policies or other planning instruments; or</li> <li>(c) the objection does not relate to valid planning and development considerations associated with the proposal.</li> </ul>
<b>Subdelegates</b>	<p>Director Sustainable Communities  Manager City Growth  Principal Planner Major Projects  Senior Planning Officer  Team Leader City Planning</p>
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	<p><a href="#"><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></a>  Sch. 2 cl 54 application for review by SAT  State Planning Policy 3.1 Residential Design Codes (or 'R-Codes') made under s. 26 of the <i>Planning and Development Act 2005</i>  City of Bunbury Local Planning Scheme 8 (gazetted 13 February 2018)</p>
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	23 June 2020
<b>Adoption references</b>	Council Decision 131/20
<b>Last reviewed</b>	27 June 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
13 Nov 2019	Amended delegation	Newly created position of Principal Planner Major Projects added as a sub-delegate.	DOC/462887
23 Jun 2020	Amended delegation	Deleted condition "Decisions made under this delegated authority are to be undertaken or informed by a person qualified in accordance with the eligibility requirements for corporate membership of the Planning Institute of Australia (PIA) and the Local Government Planners Association of Western Australia". Qualification requirements, where applicable, are established by regulation.	Council Decision 131/20
9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title in sub-delegation due to the restructure of 01/07/2020.	DOC/587626
12 May 2022	Amended delegation	Amended sub-delegate Team Leader Development Assessment & Compliance position title to Team Leader City Planning	DOC/965714

<b>Delegation</b>	<b>9.1.4 Repair of existing Advertisements</b>
<b>Head of power</b>	09 Planning and Development Act 2005
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Cl 82 Delegation of any powers or duties to the CEO
<b>Express power or duty delegated</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Cl 80 Repair of existing advertisements
<b>Function</b>	Authority to issue written notice to the owner of an advertisement that has deteriorated, or to the owner of the land on which the advertisement is located, requiring the owner to repair the advertisement [Sch 2, Cl. 80(1), (3)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Cl 83 Local Government CEO may delegate powers
<b>Subdelegates</b>	Director Sustainable Communities
<b>Subdelegate conditions</b>	Conditions on the original delegation also apply to the sub-delegations.
<b>Policy</b>	<a href="#"><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></a> Schedule 2 – Cl 80(4) written notice requirements Schedule 2 – Cl 80(5) application for review by SAT <a href="#">Local Planning Policy: Signage and Advertising</a>
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	23 June 2020
<b>Adoption references</b>	Council Decision 131/20
<b>Last reviewed</b>	27 June 2023



Amendments			
Approved	Type	Amendment	References
18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
23 Jun 2020	Amended delegation	Deleted condition "Decisions made under this delegated authority are to be undertaken or informed by a person qualified in accordance with the eligibility requirements for corporate membership of the Planning Institute of Australia (PIA) and the Local Government Planners Association of Western Australia". Qualification requirements, where applicable, are established by regulation.	Council Decision 131/20

## 10 Public Health Act 2016

### Public Health Act 2016

#### 10.1 Council to CEO

<b>Delegation</b>	<b>10.1.1 Designation of Authorised Officers</b>
<b>Head of power</b>	10 Public Health Act 2016
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Public Health Act 2016</i> s.21(1)(b)(i) Local Government (enforcement agency) may delegate a power of duty conferred or imposed on it s21(3) Delegation subject to conditions and restrictions [s20], s21(4) Sub-delegation only permissible if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Public Health Act 2016</i> s.24 Designation of Authorised Officers s.312 Environmental Health Officers to be Authorised Officers for certain purposes
<b>Function</b>	Authority to designate a person or class of persons to be an authorised officer for the purposes of the Public Health Act 2016 [s21(1)(b)(i)].
<b>Delegates</b>	CEO
<b>Conditions</b>	In accordance with s.29, this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express power to subdelegate</b>	NIL – Currently no subsidiary legislation made under this Act.
<b>Policy</b>	<a href="#"><u>Public Health Act 2016</u></a> s.27 (a) requires an Enforcement Agency to maintain a list of appointed authorised officers s.30 (1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	24 January 2017
<b>Adoption references</b>	Council Decision 21/17
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
11 Dec 2018	Amended delegation	This delegation and 8.1.2 (Appointment of Authorised and Approved Officers) have been separated and replace DAH08 Public Health Act 2016 and Criminal Procedure Act 2016.	Council Decision 367/18

# 11 Statutory Delegations to Local Government from External Agencies

## Statutory Delegations to Local Government from External Agencies

### 11.1 Environmental Protection Act 1986

<b>Delegation</b>	<b>11.1.1 Noise Control (Serve Environmental Protection Notices (s65(1)))</b>
<b>Head of power</b>	11 Statutory Delegations to Local Government from External Agencies
<b>Delegator</b>	Department Environment Regulation
<b>Express power or duty delegated</b>	<p>Published by:</p> <p>Environment GOVERNMENT GAZETTE Western Australia</p> <p>-----</p> <p>No. 47. 19-Mar-2004</p> <p>Page: 919</p> <p>EV401</p> <p>ENVIRONMENTAL PROTECTION ACT 1986</p> <p>Section 20 Delegation No. 52</p> <p>Pursuant to section 20 of the Environmental Protection Act 1986, the Chief Executive Officer hereby delegates as follows—</p> <p>Powers and duties delegated—</p> <p>All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.</p> <p>Persons to whom delegation made—</p> <p>This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the Local Government Act 1995.</p> <p>Pursuant to section 59(1)(e) of the Interpretations Act 1984, Delegation No. 32, dated 4 February 2000 is hereby revoked.</p> <p>Dated this 9th day of January 2004.</p>

	<p>Approved—</p> <p>FERDINAND TROMP, A/Chief Executive Officer.</p> <p>Dr JUDY EDWARDS MLA, Minister for the Environment.</p> <p>-----</p> <p>Government of Western Australia</p> <p>State Law Publisher. All contents Copyright (C) 2003.</p> <p>All rights reserved. Disclaimer</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	N/A
<b>Date adopted</b>	9 January 2004
<b>Adoption references</b>	Approved by A/Chief Executive Officer of Department of Environment Regulation and Minister for the Environment - published 19/03/2004
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
11 Dec 2018	Amended delegation	Amended Reference Numbering only. Previously DASD03.	Council Decision 367/18

<b>Delegation</b>	<b>11.1.2 Noise Control (Keeping Of Log Books, Noise Control Notices, Calibration And Approval Of NonComplying Events)</b>
<b>Head of power</b>	11 Statutory Delegations to Local Government from External Agencies
<b>Delegator</b>	Department Environment Regulation

<p><b>Express power or duty delegated</b></p>	<p>Published by: Environment GOVERNMENT GAZETTE Western Australia</p> <p>-----</p> <p>No. 232. 20-Dec-2013 Page: 6282</p> <p>EV402 ENVIRONMENTAL PROTECTION ACT 1986 Delegation No. 112</p> <p>I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the Environmental Protection Act 1986 ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the Local Government Act 1995, my powers and duties under the Environmental Protection (Noise) Regulations 1997, other than this power of delegation, in relation to--</p> <p>(a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;</p> <p>(b) bellringing or amplified calls to worship--the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);</p> <p>(c) community activities--noise control notices in respect of community noise under regulation 16;</p> <p>(d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;</p> <p>(e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;</p> <p>(f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;</p> <p>(g) sporting, cultural and entertainment events--approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation--</p> <p>-</p> <p>(i) Subregulation 18(13)(b) is not delegated.</p> <p>Under section 59(1)(e) of the Interpretation Act 1984, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.</p> <p>Dated the 12th day of December 2013.</p> <p>JASON BANKS, Acting Chief Executive Officer.</p> <p>Approved by--</p> <p>JOHN DAY, Acting Minister for Environment; Heritage.</p> <p>-----</p> <p>Government of Western Australia State Law Publisher. All contents Copyright (C) 2003. All rights reserved. Disclaimer</p>
<p><b>Delegates</b></p>	<p>CEO</p>

<b>Conditions</b>	Nil
<b>Date adopted</b>	12 December 2013
<b>Adoption references</b>	Approved by Acting Minister for Environment; Heritage - published 20/12/2013
<b>Last reviewed</b>	27 June 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
11 Dec 2018	Amended delegation	Amended reference numbering only. Previously referenced as DASD04	Council Decision 367/18



<b>Delegation</b>	<b>11.1.3 Noise Control (Noise Management Plans (Reg. 13))</b>
<b>Head of power</b>	11 Statutory Delegations to Local Government from External Agencies
<b>Delegator</b>	Department Environment Regulation
<b>Express power or duty delegated</b>	<p>Published by: Environment GOVERNMENT GAZETTE Western Australia ----- No. 71. 16-May-2014 Page: 1548</p> <p>EV405 ENVIRONMENTAL PROTECTION ACT 1986 Delegation No. 119</p> <p>I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the Environmental Protection Act 1986 ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of--</p> <p>(a) Chief Executive Officer under the Local Government Act 1995; and</p> <p>(b) to any employee of the local government under the Local Government Act 1995 who is appointed as an Authorised Person under section 87 of the Act,</p> <p>all my powers and duties in relation to noise management plans under regulation 13 of the Environmental Protection (Noise) Regulations 1997, other than this power of delegation.</p> <p>Under section 59(1)(e) of the Interpretation Act 1984, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.</p> <p>Dated the 1st day of May 2014.</p> <p>JASON BANKS, Acting Chief Executive Officer. ----- Approved by--</p> <p>Hon ALBERT JACOBS JP MLA, Minister for Environment: Heritage. ----- Government of Western Australia State Law Publisher. All contents Copyright (C) 2003. All rights reserved. Disclaimer</p>
<b>Delegates</b>	<p>CEO Environmental Health Officer Manager Community Wellbeing Senior Environmental Health Officer Team Leader Environmental Health</p>
<b>Conditions</b>	Nil
<b>Statutory framework</b>	N/A
<b>Policy</b>	N/A

