



Policy Review and Development Committee

Notice of Meeting and Agenda 24 April 2024

Committee Terms of Reference

- 1** *To review all existing Bunbury City Council policies within a two year period, in line with the local government election cycle and facilitate the development of new policies for consideration by Council on an ongoing basis.*
- 2** *To make recommendations to Council on matters of policy, policy and local law review and policy and local law development.*
- 3** *To explore opportunities that promote policy development in all areas that are within Council's jurisdiction.*
- 4** *To allow any draft policy developed and fully considered by another Advisory Committee of Council to be referred directly to Council for consideration.*
- 5** *To provide Bunbury City Councillors with assistance and support to develop new Council policies.*

City of Bunbury
4 Stephen Street
Bunbury WA 6230
Western Australia
Correspondence to:
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Bunbury WA 6231

Policy Review and Development Committee Notice of Meeting

Dear Committee Members

An ordinary meeting of the Policy Review and Development Committee will be held in the Ocean Room, 2-4 Stephen Street, Bunbury on 24 April 2024 at 10.00am.

Signed:

Greg Golinski
Manager Governance

Agenda 24 April 2024

Members of the public to note that recommendations made by this committee are not final and will be subject to adoption (or otherwise) at a future meeting of the Bunbury City Council.

Committee Members:

Member Name	Representing
Cr Gabi Ghasseb	City of Bunbury
Cr Karen Steele	City of Bunbury
Cr Marina Quain (Presiding Member)	City of Bunbury
Cr Cheryl Kozisek	City of Bunbury
Cr Tresslyn Smith	City of Bunbury

Ex-officio Members (non-voting):

Member Name	Representing
Mr Alan Ferris	Chief Executive Officer
Mrs Karin Strachan	Director Corporate and Community

Support Staff:

Name	Title
Mr Greg Golinski	Manager Governance and Integrated Planning
Mr Liam Murphy	Governance Officer
Mrs Maureen Keegan	Senior Governance Officer

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Acknowledgement of Country

We acknowledge the traditional owners of the land, the Noongar Wardandi people and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal community and their cultures; and to Elders past, present and emerging.

Vision

Bunbury: welcoming and full of opportunities.

Organisational Values

#WEARECOB

WE ARE COMMUNITY	<ul style="list-style-type: none">We are one teamWe keep each other safeWe display empathy and respectWe have fun and celebrate our successesWe work together to achieve great outcomes
WE ARE OPEN	<ul style="list-style-type: none">We are open to opportunitiesWe actively listen and think things throughWe are inclusive and treat everyone equallyWe are honest and open in our communicationsWe are open to feedback to improve our performance
WE ARE BRAVE	<ul style="list-style-type: none">We lead the change, we own itWe trust and empower each otherWe have the difficult conversations earlyWe hold ourselves to the highest standardWe have the courage to improve and simplify

Nature of Council's Role in Decision Making

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- Quasi-Judicial:** When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.
- Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
- Information Purposes:** Includes items provided to Council for information purposes only which do not require direction from Council (that is for 'noting').

1. Declaration of Opening

2. Disclaimer

Not applicable to this committee.

3. Announcements from the Presiding Member

4. Attendances

4.1 Apologies

4.2 Approved Leave of Absence

5. Declaration of Interest

IMPORTANT: Committee members to complete a “Disclosure of Interest” form for each item on the agenda in which they wish to disclose a financial/proximity/impartiality interest. They should give the form to the Presiding Member <u>before</u> the meeting commences. After the meeting, the form is to be forwarded to the Administration Services Section for inclusion in the Corporate Financial Disclosures Register.
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6. Confirmation of Minutes

Committee Decision: Moved _____ Seconded _____

The minutes of the Policy Review and Development Committee Meeting held on 28 February 2024 are confirmed as a true and accurate record.

CARRIED/LOST

7. Method of Dealing with Agenda Business

8. Reports

8.1 Review of Council Policy: BRAG Trust

File Ref:	COB/306
Applicant/Proponent:	Internal
Responsible Officer:	Georgia-Mae O’Brien, A/Manager Community Connection
Responsible Manager:	Georgia-Mae O’Brien, A/Manager Community Connection
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.1-A: BRAG Trust Council Policy

Summary

This report is presented to the Policy Review and Development Committee to facilitate a review of existing Council Policy Bunbury Regional Art Gallery Trust. A copy of the policy is attached at Appendix 8.1-A.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council note the review of Council Policy BRAG Trust, with no changes recommended.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	People
Aspiration	A safe, healthy and connected community
Outcome	A growing hub of culture and creativity.
Objective	Grow participation in arts, culture and community events.

Regional Impact Statement

This policy applies only within the City of Bunbury.

Background

At the Council meeting held on 29 September 2015, Council resolved as follows (refer decision 336/15):

That Council supports the establishment of an independent trust or foundation for the Bunbury Regional Art Galleries with the aim of seeking and maintaining funds for acquisition of art works for the City collection and support of the gallery.

The Bunbury Regional Art Gallery Trust was established to receive the portable assets of the Bunbury Regional Art Gallery from the Bunbury Regional Arts Management Board (BRAMB) following the changeover in management from the Board to the City.