<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	1 May 2014
<b>Adoption references</b>	Approved by Minister for Environment; Heritage - published 16 May 2014
<b>Last reviewed</b>	27 June 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
11 Dec 2018	---	Amended reference numbering only. Previously referenced as DASD05	Council Decision 367/18
9 Jul 2020	Amended delegation	Change of manager title from Manager Environmental Health and Community Law, Safety and Emergency Management to Manager Community Services due to the restructure of 01/07/2020.	DOC/587626

## 11.2 Planning and Development Act 2005

<b>Delegation</b>	<b>11.2.1 Western Australian Planning Commission (Clause 27 Greater Bunbury Region Scheme Development Approvals)</b>
<b>Head of power</b>	11 Statutory Delegations to Local Government from External Agencies
<b>Delegator</b>	Western Australian Planning Commission
<b>Express power or duty delegated</b>	<p>Published by: Planning GOVERNMENT GAZETTE Western Australia</p> <p>-----</p> <p>No. 65. 09-May-2014 Page: 1420</p> <p>PL406 PLANNING AND DEVELOPMENT ACT 2005 Instrument of Delegation</p> <p>DELEGATION POWERS OF LOCAL GOVERNMENTS (GBRS) DEL 2014/01 Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Greater Bunbury Region Scheme</p> <p>Preamble</p> <p>Unless exempted by clause 25 and 26, under clause 24 of the Greater Bunbury Region Scheme (GBRS), on reserved land, a person must not commence or carry out development unless that person has planning approval. Development on zoned land requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (WAPC) under clause 27 of the GBRS. Parts 7 and 8 of the GBRS sets out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.</p> <p>Under section 16 of the Planning and Development Act 2005 (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the Government Gazette, delegate any function to a local government, a committee established under the Local Government Act 1995 or an employee of a local government.</p> <p>In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.</p> <p>Resolution under section 16 of the Act (delegation)</p> <p>On 22 April 2014, pursuant to section 16 of the Act, the WAPC RESOLVED--</p> <p>A TO DELEGATE to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Parts 7 and 8 of the Greater Bunbury Region Scheme, of applications for approval to commence and carry out development as specified in schedules 1 and 2, within their respective districts, subject to the terms set out in schedule 3;</p> <p>B TO REVOKE its delegation of powers and functions to local governments as detailed in a notice published in the Government Gazette of 20 April 2012 (pages 1717--1722).</p>

TIM HILLYARD, Secretary, Western Australian Planning Commission.

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## PLANNING AND DEVELOPMENT ACT 2005

### Instrument of Delegation

#### SCHEDULE 1--Development on reserved land delegated to local governments

1. Development on land in a regional road reservation where the local government accepts the recommendation and any advice of the advice agency.

2. Development of private jetties and associated facilities located in an artificial waterway in the waterways reservation.

3. Development on reserved land, which requires planning approval under the GBRS and which is--

(a) Ancillary and incidental development that does not conflict with the purposes of the reservation; and

(b) Development where the local government accepts the recommendation and any advice of the public authority responsible for that reserved land.

4. Any extension and/or change to a non-conforming use which requires planning approval under the GBRS and which is one or more of the following kinds--

(a) Development where the local government accepts the recommendation and any advice of the Department of Planning.

(b) Development for which the local government decides to refuse.

#### SCHEDULE 2--Development on zoned land delegated to local governments

Applications for development on zoned land, excluding public works undertaken by public authorities--

1. On land abutting regional open space reservations, development which requires planning approval under the GBRS and which is one or more of the following kinds--

(a) Development where the local government accepts the recommendation and any advice of the Department of Planning.

(b) Development for which the local government decides to refuse approval under the GBRS.

2. On land abutting a primary regional roads reservation, development which requires planning approval under the GBRS and which is of one or more of the following kinds--

(a) Development where the local government accepts the recommendation and any advice of Main Roads Western Australia.

(b) Development for which the local government decides to refuse approval under the GBRS.

3. On land abutting an other regional roads reservation, development which requires planning approval under the GBRS and which is of one or more of the following kinds--

(a) Development where the local government accepts the recommendation and any advice of the Department of Planning.

(b) Development which--

i. complies with an approved access policy pertaining to other regional roads reservations submitted by the local government and endorsed by the WAPC, and

ii. is approved subject to conditions requiring compliance with that policy.

(c) Development for which the local government decides to refuse approval under the GBRS.

4. On land abutting a port installations, public purposes, railways, state forests or waterways reservation, development of one or more of the following kinds--

(a) Development where the local government accepts the recommendation and any advice of the public authority responsible for that reserved land.

(b) Development for which the local government decides to refuse approval under the GBRS.

5. On land in the water catchments special control area (SCA No. 1), development which requires planning approval under the GBRS and which is of one or more of the following kinds--

(a) Development where the local government accepts the recommendation and any advice of the Department of Water and/or the Water Corporation, as the case may be.

(b) Development for which the local government decides to refuse approval under the GBRS.

6. On land in the Kemerton industrial zone buffer special control area (SCA No. 2), development which requires planning approval under the GBRS and which is one or more of the following kinds--

(a) Development where the local government accepts the recommendation and any advice of the Department of State Development and the Environmental Protection Authority.

(b) Development for which the local government decides to refuse under approval under the GBRS.

7. On land in the Glen Iris service corridor buffer special control area (SCA No. 3) development which requires planning approval under the GBRS and which is one or more of the following kinds--

(a) Development where the local government accepts the recommendation and any advice of the Bunbury Port Authority, Department of State Development and the Environmental Protection Authority.

(b) Development for which the local government decides to refuse approval under the GBRS.

8. On land in the Wastewater Treatment Plant Odour Buffer special control area (SCA No. 4) development which requires planning approval under the GBRS and which is one or more of the following kinds--

(a) Development where the local government accepts the recommendation and any advice of the Water Corporation.

(b) Development for which the local government decides to refuse approval under the GBRS.

9. Development of one or more of the following kinds which is on land in, adjacent to or in close proximity to the strategic agricultural resource policy area and which requires planning approval under the GBRS--

(a) Development where the local government accepts the recommendation and any advice of the Department of Agriculture and Food.

(b) Development for which the local government decides to refuse approval under the GBRS.

10. Development of one or more of the following kinds which is on land in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area and which requires planning approval under the GBRS--

(a) Development where the local government accepts the recommendation and any advice of the Department of Mines and Petroleum.

(b) Development for which the local government decides to refuse approval under the GBRS.

11. Development of one or more of the following kinds which is on land partly or wholly within the land subject to the floodplain management policy area and which requires planning approval under the GBRS--

(a) Development where the local government accepts the recommendation and any advice of the Department of Water;

(b) Development for which the local government decides to refuse approval under the GBRS.

12. Development in an activity centre which is for shop-retail purposes and which requires planning approval under the GBRS and which is for one or more of the following kinds--

(a) Development generally in accordance with a WAPC endorsed activity centres structure plan;

(b) Development for which the local government decides to refuse approval under the GBRS.

13. Development in the rural zone, other than for an animal husbandry-intensive, which requires planning approval under the GBRS and for which the local government decides to refuse approval under the GBRS.

14. Development for an animal husbandry-intensive premises, or for any extension or addition in excess of 100 m<sup>2</sup> to the improvements of an existing animal husbandry-intensive premises and which is one or more of the following kinds--

(a) Development where the local government accepts the recommendation and any advice of the Department of Planning, Department of Agriculture and Food, Department of Health, Department of Environmental Regulation, Department of Parks and Wildlife and/or Environmental Protection Authority.

(b) Development for which the local government decides to refuse approval under the GBRS.

15. Any extension and/or change to a non-conforming use which requires planning approval under the GBRS and which is one or more of the following kinds--

(a) Development where the local government accepts the recommendation and any advice of the Department of Planning.

(b) Development for which the local government decides to refuse.

SCHEDULE 3--Terms of delegations to determine development on reserved and zoned land

1. Under clause 36 of the GBRS, an application for planning approval is to be submitted to the local government, which, if the application is to be determined by the WAPC, shall forward it to the WAPC in seven days and make recommendations to the WAPC within 42 days, or such

longer period as the WAPC allows.

2. An application for development on reserved land, excluding regional open space, shall be referred within seven days to the public authority responsible for that reserved land for advice and recommendation before being considered by the local government.

3. An application for development on or abutting regional open space reservations, shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.

4. An application for development in or abutting a primary regional roads reservation shall be referred within seven days to Main Roads Western Australia for advice and recommendation before being considered by the local government.

5. An application for development in or abutting an other regional roads reservation shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.

6. An application for development abutting a port installations, public purposes, railways, state forests or waterways reservation shall be referred within seven days to the public authority responsible for that reserved land for advice and recommendation before being considered by the local government.

7. An application for development within the water catchments special control area (SCA No. 1) shall be referred within seven days to the Department of Water and/or the Water Corporation for advice and recommendation before being considered by the local government.

8. An application for development in the Kemerton industrial zone buffer special control area (SCA No. 2) shall be referred within seven days to the Department of State Development and the Environmental Protection Authority for advice and recommendation before being considered by the local government.

9. An application for development in the Glen Iris service corridor buffer special control area (SCA No. 3) shall be referred within seven days to the Bunbury Port Authority, Department of State Development and the Environmental Protection Authority for advice and recommendation before being considered by the local government.

10. An application for development in the Wastewater Treatment Plant Odour Buffer special control area (SCA No. 4) shall be referred within seven days to the Water Corporation for advice and recommendation before being considered by the local government.