Legal advice obtained by the City in 2016 identified that the Bunbury Regional Art Gallery Trust can be also be used to receive gifts, bequests and donations specifically for the purposes of the City of Bunbury Art Collection and the programs and facilities of Bunbury Regional Art Gallery.

Ultimately, the beneficiaries of the trust will be any and all benefactors providing a gift, bequest or donation to the BRAG under the terms of the trust deed. The trustee will be the City of Bunbury, with the CEO and Mayor being signatories to the trust deed.

The policy will also serve as a:

“gift fund used and maintained only for the principle purpose of the fund, authority or institution”

This is a requirement for obtaining Deductible Gift Recipient (DGR) status for the Bunbury Regional Art Gallery from the Australian Tax Office.

The legal advice alluded to above confirms that the Trust Deed set up after the dissolution of the BRAMB is sufficient to meet the future needs for Gift Deductibility status for gifts, bequests and donations specifically for the purposes of the City of Bunbury Art Collection and the programs and facilities of Bunbury Regional Art Gallery.

This Policy was adopted in 2017 and was last reviewed in June 2020.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

- Income Tax Assessment Act 1997 Division 376 – Gifts or Contributions
- Cultural Bequests Program Guidelines (no 1) 1997
- Cultural Bequests Program (Maximum Approval Amounts) Determination (No 1) 1997
- Australian Government’s Cultural Gifts Program
- *Copyright Act 1968*
- *Copyright Amendment (Moral Rights) Act 2000*

Officer Comments

Officers have undertaken a review of the existing policy and do not recommend any changes at this time.

Analysis of Financial and Budget Implications

The promotion of the Bunbury Regional Art Gallery Trust is likely to encourage gifts, bequests and donations for the purposes of Bunbury Regional Art Galleries Trust which will augment funding provided by Council.

Community Consultation

N/A

Councillor/Officer Consultation

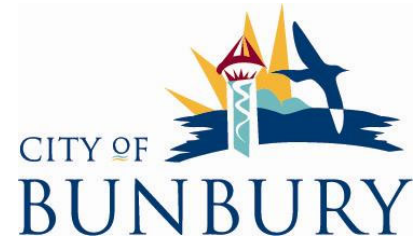
The policy is presented to the Committee for consideration.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

Once adopted by Council, any revisions to the Policy become effective immediately.



BUNBURY REGIONAL ART GALLERY TRUST COUNCIL POLICY

POLICY STATEMENT

This policy guides the operation of the Bunbury Regional Art Gallery Trust for receiving gifts, bequests and donations to support the programs and facilities of Bunbury Regional Art Galleries and the City of Bunbury Art Collection

POLICY SCOPE

The Bunbury Regional Art Galleries Trust is maintained and used solely for gifts and deductible contributions to support the programs and facilities of Bunbury Regional Art Gallery and the City of Bunbury Art Collection.

POLICY DETAILS

The Bunbury Regional Art Galleries Trust acts as a 'gift fund' for receipt of gifts, donations and bequests for BRAG programs and facilities and the City of Bunbury Art Collection in accordance with the Bunbury Regional Art Galleries Trust Deed.

PROCEDURE

1. Gifts and Deductible Contributions

All gifts and deductible contributions of money or property for the programs and facilities of Bunbury Regional Art Gallery and the City of Bunbury Art Collection will be made to the Bunbury Regional Art Galleries Trust.

Any money received by the organisation, because of such gifts or deductible contributions is credited to the Bunbury Regional Art Galleries Trust.

No other money or property will be received by the Bunbury Regional Art Galleries Trust.

2. Bank Account

The Bunbury Regional Art Galleries Trust has a dedicated bank account and clear accounting procedures for the operation of that account.

3. Operation

All gifts and contributions will be recorded through the dedicated bank account for money or through the Bunbury Regional Art Galleries Trust Property Register for property.

Transfers from the Bunbury Regional Art Galleries Trust as payments, disbursements or use by Bunbury Regional Art Gallery will be recoded separately.

Investment returns on money or property that has been transferred out will be recoded separately.

4. Categories of Funds to be Credited to the Bunbury Regional Art Galleries Trust.

All gifts of money or property made for the principal purpose of the fund, authority or institution, including

- testamentary gifts (that is, gifts made under a will)
- gifts that are not tax deductible for the donor
- distributions from other charities or DGRs, if made for the principal purpose
- the whole amount of deductible contributions made to a fundraising event staged to raise funds for the principal purpose
- money received because of these gifts and deductible contributions, including
- proceeds from the sale of gifted property
- investment returns from money or property that continues to be part of the gift fund.

5. Categories of Funds not to be credited to the Bunbury Regional Art Galleries Trust.

Amounts that are not gifts or deductible contributions are not to be credited to a gift fund. They include:

- receipts from sponsorships or commercial activities
- proceeds of raffles, charity auctions, dinners and similar events, if the proceeds are not deductible contributions.

6. Principal Purpose

The Bunbury Regional Art Galleries Trust must only be used for the principal purpose of the fund: the programs and facilities of Bunbury Regional Art Galleries and the City of Bunbury Art Collection.

7. Acquisition Process

All acquisitions proposed for the City of Bunbury Art Collection and seeking tax deductibility through Bunbury Regional Art Galleries DGR status will be subject to the acquisition criteria and acquisition approvals processes and procedures detailed in the Council Policy City of Bunbury Art Collection.

8. Winding Up

If the Bunbury Regional Art Galleries Trust or Bunbury Regional Art Galleries is wound up or if the endorsement (if any) of the organisation as a deductible gift recipient for the operation of the fund, authority or institution is revoked, any surplus assets of the gift fund remaining after the payment of liabilities attributable to it, shall be transferred to a fund, authority or institution to which income tax-deductible gifts can be made.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *WA Local Government Act 1995*
- *WA Local Government Act Functions and General Regulations 1996*
- *Income Tax Assessment Act 1997 Division 376 – Gifts or Contributions*

INDUSTRY

- *Cultural Bequests Program Guidelines (no 1) 1997*
- *Cultural Bequests Program (Maximum Approval Amounts) Determination (No 1) 1997*
- *Australian Government’s Cultural Gifts Program*
- *Copyright Act 1968*
- *Copyright Amendment (Moral Rights) Act 2000*

ORGANISATIONAL

- Council Policy: City of Bunbury Art Collection
- Management Policy Disposal of Minor Assets

Document Control					
Document Responsibilities:					
Owner:	Director Sustainable Communities	Owner Business Unit:	Community Facilities		
Reviewer:	Director Bunbury Regional Art Gallery	Decision Maker:	Council		
Document Management:					
Adoption Details	Res 101/17 21 March 2017	Review Frequency:	biennial	Next Due:	2022
Review Version	Decision Reference:	Synopsis:			
DOC/455528[v3]	Council Decision 124/20 23 June 2020	Policy reviewed with minor amendments			
DOC/455528 [v2]	Council Decision 049/20 17 March 2020	Consolidate policies and corporate guidelines in accordance with revised Policy Framework. Convert CG to Management Policies			
DOC/455528[v1]		Converted from Mydocs to CM9			
CP-038538 [v1]					
Date Printed	12/04/2024				

8.2 Proposed Council Policy: Climate Change

File Ref:	COB/306
Applicant/Proponent:	Internal
Responsible Officer:	Saphron Wheeler, Environmental Sustainability Officer
Responsible Manager:	Aaron Lindsay, Manager Projects & Asset Management
Executive:	Gavin Harris, Director of Infrastructure
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.2-A: Revised Council Policy Climate Change

Summary

This report is presented to the Policy Review and Development Committee to facilitate a review of existing Council Policy Climate Change. A copy of the revised policy is attached at Appendix 8.2-A.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council endorse the revised Policy Climate Change as presented at Appendix 8.2-A.

Voting Requirement: Simple Majority

Strategic Relevance

Theme 3	Our Places and Spaces
Goal	A natural and built environment that reflects Bunbury’s core values.
Objective 3.4	Minimised risk of flooding through effective management that has regard to the impacts of climate change.
Objective 3.6	The public health and amenity of the community is protected.
Objective 3.7	Management of significant natural areas which provides for human enjoyment while protecting habitat and environmental values for generations to come.

Background

At the Ordinary Council Meeting held on 1 February 2022, an agenda Item was raised regarding the development of the Council Policy, ‘Climate Change’, refer Council Decision (019/22):

“That Council request the Chief Executive Officer draft a City of Bunbury Council Policy, ‘Climate Change’, which is consistent with the WALGA Policy Statement on Climate Change and present to the Policy Review and Development Committee for endorsement.”

In addition, on 14 December 2021, an agenda item was raised regarding the Sustainability and Climate Change Action Frameworks, refer Council Decision (278/21):

“That Council request the Chief Executive Officer prepare a City of Bunbury Sustainability Strategy for Council consideration, including climate change actions and recommendations based on informed corporate net zero emission target scenarios.”

The Climate Change Council Policy was adopted by Council at its meeting on 17 May 2022 (Council Decision 096/22).

The City of Bunbury Sustainability Strategy was endorsed by Council at its meeting on 5 September 2023 (Council Decision 174/23).

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

The responsibility for Local Governments to mitigate the impacts of climate change is reflected in the *Local Government Act 1995* (WA):

“In carrying out its functions a Local Government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity. (Section 1.3(3))”.

Officer Comments

Officers have reviewed the existing council policy and recommend minor amendments to the Policy. The amendments recommended ensure that the policy aligns with the recently adopted City of Bunbury Sustainability Strategy.

A copy of the revised policy with tracked changes is presented at appendix 8.2-A.

Analysis of Financial and Budget Implications

No Financial or budget implications

Community Consultation

N/A

Councillor/Officer Consultation

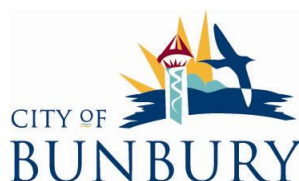
This matter is now presented to the Policy Review and Development Committee for consideration.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

N/A



CLIMATE CHANGE COUNCIL POLICY

POLICY STATEMENT

The City of Bunbury (the City) acknowledges local, regional and global climate change impacts. This Council Policy on Climate Change (Policy) ensures that the City is committed to greenhouse emissions reductions and building community and corporate resilience through appropriate climate change mitigation and adaptation strategies.