11. An application for development within, adjacent to or in close proximity to the strategic agricultural resource policy area shall be referred within seven days to the Department of Agriculture and Food for advice and recommendation before being considered by the local government.

12. An application for development in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area shall be referred within seven days to the Department of Mines and Petroleum for advice and recommendation before being considered by the local government.

13. An application for development partly or wholly within the floodplain management policy area shall be referred within seven days to the Department of Water for advice and recommendation before being considered by the local government.

14. An application for an animal husbandry-intensive premises shall be referred to the Department of Planning, Department of Agriculture and Food, Department of Health, Department of Environmental Regulation, Department of Parks and Wildlife and/or the Environmental Protection Authority for advice and recommendation before being considered

by the local government.

15. An application for any extension and/or change to a non-conforming use shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.

16. Where an application is referred to an advice agency for advice and recommendation the agency is to be advised that if no advice or recommendation has been received within thirty days of receipt of the application by the advice agency the application may be determined on the available information; and the WAPC, or delegate of, or a local government acting under delegated power, may determine the application on that basis.

17. Following referral for advice and recommendation, an application which is to be determined by the WAPC shall be forwarded as soon as practicable to the WAPC with the advice and recommendations provided by all the advice agencies consulted together with the advice and recommendation of the local government.

18. Where the recommendation provided by an advice agency specified above is not acceptable to the local government, the application, together with the recommendations provided by all advice agencies consulted and the reasons why the recommendation is not acceptable to the local government, shall be forwarded immediately to the WAPC for determination.

19. Each local government shall report to the WAPC, in the form and manner required by the WAPC, all decisions made under this instrument of delegation.

20. The powers delegated to members and officers of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development in the local government district under the local planning scheme.

#### SCHEDULE 4--Definitions

In this instrument of delegation, words have the meanings given to them in the Act and the GBRS. Unless the context otherwise requires--

'Abutting' reserved land means the zoned land shares a common boundary with reserved land.

'Access' means entry or exit (or both) from either a road or abutting development by a vehicle.

'Activity centre' means the category of activity centres set out in Table 2 of the Activity Centres for Greater Bunbury Policy, namely--

- City Centre
- District Centres
- Neighbourhood centres
- Special Centres
- Town Centres

'Advice agency' means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the GBRS as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 3.

'Forward to the WAPC' and similar expressions mean convey by mail, by hand or electronically



	<p>to the Bunbury office of the Department of Planning.</p> <p>'Net lettable area' means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—</p> <p>(a) all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, tea rooms and plant rooms and other service areas;</p> <p>(b) lobbies between lifts facing other lifts servicing the same floor</p> <p>(c) areas set aside for the provision of facilities or services to the floor or building;</p> <p>(d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.</p> <p>'Non-conforming use' has the same meaning as it has in the Planning and Development Act 2005 section 172.</p> <p>'Not acceptable' means that the local government wishes the application to be determined in a manner that is inconsistent with the advice and/or recommendation received from the advice agency which the local government was required to consult.</p> <p>'Planning approval' and 'planning approval under the GBRS' mean the planning approval of the WAPC as required under the GBRS and by resolution of the WAPC under clause 27 of the GBRS, whether granted by the WAPC or by delegates of the WAPC including committees, officers, local governments and members and officers of local governments.</p> <p>'Proximity' and 'in close proximity' mean that the development is, in the opinion of the WAPC or local government, sufficiently close to a policy area for the effects of activities in the policy area (such as noise, odour, spray drift or dust) to be likely to have an adverse effect on the proposed use, and/or for the effects of the development to be likely to have an adverse effect on uses in the policy area.</p> <p>'Shop-retail' means the land use activities included in "Planning land use category 5: Shop/Retail" as defined by the Commission's South West Land Use and Employment Survey (as amended from time-to-time).</p> <p>-----</p> <p>Government of Western Australia State Law Publisher. All contents Copyright (C) 2003. All rights reserved. Disclaimer</p>
<b>Delegates</b>	<p>CEO Council Director Sustainable Communities Manager City Growth Principal Planner Major Projects Senior Planning Officer Team Leader City Planning</p>
<b>Conditions</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	22 April 2014
<b>Adoption references</b>	WAPC Resolution 22 April 2014 - published 09/05/2014
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
11 Dec 2018	---	Amended reference numbering only. Previously referenced as DASD01	Council Decision 367/18
13 Nov 2019	Amended delegation	Newly created position of Principal Planner Major Projects added as a sub-delegate	DOC/462887
9 Jul 2020	Amended delegation	Change of manager title from Manager Sustainability, Planning and Development to Manager City Growth due to the restructure of 01/07/2020.	DOC/587626
12 May 2022	Amended delegation	Amended sub-delegate Team Leader Development Assessment & Compliance position title to Team Leader City Planning	DOC/965714

<b>Delegation</b>	<b>11.2.2 Western Australian Planning Commission (Sections 15, 21 and 22 Of Strata Titles Act 1995)</b>
<b>Head of power</b>	11 Statutory Delegations to Local Government from External Agencies
<b>Delegator</b>	Western Australian Planning Commission
<b>Express power to delegate</b>	<i>Planning and Development Act 2005</i> s.16 Delegation by Commission
<b>Express power or duty delegated</b>	<p>Published by: Planning and Infrastructure GOVERNMENT GAZETTE Western Australia</p> <p>-----</p> <p>No. 449. 29-Jan-2021 Page: 449</p> <p>PI402 PLANNING AND DEVELOPMENT ACT 2005 Instrument of Delegation Del 2020/01 Powers of Local Governments</p> <p>Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to certain applications under the Strata Titles Act 1985 Preamble Under section 16 of the Planning and Development Act 2005 (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the Government Gazette, delegate any function under the Act or any other written law to a local government, a committee established under the Local Government Act 1995 or an employee of a local government.</p> <p>In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.</p> <p>Resolution under section 16 of the Act (delegation) On 20 January 2021, pursuant to section 16 of the Act, the WAPC RESOLVED— A. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the Strata Titles Act 1985 as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of schedule 1; B. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the Strata Titles Act 1985 as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1; C. TO AMEND “Del 2020/01—Powers of Local Governments” to give effect to its resolution and to publish an updated, consolidated instrument. SAM FAGAN, Western Australian Planning Commission.</p> <p>_____</p> <p>Schedule 1</p> <p><b>1. Applications made under section 15 of the Strata Titles Act 1985</b> Power to determine applications under section 15 of the Strata Titles Act 1985, except those applications that—</p> <ol style="list-style-type: none"> <li>propose the creation of a vacant lot;</li> <li>propose vacant air stratas in multi-tiered strata scheme developments;</li> <li>propose the creation or postponement of a leasehold scheme;</li> <li>propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the</li> </ol>

	<p>Strata Titles Act 1985);</p> <p>e. in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—</p> <p>i. a type of development; and/or</p> <p>ii. land within an area,</p> <p>which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.</p> <p><b>2. Applications under sections 21 and 22 of the Strata Titles Act 1985</b></p> <p>Power to determine applications under—</p> <p>a. section 21 of the Strata Titles Act 1985;</p> <p>b. section 22 of the Strata Titles Act 1985 where the amendment or repeal of scheme by-laws</p> <p>requires the approval of the WAPC.</p> <p><b>3. Reporting requirements</b></p> <p>A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.</p>
<b>Delegates</b>	<p>Building Surveyor</p> <p>CEO</p> <p>Council</p> <p>Director Sustainable Communities</p> <p>Manager City Growth</p> <p>Planning Officer(s)</p> <p>Principal Planner Major Projects</p> <p>Senior Planning Officer</p> <p>Team Leader Building and Compliance</p> <p>Team Leader City Planning</p>
<b>Conditions</b>	Nil
<b>Policy</b>	Nil
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	20 January 2021
<b>Adoption references</b>	Resolution of WAPC 20/01/2021 - published 29/01/2021
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
11 Dec 2018	---	Amended reference numbering only. Previously referenced as DASD02	Council Decision 367/18
13 Nov 2019	Amended delegation	Newly created position of Principal Planner Major Projects added as a sub-delegate.	DOC/462887
9 Jul 2020	Amended delegation	Change of manager title from Manager Sustainability, Planning and Development to Manager City Growth due to the restructure of 01/07/2020.	DOC/587626
31 Aug 2021	New delegation	The Strata Titles Act 1985 has been updated and the WAPC have issued a revised delegation (20 January 2021) – WAPC_DEL_Powers_of_local_governments_(Strata_Titles_Act)_01-02-21.pdf (dplh.wa.gov.au). The main difference relates to the sections of the Strata Titles Act 1985 (i.e. section 15 and 21, 22) as opposed to the previous section 25. This delegation supersedes the previously delegation issued 09 June 2009 (No. 98, page 1936 Government Gazette).	DOC/816159
12 May 2022	Amended delegation	Amended sub-delegate Team Leader Development Assessment & Compliance position title to Team Leader City Planning	DOC/965714

## 11.3 Main Roads Act 1930

<b>Delegation</b>	<b>11.3.1 Traffic Management – Events on Roads</b>
<b>Head of power</b>	11 Statutory Delegations to Local Government from External Agencies
<b>Delegator</b>	Main Roads Western Australia
<b>Express power or duty delegated</b>	<p>WESTERN AUSTRALIA ROAD TRAFFIC CODE 2000 REGULATION 297(2) INSTRUMENT OF AUTHORISATION</p> <p>RELATING TO TRAFFIC MANAGEMENT FOR EVENTS</p> <p>Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads ("the Commissioner ") hereby authorises the City of Sunbury ("Authorised Body") by itself, its employees, consultants , agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:</p> <p>i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the <i>Road Traffic Act 1974</i>;</p> <p>ii) race meeting or speed test for which the Minister referred to in section 83 of the <i>Road Traffic Act 1974</i> has, under that provision, temporarily suspended the operation of any provisions of the <i>Road Traffic Act 1974</i> or regulations made under that Act; or</p> <p>iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the <i>Public Order in Streets Act 1984</i>;</p> <p>or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its empowering legislation, on a road (other than a main road or highway).</p> <p>(a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from <a href="http://www.mainroads.wa.gov.au">www.mainroads.wa.gov.au</a> or by contacting Main Roads by phone;</p> <p>(b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and</p> <p>(c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.</p> <p>By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.</p> <p>The powers in this Instrument of Authorisation do not change or replace:</p> <p>1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and</p> <p>2) any powers and responsibilities of any relevant local government provided in regulation 9 of the <i>Road Traffic (Events on Roads) Regulations 1991</i>.</p>