POLICY SCOPE

This Policy applies to: Elected Members, Committee Members and employees (including volunteers, contractors, and consultants).

This Policy outlines:

- Acknowledgement of key projected climate change impacts to the South Western Flatlands of Western Australia, including Bunbury;
- The City's commitment to climate change management;
- Support of the Western Australian Local Government Association's Policy Statement on Climate Change 2018¹ (WALGA Policy Statement); and
- Acknowledgement and commitment to international obligations.

POLICY DETAILS

1. Acknowledging Climate Change Impacts

The City recognises the urgency of the scientific consensus-based Intergovernmental Panel on Climate Change (IPCC) Assessment Reports² and will remain up to date with new IPCC reports as they are released.

The City recognises the projected changes in climate and sea levels likely to occur within the South Western Flatlands region of WA, including the Bunbury Local Government Area (LGA) over the coming decade³, including:

- Higher temperatures.
- Hotter and more frequent extreme weather, with less frost.
- Less rainfall, with increased intensity of heavy rainfall events.
- Increased evaporation, reduced soil moisture and runoff.
- Harsher bushfire weather.
- Higher sea levels, with more frequent sea level extremes, coastal erosion, and inundation.
- Warmer and more acidic oceans in the future.

¹ [WALGA-Climate-Change-Policy-Statement-July-2018-\(5\).pdf.aspx](#)

² [Reports — IPCC](#)

³ [Briefing note - General \(mcusercontent.com\)](#)

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These changes have the potential to impact our environment, assets and infrastructure in our Local Government area, and the health, safety and wellbeing of our community.

2. Climate Change Commitments

The City is committed to addressing climate change through:

Mitigation and Adaptation:

2.1 Setting of ~~an appropriate~~ emissions reduction targets as outlined in the City of Bunbury Sustainability and Environmental Strategy 2023-2028⁴ and working towards ~~its~~ their achievement. The City's corporate emissions reduction targets include:

2.1.1 Reach corporate net zero emissions by 2040 and aspiring for 2035.

2.1.2 Reduce corporate emissions (from the 2020/21 baseline) by 35% by 2025/26 and aspire for 60% reduction by 2030.

2.1

- 2.2 Encouraging and empowering the local community and local businesses to reduce their greenhouse gas emissions and to adapt to the impacts of climate change.
- 2.3 Contributing towards greenhouse gas emissions reduction targets as set out in key National and International agreements.
- 2.4 Undertaking corporate and community adaptation planning and mitigation planning.
- 2.5 Ensure that, at appropriate review intervals, the corporate and community adaptation planning and corporate and community mitigation planning are reviewed and amended to incorporate the latest climate science, and to reflect the climate change management priorities and progress achieved to date.
- 2.6 Assessing the locally specific risks associated with climate change and implications for our services and identify areas where appropriate mitigation and/or adaptation strategies should be developed and implemented to build climate resilience.

Advocacy and Collaboration:

- 2.7 Support Western Australian Local Government Association (WALGA) to work with State and Federal Government to implement key actions and activities, and support policy and funding initiatives for climate change management at a local level.
- 2.8 Continue partnerships and collaboration with other local governments, State and Federal Government, community, business, and industry to manage climate change impacts.
- 2.9 Monitor the progress of our adaptation and mitigation actions and communicate our achievements to the Council and Community.

3. Support of the WALGA Policy Statement

The City supports the Western Australian Local Government Association's Policy Statement on Climate Change 2018⁵ (WALGA Policy Statement), which represents the consolidated position of Western Australian Local Governments on Climate Change. As per the WALGA Policy Statement:

The City acknowledges:

- I. The science is clear: climate change is occurring and greenhouse gas emissions from human activities are the dominant cause.
- II. Climate change threatens human societies and the Earth's ecosystems.

⁴ [Sustainability-and-Environmental-Strategy-2023-to-2028.pdf \(bunbury.wa.gov.au\)](#)

⁵ [WALGA-Climate-Change-Policy-Statement-July-2018-\(5\).pdf.aspx](#)

- III. Urgent action is required to reduce emissions, and to adapt to the impacts from climate change that are now unavoidable.
- IV. A failure to adequately address this climate change emergency places an unacceptable burden on future generations.

The City is committed to addressing climate change.

The City is calling for:

- I. Strong climate change action, leadership and coordination at all levels of government.
- II. Effective and adequately funded Commonwealth and State Government climate change policies and programs.

4. Support of International Commitments

The City is committed to supporting state, national and international targets required to achieve the UNFCCC Paris Agreement⁶ goal [to limit global warming to 1.5°C by the end of this century. To limit global warming to 1.5°C, greenhouse gas emissions must peak before 2025 at the latest and decline 43% by 2030, of limiting global temperature rise to well below 2° Celsius and to pursue efforts to limit the temperature increase even further to 1.5° Celsius.](#)

In alignment with the City’s Strategic Community Plan [2018-2028/2032](#) (SCP), the City is committed to promoting and facilitating the United Nations Sustainable Development Goals⁷ (SDGs), including climate change action as part of the broader sustainability agenda.