	<p>Dated:</p> <p>THE COMMON SEAL OF THE COMMISSIONER OF MAIN ROADS WAS AFFIXED BY Richard Seller COMMISSIONER OF MAIN ROADS</p> <p>FOR THE TIME BEING IN THE PRESENCE OF: Stephen Potter Name of Witness</p> <p>ACKNOWLEDGEMENT BY AUTHORISED BODY The City of Bunbury agrees to observe, perform and be bound by the above conditions</p> <p>THE COMMON SEAL OF THE City of Bunbury</p> <p>WAS AFFIXED PURSUANT TO A RESOLUTION OF COUNCIL IN THE PRESENCE OF</p> <p>Andrew Brien CHIEF EXECUTIVE OFFICER</p> <p>Fiona Quinn Name of Witness</p>
<b>Delegates</b>	---
<b>Policy</b>	Nil
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	14 June 2018
<b>Adoption references</b>	Instrument of Authorisation executed by the Commissioner of Main Roads and received by City of Bunbury on 4 June 2018. EMDS Ref: DOC/359805
<b>Last reviewed</b>	27 June 2023

Amendments			
Approved	Type	Amendment	References
9 Jul 2020	Amended delegation	Change of manager title from Manager Environmental Health and Community Law, Safety and Emergency Management to Manager Community Services due to the restructure of 01/07/2020.	DOC/587626
11 Mar 2021	Amended delegation	<p>All individual "Delegate" positions were removed.</p> <p>This delegation is given by the Commissioner of Main Roads to City of Bunbury (Authorised Body) and "its employees, consultants, agents and contractors"</p> <p>Research indicates that the local governments we contacted consider this delegation to the organisation as a whole and not individually designated. Directors/Managers have the responsibility to ensure all staff are trained and qualified accordingly to undertake the required duties outlined within the delegation.</p>	DOC/730934



<b>Delegation</b>	<b>11.3.2 Traffic Management – Road Works</b>
<b>Head of power</b>	11 Statutory Delegations to Local Government from External Agencies
<b>Delegator</b>	Main Roads Western Australia

<p><b>Express power or duty delegated</b></p>	<p>WESTERN AUSTRALIA ROAD TRAFFIC CODE 2000 REGULATION 297(2) INSTRUMENT OF AUTHORISATION</p> <p>RELATING TOTRAFFIC MANAGEMENT FOR WORKS ON ROADS</p> <p>Pursuant to Regulation 297(2) of the <i>Road Traffic Code 2000</i> the Commissioner of Main Roads ("the Commissioner") hereby authorises City of Bunbury("Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:</p> <p>(a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Works on Roads Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Works on Roads Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from <a href="http://www.mainroads.wa.gov.au">www.mainroads.wa.gov.au</a>;</p> <p>(b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and</p> <p>(c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.</p> <p>By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.</p> <p>This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 297(2) of the <i>Road Traffic Code 2000</i> between the Commissioner and the Authorised Body. The Commissioner's delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by thisInstrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the <i>Road Traffic Code 1975</i> and related to non-regulatory signage.</p> <p>Dated: 9 March 2012</p> <p>The Common Seal of the Commission of Main Roads was affixed by Reece Waldock Commissioner of Main Roads for the time being in the presence of</p> <p>E Perkins Name of Witness</p> <p>Acknowledgement by Authorised Body: CITY OF BUNBURY agrees to observe, perform and be bound by the above conditions.</p> <p>The Common Seal of the City of Bunbury was affixed pursuant to a resolution of the Council 27 April 2010 in the presence of Greg Trevaskis - Chief Executive Officer David Smith- Mayor</p>
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<b>Delegates</b>	---
<b>Policy</b>	Nil
<b>Record keeping</b>	As per the City's Record Keeping Plan
<b>Date adopted</b>	9 March 2012
<b>Adoption references</b>	Advice Commission of Main Roads Approved Authorisation received on 09 March 2012. EMDS Ref. DOC/219494
<b>Last reviewed</b>	27 June 2023

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
9 Jul 2020	Amended delegation	CEO approved the appointment of delegation to the position of Manager Landscape and Natural Environment.	DOC/587626
11 Mar 2021	Amended delegation	<p>All individual "Delegate" positions were removed.</p> <p>This delegation is given by the Commissioner of Main Roads to City of Bunbury (Authorised Body) and "its employees, consultants, agents and contractors"</p> <p>Research indicates that the local governments we contacted consider this delegation to the organisation as a whole and not individually designated. Directors/Managers have the responsibility to ensure all staff are trained and qualified accordingly to undertake the required duties outlined within the delegation.</p>	DOC/730934

## AMENDMENTS

Delegation	Approved or adopted	Type	Amendment	References
1.1.1 Declare Vehicle is Abandoned Vehicle Wreck	18 Jan 2019	Amended delegation	Sub-Delegation approved by CEO.	CP-044119
1.1.1 Declare Vehicle is Abandoned Vehicle Wreck	9 Jul 2020	Amended delegation	Sub-delegations reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626
1.1.1 Appoint Authorised Persons	6 Nov 2020	Repealed	Proclamation of the few remaining Local Government Act amendments contained in the Local Government Legislation Amendment Act 2019 and gazettal of supporting Administration Regulation amendments occurred on 6 November 2020 and became effective 07 November 2020. The effect of the Act amendment means Council no longer has the authority to delegate the CEO to appoint authorised persons under the Local Government Act, Cat Act and Dog Act. The process for Appointment Authorised Persons under a range of legislation has been harmonised through an amendment to section 9.10 of the Local Government Act 1995, which now means the CEO is the prescribed decision maker to make the appointments.	Proclamation of the few remaining Local Government Act amendments contained in the Local Government Legislation Amendment Act 2019 and gazettal of supporting Administration Regulation amendments occur
1.1.1 Declare Vehicle is Abandoned Vehicle Wreck	26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035
1.1.2 Disposing of Confiscated or Uncollected Goods	11 Dec 2018	Amended delegation	Amended in accordance with WALGA template issued July 2017. Replaces previous delegation DACL02 Disposal of Confiscated Goods.	Council Decision 367/18
1.1.2 Disposing of Confiscated or Uncollected Goods	18 Jan 2019	Amended delegation	Sub-Delegation approved by CEO	CP-044119

Delegation	Approved or adopted	Type	Amendment	References
1.1.2 Disposing of Confiscated or Uncollected Goods	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626
1.1.2 Disposing of Confiscated or Uncollected Goods	29 Jun 2021	Amended delegation	Remove the function of section 3.40A (4) to declare that an impounded vehicle is abandoned and replace with section 3.46 to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government.	Council Decision 128/21
1.1.3 Close Thoroughfares to Vehicles (Road Closures)	23 Jun 2015	Amended delegation	This delegation is amended to reflect the wording recommended by the Department of Local Government.	Council Decision 219/15
1.1.3 Close Thoroughfares to Vehicles (Road Closures)	11 Dec 2018	Amended delegation	Amended in accordance with WALGA template issued July 2017. Replaces Delegation DAO01 Thoroughfare Submissions.	Council Decision 367/18
1.1.3 Close Thoroughfares to Vehicles (Road Closures)	18 Jan 2019	Amended delegation	Sub-delegation approved by CEO.	CP-044119
1.1.3 Close Thoroughfares to Vehicles (Road Closures)	11 Mar 2021	Amended delegation	Sub-delegation amended to remove position of Manager Engineering Operations and add the positions of Manager Infrastructure Maintenance Services and Manager Projects and Asset Management.	DOC/730934
1.1.4 Obstruction of Footpaths and Thoroughfares	18 Jan 2019	Amended delegation	Sub-delegation approved by CEO.	CP-044119
1.1.4 Obstruction of Footpaths and Thoroughfares	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Additional Sub-delegation provided to Building Surveyor, Team Leader Building Certification and Development Engineer.	DOC/587626
1.1.4 Obstruction of Footpaths and Thoroughfares	11 Mar 2021	Amended delegation	Sub-delegation amended to remove position of Manager Engineering Operations and add Manager Infrastructure Maintenance Services and Manager Projects and Asset Management.	DOC/730934

Delegation	Approved or adopted	Type	Amendment	References
1.1.4 Obstruction of Footpaths and Thoroughfares	30 Aug 2022	Amended delegation	Added the position of Cadet Building Surveyor/Compliance Officer	DOC/998949
1.1.5 Gates Across Public Thoroughfares	18 Jan 2019	Amended delegation	Sub-delegation approved by CEO.	CP-044119
1.1.5 Gates Across Public Thoroughfares	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Sub-delegation added: Rangers, Senior Ranger and Team Leader Community Law, Safety & Emergency Management. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626
1.1.5 Gates Across Public Thoroughfares	11 Mar 2021	Amended delegation	Sub-delegation amended to remove positions of Manager Engineering Operations and Manager Landscape and Natural Environment.	DOC/730934
1.1.5 Gates Across Public Thoroughfares	26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035
1.1.6 Public Thoroughfare – Dangerous Excavations	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
1.1.6 Public Thoroughfare – Dangerous Excavations	11 Mar 2021	Amended delegation	Sub-delegation amended to remove position of Manager Engineering Operations and replace with Manager Infrastructure Maintenance Services.	DOC/730934
1.1.7 Crossing – Construction, Repair and Removal	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
1.1.7 Crossing – Construction, Repair and Removal	11 Mar 2021	Amended delegation	Sub-delegation amended to remove position of Manager Engineering Operations and replace with Manager Project and Asset Management.	DOC/730934
1.1.8 Private Works on, over or under Public Places	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044116