5. Definitions

‘Adaptation’ is defined by the Intergovernmental Panel on Climate Change (IPCC) as ~~the process of adjustment to actual or expected climate and its effects~~.

‘Mitigation’ is defined by the IPCC as reducing or preventing the amount of greenhouse gas emissions released or enhancing the sinks that absorb or contain greenhouse gases.

REVIEW FREQUENCY

This Policy is to be reviewed annually and amended to reflect the latest climate science, corporate emission reduction target(s), and climate change strategies or plans adopted by Council.

COMPLIANCE REQUIREMENTS

LEGISLATION

- State Planning Policy
- State Coastal Planning Policy
- [Local Government Act 1995](#)
- [Climate Change Act 2022](#)
- [State Climate Change Bill 2023](#)

⁶ [The Paris Agreement | UNFCCC](#)

⁷ [THE 17 GOALS | Sustainable Development \(un.org\)](#)

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ORGANISATIONAL

- [City of Bunbury Climate Change Declaration 2022](#)
- [Sustainability and Environmental Strategy 2023-2028](#)
- [Sustainability Council Policy 2022](#)

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Document Control					
Document Responsibilities:					
Owner:	Director Infrastructure	Owner Business Unit:	Manager Project and Asset Management		
Reviewer:	Environmental Sustainability Officer	Decision Maker:	Council		
Document Management:					
Adoption Details	Council Decision 096/22 17 May 2022	Review Frequency:	Annually	Next Due:	2023
Review Version	Decision Reference:	Synopsis:			
DOC/905644	Council Decision 096/22 17 May 2022	New Policy Adopted			
Date Printed	12/04/2024				

8.3 Review of Council Policy: Corporate Revenue Debt Collection

File Ref:	COB/4469
Applicant/Proponent:	Internal
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.3-A: Revised Corporate Revenue Debt Collection Council Policy

Summary

This report is presented to the Policy Review and Development Committee (PRDC) to facilitate a review of current Corporate Revenue Debt Collection Council Policy. The policy was last reviewed in May 2022 and is now due for review.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council endorse the revised Council Policy Corporate Revenue Debt Collection as presented at appendix 8.3-A.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Performance
Aspiration	Leading with purpose and robust governance
Outcome 13	A leading local government
Objective 13.3	Effectively manage the City's resources

Regional Impact Statement

This policy only applies within the City of Bunbury.

Background

This Policy was last reviewed by Council in May 2022 and is now presented to Council by the PRDC for its biennial review.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

The *Local Government (Financial Management) Regulations 1996* apply.

Officer Comments

Officers have reviewed the current policy and suggest minor changes to enhance clarity within the policy. A copy of the revised policy with tracked changes is attached at appendix 8.3-A.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

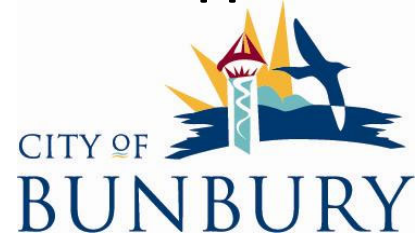
This matter is presented to the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Following Council endorsement, any revisions to the policy will become effective immediately.



CORPORATE REVENUE DEBT COLLECTION COUNCIL POLICY

POLICY STATEMENT

The City of Bunbury will actively pursue all outstanding rates and sundry debtors. All outstanding rates and sundry debtors will be collected in accordance with the *Local Government Act 1995* and associated regulations.

POLICY SCOPE

This policy applies to Ratepayers and debtors of the City of Bunbury.

POLICY DETAILS

This policy will be applied to all:

- Ratepayers with balances outstanding 14 days after the due date of rates (excluding pensioners and ratepayers that have elected the Instalment option).
- Sundry debtors with balances outstanding greater than 7 days.

POLICY PROCEDURE

The following steps will be taken to recover outstanding rate debt:

1. A Final Notice will be issued to all ratepayers with an outstanding balance fourteen (14) days after the due date (excluding ratepayers that have elected the Instalment option). Final Notice recipients will have fourteen (14) days in which to respond.
2. A Notice of Intention to Summons will be issued by the City to any Final Notice recipient that has not responded within the fourteen (14) day period. Recipients of the Notice of Intention to Summons will have fourteen (14) days in which to respond.
3. At the conclusion of the Notice of Intention to Summon due date, and if the debtor has not entered into an arrangement to pay or made satisfactory efforts to clear the debt the account will be forwarded to a Debt Collection Agency for action.

Before proceeding to this step, the following checks will be undertaken:

- Ownership of the property confirmed through a Title Search;
- Postal address cross referenced with Aqwest or Water Corporation;
- Search of White Pages for a contact number
- Other means deemed appropriate by Management

4. Council's Debt Collection Agency will be requested to issue ~~Minor Case Claim~~ General Procedure Claim. During this period, the Bailiff will attempt to deliver the Claim to the ratepayer. The Ratepayer has a further fourteen (14) days to respond to the Claim.
5. The lodgement of a Claim will immediately affect the Ratepayers credit rating by recording the default payment. Legal costs will also be incurred at this time in which the costs will be charged to the property owner's assessment.
6. If the ratepayers fail to acknowledge the service of the Claim, the Debt Collection Agency will be requested to apply for default Judgement.
7. Once Judgment has been entered, the Ratepayer will be issued with a Means Enquiry Summons or Property Sale and Seizure Order, which will be determined on a case by case basis, which will force the Ratepayer to attend a Court and the Court will determine the Ratepayer's means to pay off the debt.