Delegation	Approved or adopted	Type	Amendment	References
1.1.8 Private Works on, over or under Public Places	11 Mar 2021	Amended delegation	Sub-delegation amended to remove positions of Manager Engineering Operations and Manager Landscape and Natural Environment and replace with positions of Manager Infrastructure Maintenance Services and Manager Project and Asset Management.	DOC/730934
1.1.9 Expressions of Interest for Goods and Services	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
1.1.9 Expressions of Interest for Goods and Services	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Removed position of Manager Works Administration due to the restructure of 01/07/2020.	DOC/587626
1.1.9 Expressions of Interest for Goods and Services	30 Nov 2021	Amended delegation	Sub-delegation of Manager Finance approved by CEO	DOC/870260
1.1.10 Tenders for Goods and Services - Call Tenders	23 Aug 2011	Amended delegation	1. The CEO's Delegated Authority be increased to \$500,000 where a tender for the supply of products or services is procured through the Western Australia Local Government Association (WALGA), State or Commonwealth Governments or any of its agencies that provide preferred supplier contracts or agreements.  2. The CEO is to provide quarterly advice on all tenders accepted over \$100,000.	Council Decision 186/11
1.1.10 Tenders for Goods and Services - Call Tenders	27 Aug 2013	---	CEO to accept tenders received up to \$250,000	Council Decision 266/13
1.1.10 Tenders for Goods and Services - Call Tenders	18 Mar 2014	---	Add a new condition that reads: Price variation approvals are limited to 10% of the contract price.	Council Decision 89/14
1.1.10 Tenders for Goods and Services - Call Tenders	23 Jun 2015	---	This delegation is amended to remove the condition which states: "Each delegated officer's capacity to approve an original tender and/or variation is set at according to the schedule of purchasing limits".	Council Decision 219/15

Delegation	Approved or adopted	Type	Amendment	References
1.1.10 Tenders for Goods and Services - Call Tenders	11 Dec 2018	---	Amended in accordance with WALGA template issued July 2017. Replaces delegation DAG01 Power to accept tenders. Conditions of previous delegation were retained in the amended delegation.	Council Decision 367/18
1.1.10 Tenders for Goods and Services - Call Tenders	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
1.1.10 Tenders for Goods and Services - Call Tenders	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Removal of positions Manager Works Administration, Manager City Facilities and Manager Sustainability, Planning and Development, plus Manager title changes and addition of Manager City Growth due to the restructure of 01/07/2020.	DOC/587626
1.1.10 Tenders for Goods and Services - Call Tenders	11 Mar 2021	Amended delegation	Sub-delegation amended to remove positions of Manager Engineering Operations and Manager Landscape and Natural Environment and replace with positions of Manager Infrastructure Maintenance Services and Manager Project and Asset Management.	DOC/730934
1.1.10 Tenders for Goods and Services - Call Tenders	30 Nov 2021	Amended delegation	Sub-delegation of Manager Finance approved by CEO	DOC/870260
1.1.10 Tenders for Goods and Services - Call Tenders	28 Jun 2022	Amended delegation	All conditions remain the same with the inclusion of one new condition • the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.	Council Decision 139/22
1.1.10 Tenders for Goods and Services - Call Tenders	2 Sep 2022	Amended delegation	Added sub-delegate position of Manager Waste Operations and Infrastructure Business Services as per CEO Annual Review 2021/22	DOC/1001432
1.1.10 Tenders for Goods and Services - Call Tenders	2 Sep 2022	Repealed	Delegation created by administration error only	Senior Governance and Risk Officer



Delegation	Approved or adopted	Type	Amendment	References
1.1.11 Tenders for Goods and Services - Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options	28 Jun 2022	New delegation	<p>This delegated authority was previously included within the Delegation 1.1.10 Tenders for Goods and Services. In separating the tenders for good and services power and duties into individual delegations, it allows for the function conditions to be specific and clear, underpinning best practice guidelines.</p> <p>New conditions:</p> <ul style="list-style-type: none"> <li>• Increase the financial authority to accept tenders from \$250,000 or \$500,000 where WALGA or State Common User Agreement to \$400,000 (ex gst) irrespective of where services are procured.</li> <li>• in circumstances where the contract is a multi-year contract, the total consideration (over the term of the contract including options) is increased from \$750,000 to \$1.2M or less (ex gst)</li> <li>• A decision to renew or extend the term of a contract must only occur in circumstances where the original contract satisfies the requirements of r.11(2)(j) and the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.</li> <li>• The prescriptive conditions of authorising minor variations have been removed from the delegation and included within the revised Council purchasing policy.</li> </ul>	Council Decision 139/22
1.1.11 Tenders for Goods and Services - Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options	2 Sep 2022	Amended delegation	Added the sub-delegate position of Manager Waste Operations and Infrastructure Business Services	DOC/1001432

Delegation	Approved or adopted	Type	Amendment	References
1.1.12 Tenders for Goods and Services - Exempt Procurement	28 Jun 2022	New delegation	<p>This delegated authority was previously included within the Delegation 1.1.10 Tenders for Goods and Services. In separating the tenders for good and services power and duties into individual delegations, it allows for the function conditions to be specific and clear, underpinning best practice guidelines.</p> <p>New conditions</p> <ul style="list-style-type: none"> <li>the maximum \$values for tender exempt procurement categories in line with Local Government (Functions and General) Regulations 1996 and the financial consideration limits as per Delegation instrument: Tenders for Goods and Services - Accepting and Rejecting tenders; varying contracts; exercising contract extension options</li> <li>Provide evidence that includes a detailed specification, the outcome of market testing and the rationale for why the supply is unique and cannot be sourced through other suppliers.</li> </ul>	Council Decision 139/22
1.1.12 Tenders for Goods and Services - Exempt Procurement	2 Sep 2022	Amended delegation	Added the sub-delegate position of Manager Waste Operations and Infrastructure Business Services	DOC/1001432
1.1.12 Tenders for Goods and Services - Exempt Procurement	27 Jun 2023	Amended delegation	Amends the conditions within delegation 1.1.12 Tender for Goods and Services – Exempt procurement to include enable a new contract to be formed by the novation of a contract which has already be approved from a previous council decision.	Council Decision 111/23
1.1.13 Panels of Pre-Qualified Suppliers for Goods and Services	9 Jul 2020	Amended delegation	CEO approved sub-delegations	DOC/587626
1.1.13 Panels of Pre-Qualified Suppliers for Goods and Services	11 Mar 2021	Amended delegation	Sub-delegation amended to remove positions of Manager Engineering Operations and Manager Landscape and Natural Environment and replace with positions of Manager Infrastructure Maintenance Services and Manager Project and Asset Management.	DOC/730934

Delegation	Approved or adopted	Type	Amendment	References
1.1.13 Panels of Pre-Qualified Suppliers for Goods and Services	28 Jun 2022	Amended delegation	Increase the financial authority to procure contracts for goods and services from a particular pre-qualified supplier from \$250,000 to \$400,000 (ex gst).	Council Decision 139/22
1.1.13 Panels of Pre-Qualified Suppliers for Goods and Services	2 Sep 2022	Amended delegation	Added the sub-delegate position of Manager Waste Operations and Infrastructure Business Services, as per the CEO 2021/22 Annual Review.	DOC/1001432
1.1.14 Disposal of Property	11 Dec 2018	---	Amended in accordance with WALGA template issued July 2017. Replaces delegation DAO09 Disposal of property (land).	Council Decision 367/18
1.1.14 Disposal of Property	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
1.1.14 Disposal of Property	17 Sep 2019	Amended delegation	Amended conditions to include limitations regarding disposal by lease/licence.	Council Decision 260/19
1.1.14 Disposal of Property	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Removal of position of Manager Works Administration due to the restructure of 01/07/2020.	DOC/587626
1.1.14 Disposal of Property	29 Sep 2020	Amended delegation	Amend condition a(i) of delegation 1.1.13 Disposal of Property by increasing the threshold for the disposal of plant, equipment and materials from \$50,000 to \$100,000.	Council Decision 224/20
1.1.15 Payments from Municipal and Trust Funds	23 Jun 2015	Amended delegation	This delegation is a combination of two existing delegations (DAFM2 – Payments from Municipal and Trust Funds and DAFM5 – Payment of Accounts by Electronic Funds Transfer).	Council Decision 219/15
1.1.15 Payments from Municipal and Trust Funds	11 Dec 2018	Amended delegation	Amended in accordance with WALGA Template issued July 2017. Replaces delegation DAFM01 Payments from Municipal and Trust Funds. Previous conditions remain current.	Council Decision 367/18
1.1.15 Payments from Municipal and Trust Funds	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119