Once the debt is settled by either full payment or by entering into a payment arrangement all action will be ceased immediately.

POLICY PROCESS

(a) *Credit File Letter*

If a Ratepayer is referred to Council's Debt Collection Agency and full payment of the outstanding debt is received, the City of Bunbury will issue a Credit File letter to the Ratepayer and Equifax advising that the claim has been satisfied by full payment of the outstanding amount. This will be recorded against the Ratepayer's credit rating.

(b) *Notice of Discontinuance*

The City of Bunbury will not issue a Notice of Discontinuance unless a Claim was issued incorrectly against the Ratepayer.

(c) *Direct Debit*

1. An application for an alternative arrangement other than Option 1 (full payment) or Option 2 (4 instalments) must be entered into via a Direct Debit Request.
2. Payments are to be made on a regular weekly, fortnightly or monthly basis and are to be completed by the due date of the fourth Instalment, as set by Council.
3. An administration fee, as per City of Bunbury adopted Fees and Charges schedule will be debited to the assessment upon acceptance of the Direct Debit Request (eligible Pensioners excluded from this Fee).

(d) *Default Direct Debit*

The following process will apply for default direct debit payments.

1. Telephone or SMS contact will be made with the Ratepayer advising of the default payment and requesting that they make payment of the default amount via alternative means.
2. If the direct debit defaults twice, a Default Direct Debit letter is issued, requesting full payment of the defaulted amount, and advising the Ratepayer that if the dishonored amount is not paid with fourteen (14) days of issue of the letter the direct debit will be cancelled.

3. If payment is not received within ~~seven~~fourteen (14) days of issue of the Default Direct Debit a Cancellation of Direct Debit letter is issued and Debt Recovery Procedure will commence.

(e) *Centrepay*

Eligible ratepayers may elect to have regular deductions taken from their Centrelink payments to pay off outstanding rates and charges.

(f) *Instalments*

1. Ratepayers may elect to pay rates in four equal instalments as detailed on the Original Rate Notice.
2. Where payment of rates on the four instalment option become two instalments in arrears fourteen (14) days after the due date of the third instalment a Final Notice will be issued requesting full payment within fourteen (14) days.
3. If an instalment remains unpaid after the issue of a Final Notice, the City of Bunbury will revoke the Ratepayers right to pay by instalments and issue a letter to the Ratepayer advising of the action.
4. If no contact is made from the Ratepayer after the issue of the letter Debt Recovery will commence.

(g) *Other Courses of Action that may be taken*

Prior approval from Manager or Council is required before proceeding with any of the following actions:

1. If the property is a rental, Section 6.60 Local Government Act – provides that the Council may divert rental payments due to the lessor to the City for payment of outstanding rates.
2. Lodge a caveat on the property so that the property cannot be settled until the debt is paid in full.
- ~~3. Issue a General Procedure Claim that may result in taking possession of the land under Section 6.64 of the Local Government Act 1995 after three years of non-payment.~~
- 4.3. Issue a Property (Seizure and Sale) Order that will authorise a bailiff to seize and sell as much of the ratepayers real or personal property as necessary to satisfy the judgement debt.
- 5.4. If Applicable issue correspondence to the financial institution if there is a mortgage against the property advising of rates outstanding and that the matter be discussed with their client.

(h) *Pensioners and Seniors*

1. Debt Collection will not proceed against eligible persons registered to receive pensioner or senior rebate under the Rates and Charges (Rebates and Deferments) Act 1992 as such persons have until the 30 June in the rating year to make payment.
2. Eligible persons will not incur any interest penalty.
3. Eligible persons will be ~~contacted sent a First Reminder letter in~~ April every year advising that they are required to make full payment by 30 June in order to receive the State Government Rebate.
4. A follow up letter will be sent to all eligible persons during May every year.

- 5.4. Pensioners with arrears (i.e. refuse charges) and who are ineligible to defer payment of rates will be contacted by the City of Bunbury to discuss an alternative payment arrangement.

SUNDRY DEBTORS:

1. All City of Bunbury Sundry Debtor accounts are seven (7) day accounts.
2. Accounts unpaid after the due date will be issued with a Reminder Letter requesting payment within seven (7) days from date of letter.
3. A courtesy phone call and/or email will be made to ensure debtor has received all outstanding invoices/correspondence and requesting a timeframe for outstanding payment.
4. A Final Demand letter will be issued for all outstanding debtors 30+ days overdue requesting immediate payment. An additional phone call will be made at this stage to attempt to contact and arrange payment with debtor.
5. Unless a payment arrangement has been agreed to all accounts overdue at 45 days will be referred to Council's Debt Collection Agency for immediate action.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996*
- *Rates and Charges (Rebates and Deferments) Act 1992*

INDUSTRY

ORGANISATIONAL

Document Control					
Document Responsibilities:					
Owner:	Chief Executive Officer	Owner Business Unit:	Manager Finance		
Reviewer:	Manager Finance	Decision Maker:	Council		
Document Management:					
Adoption Details	Res 107/13 16 April 2013	Review Frequency:	biennial	Next Due:	2024
Review Version	Decision Reference:	Synopsis:			
DOC/455624[V3.2]	Council Decision 092/22 17 May 2022	Reviewed with no changes			
DOC/455624[v3.1]	Council Decision 049/20 17 March 2020	Consolidate policies and corporate guidelines in accordance with revised Policy Framework			
DOC/455624[v2]	Council Decision 006/20 21 January 2020	Reviewed with no changes			
CP-018816	Res 7/18 23 January 2018	Reviewed and Amended			
	Res 323/15 15/09/2015	Reviewed and Amended			
Date Printed	12/04/2024				

8.4 Review of Council Policy: Disaster Relief Reserve Fund

File Ref:	COB/4469
Applicant/Proponent:	Internal
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.4-A: Disaster Relief Reserve Fund Council Policy

Summary

This report is presented to the Policy Review and Development Committee (PRDC) to facilitate a review of current Disaster Relief Reserve Fund Council Policy. The policy was last reviewed in December 2019 and is now due for review.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council note the review of Council Policy Disaster Relief Reserve Fund, with no changes recommended.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Performance
Aspiration	Leading with purpose and robust governance
Outcome 13	A leading local government
Objective 13.3	Effectively manage the City’s resources

Regional Impact Statement

This policy only applies within the City of Bunbury.

Background

At the Ordinary Council Meeting held 12 December 2017, Council requested (refer Council Decision 446/17) the Policy Review and Development Committee develop a policy that guides the collection, accrual and distribution of funds by the City of Bunbury Disaster Relief Fund.

The policy outlines criteria to be considered when determining whether funding should be provided to certain causes, as well as proposing that such determinations could generally be made by an informal group comprised the Mayor, Deputy Mayor and Chief Executive Officer to ensure timeliness in decision-making.

The Policy was last reviewed in May 2022.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

Section 2.7(2) of the *Local Government Act 1995* applies.

2.7 Role of Council.

...

- (2) *Without limiting subsection (1), the council is to –*
- (a) oversee the allocation of the local government’s finances and resources;*
 - and*
 - b) determine the local government policies.*

Officer Comments

Officers have undertaken a review of Council’s current Privacy Policy and suggest that the content still meets best practice in this regard. Accordingly, no changes are recommended.

Analysis of Financial and Budget Implications

Any payments approved under the terms of this policy are made from the specific reserve account for that purpose.

Community Consultation

Nil

Councillor/Officer Consultation

This matter is brought to the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Following Council endorsement, any revisions to the policy will become effective immediately.



DISASTER RELIEF RESERVE FUND COUNCIL POLICY

POLICY STATEMENT

The Disaster Relief Reserve Fund Policy provides parameters for the disbursement of funds from the City of Bunbury Disaster Relief Reserve Fund.

Emergency situations that arise from natural disasters such as floods, fires, earthquakes, tsunamis, cyclones and storms are common in Australia. Donations to Disaster Relief Funds play a significant role in assisting communities affected by natural disasters to respond to and recover from such events. Local Government has the means to assist with community fund raising activities and to make donations to disaster fund raising appeals organised by appropriate charities and aid organisations.

In the past, the City of Bunbury has provided relief funding to the communities affected by the Esperance, Waroona, NSW and Perth fires (2015, 2016, 2020 and 2021 respectively), as well as Nha Trang, Khanh Hoa Province for disaster recovery works following Typhoon Damrey (2017).

The City of Bunbury recognises that a timely decision to donate either financial or in-kind aid is essential and most effective when made within the immediate stages following a disaster to assist with rescue efforts and to help minimise loss and suffering.

POLICY SCOPE

This policy applies to natural disasters occurring within Australia. The provision of funding internationally shall only be via resolution of Council.

Contributions shall be limited to financial and in-kind aid. Any other fundraising events and activities will be dealt with outside of this policy.

POLICY DETAILS

1. The City of Bunbury has an established Disaster Relief Reserve Fund (the Reserve), the purpose of which is to “provide relief of personal hardship and distress arising from natural disasters”.
2. The Reserve may be used to provide funds to appropriate charities and aid organisations for the relief of personal hardship and distress arising from natural disasters occurring within Australia.
3. Subject to the scope of this policy, determinations for funding will be made by an informal panel comprising the Mayor, Deputy Mayor and Chief Executive Officer. Where either the

Mayor or Deputy Mayor are unavailable, the Chief Executive Officer will include a Councillor/s to ensure that two Elected Members are included in the decision-making process at all times.

4. Where unanimous consensus cannot be reached under clause 3, the matter will be referred to Council for consideration.
5. Donations from the Reserve will be assessed in a fair, equitable and timely manner and also be subject to the "Criteria for Donation" section of this policy.
6. Subject to clause 4 and sufficient funds being available for this purpose in the annual budget, the Chief Executive Officer is authorised to implement any unanimous determination made under clause 3.
7. Donations should generally only be made to widely-recognised aid agencies.