Delegation	Approved or adopted	Type	Amendment	References
1.1.15 Payments from Municipal and Trust Funds	29 Oct 2019	Amended delegation	CEO approved sub-delegation to Director Strategy and Organisational Performance.	DOC/457201
1.1.16 Investment of Council Funds	23 Jun 2015	Amended delegation	Delegation is amended to provide authority to invest Council funds in term deposits in two (2) additional banks; Bankwest and Bendigo.	Council Decision 219/15
1.1.16 Investment of Council Funds	11 Dec 2018	Amended delegation	Amended in accordance with WALGA template issued July 2017. Replaces delegation DAFM03 Investment of Council Funds.	Council Decision 367/18
1.1.16 Investment of Council Funds	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
1.1.16 Investment of Council Funds	29 Oct 2019	Amended delegation	CEO approved sub-delegation to Director Strategy and Organisational Performance.	DOC/457201
1.1.17 Defer, Grant Discounts, Waive or Write Off Debts	23 Jun 2015	Amended delegation	Two conditions within this delegation are proposed to be amended. The first is a decrease to the limit of individual debt write-off from \$5,000 to \$1,000, and the second is the list of debts written off under this authority are to be presented to council quarterly, instead of annually.	Council Decision 219/15
1.1.17 Defer, Grant Discounts, Waive or Write Off Debts	11 Dec 2018	Amended delegation	Amended in accordance with WALGA template issued July 2017. Replaces delegation DAFM04 Write of Moneys. Previous conditions kept in current delegation.	Council Decision 367/18
1.1.17 Defer, Grant Discounts, Waive or Write Off Debts	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
1.1.17 Defer, Grant Discounts, Waive or Write Off Debts	31 Mar 2020	Amended delegation	Updated conditions in response to the COVID-19 pandemic. The CEO will present to Council a subsequent review of delegation and conditions by the end of July 2020.	Council Decision 067/20

Delegation	Approved or adopted	Type	Amendment	References
1.1.17 Defer, Grant Discounts, Waive or Write Off Debts	21 Jul 2020	Amended delegation	Council agreed to retain the current conditions associated with delegation 1.1.16 Defer, Grant Discounts, Waive or Write Off Debt for a further six month period, with monthly reporting of any exercise of delegations to continue.	Council Decision 154/20
1.1.17 Defer, Grant Discounts, Waive or Write Off Debts	8 Dec 2020	Amended delegation	Council agreed to retain the current conditions associated with this delegation for a further period ending 30 June 2021, with reporting of any exercise of delegations to continue.	Council Decision 264/20
1.1.17 Defer, Grant Discounts, Waive or Write Off Debts	29 Jun 2021	Amended delegation	Council agreed to retain the current conditions for a further 12 month period (refer to Officer Comments of Council Decision 128/21 29 June 2021).	Council Decision 128/21
1.1.17 Local Law - Local Government and Public Property Local Law 2003 and as amended 2005	28 Jun 2022	Revoked	Council updated the associated local law on 29/09/2020 - Local Government and Public Property. The revised local law does not provide for delegated authority. Therefore, this delegation is no longer applicable.	Council Decision 140/22
1.1.17 Defer, Grant Discounts, Waive or Write Off Debts	28 Jun 2022	Amended delegation	This delegated authority was reviewed as requested by Council and it was agreed to keep the current conditions due to the ongoing uncertainty surrounding the pandemic. The delegated authority will be reviewed again in conjunction with the 2022/23 annual review of delegations or earlier if required.	Council Decision 140/22
1.1.17 Defer, Grant Discounts, Waive or Write Off Debts	27 Jun 2023	Amended delegation	Amended the condition to reflect the City's operating environment post COVID-19 State of Emergency and the revocation of COVID-19 Financial Hardship Council Policy.	Council Decision 111/23
1.1.18 Powers of Entry	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
1.1.19 Local Law - Parking and Parking Facilities Local Law 2018 and as amended 2019	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626

Delegation	Approved or adopted	Type	Amendment	References
1.1.19 Local Law - Parking and Parking Facilities Local Law 2018 and as amended 2019	17 Feb 2021	Amended delegation	Sub-delegation amended to add the position of Director Sustainable Communities.	DOC/718406
1.1.19 Local Law - Parking and Parking Facilities Local Law 2018 and as amended 2019	26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035
1.1.21 Receiving and withdrawal of complaints alleging a breach of Council Code of Conduct	29 Jun 2021	Amended delegation	Addition of function (2) to authorise the CEO to approve the complaint form and any future amendments.	Council Decision 128/21
1.2.01 Powers of Entry – Determine if an Emergency	9 Jul 2020	Amended delegation	Delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626
1.2.01 Powers of Entry – Determine if an Emergency	11 Mar 2021	Amended delegation	Sub-delegation amended to remove positions of Manager Engineering Operations and Manager Landscape and Natural Environment and add positions of Manager Infrastructure Maintenance Services and Manager Project and Asset Management.	DOC/730934
1.2.02 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare	9 Jul 2020	Amended delegation	Delegation reviewed by CEO following the Annual Review by Council. Approved delegation of Building Surveyor, Team Leader Building Certification, and Development Engineer.	DOC/587626
1.2.02 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare	11 Mar 2021	Amended delegation	Sub-delegation amended to remove position of Manager Engineering Operations and add positions of Manager Infrastructure Maintenance Services and Manager Project and Asset Management.	DOC/730934
1.2.03 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares	11 Mar 2021	Amended delegation	Sub-delegation amended to remove position of Manager Engineering Operations and add position of Manager Infrastructure Maintenance Services.	DOC/730934

Delegation	Approved or adopted	Type	Amendment	References
1.2.04 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places	9 Jul 2020	Amended delegation	Delegation reviewed by CEO following the Annual Review by Council. Removed position of Manager Landscape and Natural Environment.	DOC/587626
1.2.04 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places	11 Mar 2021	Amended delegation	Delegation amended to remove position of Manager Engineering Operations and add positions of Manager Infrastructure Maintenance Services and Manager Project and Asset Management.	DOC/730934
1.2.05 Infringement Notices	23 Jun 2015	---	Delegation amended to reflect correct references to legislation.	Council Decision 219/15
1.2.05 Infringement Notices	13 Dec 2016	---	The proclaimed Local Government Legislation Amendment Bill 2016 legislation requires the CEO of the local government to withdraw the notice or extend the time for payment in relation to infringements. Previously authorised officers were able to provide these functions, providing for effective management of service delivery to the community. This amendment enables the CEO to exercise his powers and duties under the Act.	Council Decision 445/16
1.2.05 Infringement Notices	13 Dec 2016	---	This delegation is amended to apply an additional condition as prescribed in the Bush Fires Act 1954, and change the word "authorised" to "delegated" to ensure consistency.	Council Decision 444/16
1.2.05 Infringement Notices	11 Dec 2018	---	Amended in accordance with WALGA template issued July 2017 - replaces delegation DACL06 - Cancellation of Infringement Notices. The Local Government Act 1995 provides an express power to Delegate that enables a Local Government CEO to delegate powers and duties directly assigned to the CEO, to Local Government employees.	Council Decision 367/18

Delegation	Approved or adopted	Type	Amendment	References
1.2.05 Infringement Notices	23 Sep 2019	Amended delegation	Delegation amended to include recent amendments to the Building Regulations 2012.	Council Decision 260/19 - for related Delegation 1.1.1 Appoint Authorised Persons
1.2.05 Infringement Notices	25 Sep 2019	Amended delegation	CEO Decision to amend the delegation in relation to the Building Act Infringements and Waste Local Law Infringements	CEO Decision DOC/441507 and DOC/451251
1.2.05 Infringement Notices	9 Jul 2020	Amended delegation	Delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626
1.2.05 Infringement Notices	7 Jul 2021	Amended delegation	Condition b amended to update position titles of Manager Community Services and Team Leader Rangers and Emergency Management.	DOC/787220
1.2.06 Destruction of Electoral Papers	9 Jul 2020	Amended delegation	Delegation reviewed by CEO following the Annual Review by Council. Removed position of Manager Information Community & Technology due to the restructure of 01/07/2020.	DOC/587626
2.1.1 Grant a Building Permit	11 Dec 2018	Amended delegation	Delegation amended in accordance with WALGA template	Council Decision 367/18
2.1.1 Grant a Building Permit	18 Jan 2019	---	Sub-delegation approved by CEO	CP-044119
2.1.1 Grant a Building Permit	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626
2.1.2 Demolition Permits	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
2.1.2 Demolition Permits	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626



Delegation	Approved or adopted	Type	Amendment	References
2.1.3 Occupancy Permits or Building Approval Certificates	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
2.1.3 Occupancy Permits or Building Approval Certificates	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626
2.1.5 Building Orders	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
2.1.5 Building Orders	30 Apr 2019	---	Sub-delegation amended to: Director Planning and Development Services, Manager Sustainability, Planning and Development and Team Leader Building Certification.	CP-044776
2.1.5 Building Orders	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626
2.1.6 Referrals and Issuing Certificates	18 Jan 2019	---	Sub-delegation approved by CEO	CP-044119
2.1.6 Referrals and Issuing Certificates	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626
2.1.7 Private Pool Barrier – Alternative Solutions	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
2.1.8 Smoke Alarms – Alternative Solutions	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
2.1.9 Inspection and Copies of Building Records	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
2.1.9 Inspection and Copies of Building Records	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626
2.1.9 Inspection and Copies of Building Records	2 Sep 2022	Amended delegation	Added the position of Cadet Building Surveyor/Compliance Officer	DOC/998949

Delegation	Approved or adopted	Type	Amendment	References
3.1.1 Prohibited and Restricted Burning Times - Vary	23 Jun 2015	Amended delegation	Delegation amended to correctly reference the granting of authority to perform the functions of a local government under the Bush Fires Act 1954.	Council Decision 219/15
3.1.1 Prohibited and Restricted Burning Times - Vary	13 Dec 2016	Amended delegation	This delegation is amended to apply conditions as prescribed in the Bush Fires Act 1954.	Council Decision 444/16
3.1.1 Prohibited and Restricted Burning Times - Vary	27 Nov 2018	Amended delegation	Council appointed Blair Fisher of the Bunbury Volunteer Bush Fire Brigade (BVBFB) as the Chief Bush Fire Control Officer.	Council Decision 347/18
3.1.1 Prohibited and Restricted Burning Times - Vary	11 Dec 2018	Amended delegation	Amended in accordance with City of Gosnell's delegation template. Replaces delegation DACL05 Bush Fires Act	Council Decision 367/18
3.1.3 Prosecution of Offences	27 Nov 2018	---	Council appointed Blair Fisher of the Bunbury Volunteer Bush Fire Brigade (BVBFB) as the Chief Bush Fire Control Officer, and the City of Bunbury Team Leader Community Law Safety and Emergency Management as Deputy Chief Bush Fire Control Officer.	Council Decision 347/18
3.1.3 Prosecution of Offences	26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035
4.1.1 Cat Registrations	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
4.1.1 Cat Registrations	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626
4.1.1 Cat Registrations	26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035
4.1.2 Cat Control Notices	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119

Delegation	Approved or adopted	Type	Amendment	References
4.1.2 Cat Control Notices	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager title due to the restructure of 01/07/2020.	DOC/587626
4.1.2 Cat Control Notices	26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035
4.1.3 Approval to Breed Cats	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
4.1.3 Approval to Breed Cats	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626
4.1.3 Approval to Breed Cats	26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035
4.1.4 Applications to Keep Additional Cats	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
4.1.4 Applications to Keep Additional Cats	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626

Delegation	Approved or adopted	Type	Amendment	References
4.1.4 Appoint Authorised Persons	6 Nov 2020	Repealed	Proclamation of the few remaining Local Government Act amendments contained in the Local Government Legislation Amendment Act 2019 and gazettal of supporting Administration Regulation amendments occurred on 6 November 2020 and became effective 07 November 2020. The effect of the Act amendment means Council no longer has the authority to delegate the CEO to appoint authorised persons under the Local Government Act, Cat Act and Dog Act. The process for Appointment Authorised Persons under a range of legislation has been harmonised through an amendment to section 9.10 of the Local Government Act 1995, which now means the CEO is the prescribed decision maker to make the appointments.	Proclamation of the few remaining Local Government Act amendments contained in the Local Government Legislation Amendment Act 2019 and gazettal of supporting Administration Regulation amendments
4.1.4 Applications to Keep Additional Cats	26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035
4.2.1 Infringement Notices – Extensions and Withdrawals	9 Jul 2020	Amended delegation	Delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626
5.1.1 Refuse or Cancel Registration	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
5.1.1 Refuse or Cancel Registration	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626
5.1.1 Refuse or Cancel Registration	26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035
5.1.2 Kennel Establishments	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119

Delegation	Approved or adopted	Type	Amendment	References
5.1.2 Kennel Establishments	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626
5.1.2 Kennel Establishments	26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035
5.1.3 Recovery of Moneys Due Under this Act	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
5.1.3 Recovery of Moneys Due Under this Act	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626
5.1.3 Appoint Authorised Persons	6 Nov 2020	Repealed	Proclamation of the few remaining Local Government Act amendments contained in the Local Government Legislation Amendment Act 2019 and gazettal of supporting Administration Regulation amendments occurred on 6 November 2020 and became effective 07 November 2020. The effect of the Act amendment means Council no longer has the authority to delegate the CEO to appoint authorised persons under the Local Government Act, Cat Act and Dog Act. The process for Appointment Authorised Persons under a range of legislation has been harmonised through an amendment to section 9.10 of the Local Government Act 1995, which now means the CEO is the prescribed decision maker to make the appointments.	Proclamation of the few remaining Local Government Act amendments contained in the Local Government Legislation Amendment Act 2019 and gazettal of supporting Administration Regulation amendments
5.1.3 Recovery of Moneys Due Under this Act	26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035
5.1.4 Dispose of or sell a dog which is liable to be destroyed	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119

Delegation	Approved or adopted	Type	Amendment	References
5.1.4 Dispose of or sell a dog which is liable to be destroyed	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626
5.1.4 Dispose of or sell a dog which is liable to be destroyed	26 May 2021	Amended delegation	Sub-delegation amended due to change of Team Leader title from Community Safety and Emergency Management to Rangers and Emergency Management.	DOC/767035
5.1.5 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
5.1.5 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626
6.1.1 Prohibition Orders	23 Jun 2015	---	Delegation is amended by virtue of some minor wording changes.	Council Decision 219/15
6.1.1 Prohibition Orders	13 Dec 2016	Amended delegation	This delegation is amended to clearly identify the functions being delegated and to whom. Section 118(4) of the Food Act 2008 states sub delegation is only permissible if expressly provided in regulations and the Food Regulations 2009 do not provide for sub-delegation. This delegation provides the CEO with the authority to appoint authorised and designated officers in accordance with the Food Act 2008.	Council Decision 444/16
6.1.1 Prohibition Orders	11 Dec 2018	Amended delegation	Amended in accordance with WALGA template issued July 2017. Replaces delegation DAH07 Discharge of Powers - Food Act 2008. Previous conditions remain in place.	Council Decision 367/18
6.1.1 Prohibition Orders	9 Jul 2020	Amended delegation	Internal change of manager title from Manager Environmental Health and Community Law, Safety and Emergency to Manager Community Services due to the restructure of 01/07/2020.	CEO Decision. DOC/587626

Delegation	Approved or adopted	Type	Amendment	References
6.1.1 Prohibition Orders	29 Jun 2021	Amended delegation	Amend the delegate from Manager Community Services to Manager Community Services and Team Leader Environmental Health	Council Decision 128/21
6.1.2 Food Business Registrations	29 Jun 2021	New delegation	Separate the current functions of power within delegation 6.1.1 Discharge of Powers (Food Act 2008) into three (3) individual Delegations, being 6.1.1 Prohibition Orders, 6.1.2 Food Business Registrations and 6.1.3 Appoint Authorised Officers and Designated Officers as presented	Council Decision 128/21
6.1.3 Appoint Authorised Officers and Designated Officers	29 Jun 2021	New delegation	Separate the current functions of power within delegation 6.1.1 Discharge of Powers (Food Act 2008) into three (3) individual Delegations, being 6.1.1 Prohibition Orders, 6.1.2 Food Business Registrations and 6.1.3 Appoint Authorised Officers and Designated Officers as presented	Council Decision 128/21
7.1.1 Give Notice Requiring Obliteration of Graffiti	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
7.1.1 Give Notice Requiring Obliteration of Graffiti	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Removed position of Manager City Facilities	DOC/587626
7.1.2 Deal with Objections and Give Effect to Notices	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
7.1.3 Obliterate Graffiti on Private Property	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
7.1.4 Powers of Entry	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
7.1.4 Powers of Entry	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Removed position of Manager City Facilities.	DOC/587626

Delegation	Approved or adopted	Type	Amendment	References
8.1.1 Discharge of Powers – Section 26 of the Health (Miscellaneous Provisions) Act 1911	23 Jun 2015	Amended delegation	Delegation amended by virtue of some minor wording changes and correct referencing of legislation.	Council Decision 219/15
8.1.1 Discharge of Powers – Section 26 of the Health (Miscellaneous Provisions) Act 1911	11 Dec 2018	Amended delegation	Combined delegations DAH01 Discharge of Powers - Section 26 of the Health Act 1911 and DAH02 - Treatment of Sewage and Disposal of Effluent and Liquid Waste. Updated in accordance with WALGA template style.	Council Decision 367/18
8.1.1 Discharge of Powers – Section 26 of the Health (Miscellaneous Provisions) Act 1911	9 Jul 2020	Amended delegation	Amended position title of Manager Environmental Health and Community Law, Safety and Emergency Management to Manager Community Services following the restructure of 01/07/2020.	DOC/587626
8.1.1 Discharge of Powers – Section 26 of the Health (Miscellaneous Provisions) Act 1911	29 Jun 2021	Amended delegation	The City previously appointed the position Manager Community Services as its Deputy. The position of Team Leader Environmental Health now appointed as Deputy to ensure operational requirements remain efficient and effective.	Council Decision 128/21
9.1.1 Unauthorised Development - Directions	23 Jun 2015	Amended delegation	Delegation is amended to include the words Local Planning Policies in the Title and Power/Duty.	Council Decision 219/15
9.1.1 Unauthorised Development - Directions	8 Dec 2015	Amended delegation	This delegation was originally titled Town Planning Scheme No. 7 and Local Planning Policy Compliance. The delegation title and power and duty are amended to reflect the correct legislation reference as per the Planning and Development (Local Planning Schemes) Regulations 2015, the Local Government Act 1995 and the Planning and Development Act 2005.	Council Decision 440/15
9.1.1 Unauthorised Development - Directions	11 Dec 2018	Amended delegation	Amended wording in accordance with WALGA's template issued July 2017	Council Decision 367/18
9.1.1 Unauthorised Development - Directions	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119



Delegation	Approved or adopted	Type	Amendment	References
9.1.1 Unauthorised Development - Directions	13 Nov 2019	Amended delegation	Newly created position of Principal Planner Major Projects added as a sub-delegate.	DOC/462887
9.1.1 Unauthorised Development - Directions	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title due to the restructure of 01/07/2020.	DOC/587626
9.1.1 Unauthorised Development - Directions	12 May 2022	Amended delegation	Amended sub-delegate Team Leader Development Assessment & Compliance position title to Team Leader City Planning	DOC/965714
9.1.2 Determination of Development Application	18 Mar 2014	Amended delegation	Amend to include reference to "AA" use.	Council Decision 89/14
9.1.2 Determination of Development Application	23 Jun 2015	Amended delegation	Delegation is amended to correct scheme text referencing.	Council Decision 219/15
9.1.2 Determination of Development Application	8 Dec 2015	Amended delegation	This delegation has been reworded to accurately reflect the intention of the power and duty, and also includes updated legislation reference as per the Planning and Development (Local Planning Schemes) Regulations 2015.	Council Decision 440/15
9.1.2 Determination of Development Application	5 Sep 2017	Amended delegation	Amendment of delegation to allow for officers, in respect of granted development approval, to determine applications to: □ amend a development approval so as to extend the period within which any development approved must be substantially commenced; □ amend or delete any condition to which the approval is subject; □ amend any aspect of the development approved which, if amended, would not substantially change the development approved; □ cancel the approval. subject to the conditions outlined.	Council Decision 331/17
9.1.2 Determination of Development Application	11 Dec 2018	Amended delegation	Amended in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 and City of Bunbury Local Planning Scheme 8 (gazetted 13/02/2018)	Council Decision 367/18

Delegation	Approved or adopted	Type	Amendment	References
9.1.2 Determination of Development Application	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
9.1.2 Determination of Development Application	5 Feb 2019	Amended delegation	Council removed condition 6: Team Leader Building Certification may only determine applications for development approval under and in accordance with clause 2.1.4 of the Residential Design Codes (R-Codes), as it prevented the CEO from sub-delegating the power or duty to determine applications for development approval under and in accordance with clause 2.1.4 of the Residential Design Codes (R-Codes) to other Officers, namely the City's building surveyors..	Council Decision 020/19
9.1.2 Determination of Development Application	21 Feb 2019	---	CEO approved sub-delegation to Building Surveyor(s) and added the following condition: Team Leader Building Certification and Building Surveyor's may only determine applications for development approval under and in accordance with clause 2.1.4 of the Residential Design Codes (R-Codes)	CP-044509
9.1.2 Determination of Development Application	13 Nov 2019	Amended delegation	Newly created position of Principal Planner Major Projects added as a sub-delegate.	DOC/462887
9.1.2 Determination of Development Application	23 Jun 2020	Amended delegation	Deleted condition "Decisions made under this delegated authority are to be undertaken or informed by a person qualified in accordance with the eligibility requirements for corporate membership of the Planning Institute of Australia (PIA) and the Local Government Planners Association of Western Australia". Qualification requirements, where applicable, are established by regulation.	Council Decision 131/20
9.1.2 Determination of Development Application	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title in sub-delegation due to the restructure of 01/07/2020.	DOC/587626

Delegation	Approved or adopted	Type	Amendment	References
9.1.2 Determination of Development Application	12 May 2022	Amended delegation	Amended sub-delegate Team Leader Development Assessment & Compliance position title to Team Leader City Planning	DOC/965714
9.1.2 Determination of Development Application	28 Jun 2022	Amended delegation	Changed the title from "Grant of Development Approval" to "Determination of Development Application" and amended function 6 (a)(ii) to include the words "clause 5.1.3 (lot boundary setback).	Council Decision 140/22
9.1.3 Grant of Approval for a Local Development Plan	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119
9.1.3 Grant of Approval for a Local Development Plan	13 Nov 2019	Amended delegation	Newly created position of Principal Planner Major Projects added as a sub-delegate.	DOC/462887
9.1.3 Grant of Approval for a Local Development Plan	23 Jun 2020	Amended delegation	Deleted condition "Decisions made under this delegated authority are to be undertaken or informed by a person qualified in accordance with the eligibility requirements for corporate membership of the Planning Institute of Australia (PIA) and the Local Government Planners Association of Western Australia". Qualification requirements, where applicable, are established by regulation.	Council Decision 131/20
9.1.3 Grant of Approval for a Local Development Plan	9 Jul 2020	Amended delegation	Sub-delegation reviewed by CEO following the Annual Review by Council. Change of Manager Title in sub-delegation due to the restructure of 01/07/2020.	DOC/587626
9.1.3 Grant of Approval for a Local Development Plan	12 May 2022	Amended delegation	Amended sub-delegate Team Leader Development Assessment & Compliance position title to Team Leader City Planning	DOC/965714
9.1.4 Repair of existing Advertisements	18 Jan 2019	---	Sub-delegation approved by CEO.	CP-044119

Delegation	Approved or adopted	Type	Amendment	References
9.1.4 Repair of existing Advertisements	23 Jun 2020	Amended delegation	Deleted condition "Decisions made under this delegated authority are to be undertaken or informed by a person qualified in accordance with the eligibility requirements for corporate membership of the Planning Institute of Australia (PIA) and the Local Government Planners Association of Western Australia". Qualification requirements, where applicable, are established by regulation.	Council Decision 131/20
10.1.1 Designation of Authorised Officers	11 Dec 2018	Amended delegation	This delegation and 8.1.2 (Appointment of Authorised and Approved Officers) have been separated and replace DAH08 Public Health Act 2016 and Criminal Procedure Act 2016.	Council Decision 367/18
11.1.1 Noise Control (Serve Environmental Protection Notices (s65 (1)))	11 Dec 2018	Amended delegation	Amended Reference Numbering only. Previously DASD03.	Council Decision 367/18
11.1.2 Noise Control (Keeping Of Log Books, Noise Control Notices, Calibration And Approval Of NonComplying Events)	11 Dec 2018	Amended delegation	Amended reference numbering only. Previously referenced as DASD04	Council Decision 367/18
11.1.3 Noise Control (Noise Management Plans (Reg. 13))	11 Dec 2018	---	Amended reference numbering only. Previously referenced as DASD05	Council Decision 367/18
11.1.3 Noise Control (Noise Management Plans (Reg. 13))	9 Jul 2020	Amended delegation	Change of manager title from Manager Environmental Health and Community Law, Safety and Emergency Management to Manager Community Services due to the restructure of 01/07/2020.	DOC/587626
11.2.1 Western Australian Planning Commission (Clause 27 Greater Bunbury Region Scheme Development Approvals)	11 Dec 2018	---	Amended reference numbering only. Previously referenced as DASD01	Council Decision 367/18

Delegation	Approved or adopted	Type	Amendment	References
11.2.1 Western Australian Planning Commission (Clause 27 Greater Bunbury Region Scheme Development Approvals)	13 Nov 2019	Amended delegation	Newly created position of Principal Planner Major Projects added as a sub-delegate	DOC/462887
11.2.1 Western Australian Planning Commission (Clause 27 Greater Bunbury Region Scheme Development Approvals)	9 Jul 2020	Amended delegation	Change of manager title from Manager Sustainability, Planning and Development to Manager City Growth due to the restructure of 01/07/2020.	DOC/587626
11.2.1 Western Australian Planning Commission (Clause 27 Greater Bunbury Region Scheme Development Approvals)	12 May 2022	Amended delegation	Amended sub-delegate Team Leader Development Assessment & Compliance position title to Team Leader City Planning	DOC/965714
11.2.2 Western Australian Planning Commission (Sections 15, 21 and 22 Of Strata Titles Act 1995)	11 Dec 2018	---	Amended reference numbering only. Previously referenced as DASD02	Council Decision 367/18
11.2.2 Western Australian Planning Commission (Sections 15, 21 and 22 Of Strata Titles Act 1995)	13 Nov 2019	Amended delegation	Newly created position of Principal Planner Major Projects added as a sub-delegate.	DOC/462887
11.2.2 Western Australian Planning Commission (Sections 15, 21 and 22 Of Strata Titles Act 1995)	9 Jul 2020	Amended delegation	Change of manager title from Manager Sustainability, Planning and Development to Manager City Growth due to the restructure of 01/07/2020.	DOC/587626
11.2.2 Western Australian Planning Commission (Sections 15, 21 and 22 Of Strata Titles Act 1995)	31 Aug 2021	New delegation	The Strata Titles Act 1985 has been updated and the WAPC have issued a revised delegation (20 January 2021) – WAPC_DEL_Powers_of_local_governments_(Strata_Titles_Act)_01-02-21.pdf (dplh.wa.gov.au). The main difference relates to the sections of the Strata Titles Act 1985 (i.e. section 15 and 21, 22) as opposed to the previous section 25. This delegation supersedes the previously delegation issued 09 June 2009 (No. 98, page 1936 Government Gazette).	DOC/816159

Delegation	Approved or adopted	Type	Amendment	References
11.2.2 Western Australian Planning Commission (Sections 15, 21 and 22 Of Strata Titles Act 1995)	12 May 2022	Amended delegation	Amended sub-delegate Team Leader Development Assessment & Compliance position title to Team Leader City Planning	DOC/965714
11.3.1 Traffic Management – Events on Roads	9 Jul 2020	Amended delegation	Change of manager title from Manager Environmental Health and Community Law, Safety and Emergency Management to Manager Community Services due to the restructure of 01/07/2020.	DOC/587626
11.3.1 Traffic Management – Events on Roads	11 Mar 2021	Amended delegation	<p>All individual “Delegate” positions were removed.</p> <p>This delegation is given by the Commissioner of Main Roads to City of Bunbury (Authorised Body) and “its employees, consultants, agents and contractors”</p> <p>Research indicates that the local governments we contacted consider this delegation to the organisation as a whole and not individually designated. Directors/Managers have the responsibility to ensure all staff are trained and qualified accordingly to undertake the required duties outlined within the delegation.</p>	DOC/730934
11.3.2 Traffic Management – Road Works	9 Jul 2020	Amended delegation	CEO approved the appointment of delegation to the position of Manager Landscape and Natural Environment.	DOC/587626
11.3.2 Traffic Management – Road Works	11 Mar 2021	Amended delegation	<p>All individual “Delegate” positions were removed.</p> <p>This delegation is given by the Commissioner of Main Roads to City of Bunbury (Authorised Body) and “its employees, consultants, agents and contractors”</p> <p>Research indicates that the local governments we contacted consider this delegation to the organisation as a whole and not individually designated. Directors/Managers have the responsibility to ensure all staff are trained and qualified accordingly to undertake the required duties outlined within the delegation.</p>	DOC/730934