CRITERIA FOR DONATION:

The following is to be considered when deciding on an appropriate donation:

- The scale of the disaster;
- The capacity of other government agencies and organisations to respond to the disaster;
- The need for ongoing support, ie. rebuilding disaster stricken areas
- The impact of any such crises on the City's immediate region and community; and
- Any connections that the affected area has to the cultural origin of the City of Bunbury.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Local Government Act 1995*

INDUSTRY

ORGANISATIONAL

Document Control					
Document Responsibilities:					
Owner:	Chief Executive Officer	Owner Business Unit:	Manager Finance		
Reviewer:	Manager Finance	Decision Maker:	Council		
Document Management:					
Adoption Details	Res 128/18 1 May 2018	Review Frequency:	biennial	Next Due:	2024
Review Version	Decision Reference:		Synopsis:		
DOC/455673[v3]	Council Decision 091/22 17 May 2022		Reviewed – minor changes to policy statement to reflect more recent donations.		
DOC/455673[v2]	Council Decision 008/20 21 January 2020		Reviewed with no changes		
Date Printed	12/04/2024				

8.5 Review of Council Policy: Recreation Facilities

File Ref:	COB/306
Applicant/Proponent:	Internal
Responsible Officer:	Gary Thompson, A/Manager Sport and Recreation
Responsible Manager:	Gary Thompson, A/Manager Sport and Recreation
Executive:	Sarah Upton, A/Director Sustainable Development
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 8.5-A: Revised Council Policy Recreation Facilities

Summary

The Recreation Facilities Council Policy is due for review by Council in line with specified time frames with only minor changes recommended.

Executive Recommendation

That the Policy Review and Development Committee recommend that that Council adopt the revised Recreation Facilities Council Policy as attached at Appendix 8.5-A

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	People
Aspiration	A safe, healthy and connected community
Outcome	A healthy and active community
Objective	Encourage participation in sport, recreation and leisure activities

Regional Impact Statement

The City needs to ensure renewing, upgrading or providing new recreational facilities and grounds is done with an awareness of neighbouring local government localities to ensure that duplication or dilution of facilities does not occur. Consultation with the Department of Local Government, Sporting and Cultural Industries is paramount to get the regional perspective on areas of priority.

Background

The Recreation Facilities Council Policy is reviewed every two years to reflect any updates and amendments to ensure it is relevant in providing appropriate management, maintenance and renewal/upgrade of the City of Bunbury sporting facilities and grounds.

The policy was last reviewed in May 2022.

Council Policy Compliance

Recreation Facilities Council Policy



RECREATION FACILITIES COUNCIL POLICY

POLICY STATEMENT

To enhance the quality of life for visitors and residents of Bunbury through the provision of a diverse range of high quality and cost effective active and passive recreational activities and/or facilities.

POLICY SCOPE

1. Council acknowledges that access to sport, recreation and physical activity is fundamental to the physical and mental wellbeing of individuals, families and our community.
2. Council will provide and maintain recreational facilities, grounds and spaces in accordance with community needs, and commits to undertaking the following:
 - (a) Encourage community participation in various sporting, recreational and physical activity pursuits through the provision of modern, fit for purpose, well maintained facilities, grounds and spaces.
 - (b) Optimise access to recreation facilities, grounds and spaces for all members of the community in conjunction with the City of Bunbury Disability Access and Inclusion Plan.
 - (c) Preserve the City's natural diversity and cultural heritage when undertaking recreational asset development or improvement.
 - (d) Work cooperatively with the community to maintain/renew, upgrade and replace recreational assets to the required standards in accordance with community needs, statutory requirements and financial responsibilities.

POLICY DETAILS

1. Preparation of strategies and plans in conjunction with this Policy Scope will be considered prior to the implementation of any proposed rationalisation of any facilities.
2. The City will consult with sporting groups and associations to ensure that management, maintenance and improvements of facilities, grounds and spaces meet community needs and are aligned to organisational plans and strategies.
3. Development of new or upgraded recreational facilities will be based on demonstrated community needs identified through a community consultation processes and in accordance with the Sport and Recreation Strategy 2019-20 And industry guidelines.
4. The City will facilitate and encourage multi- purpose usage and sharing of current and future facilities to maximise utilisation by sporting groups and associations.
5. The City will work with relevant State, Federal and Local Government departments and agencies as well as State Sporting bodies to facilitate optimum outcomes for the community.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Local Government Act 1995*

INDUSTRY

- Parks and Leisure Australia Guidelines for Community Infrastructure, 2020
- Department of Local Government, Sport and Cultural Industries Facility Planning Guide, Sport and Recreation Facilities, 2007

ORGANISATIONAL

- ~~City of Bunbury Strategic Community Plan 2018-2028~~ [Bunbury Brighter Strategic Community Plan 2032](#)
- City of Bunbury Sport and Recreation Strategy 2019-2029.
- ~~Long Term Financial Plan 2022-2033~~ [City of Bunbury Long Term Financial Plan 2023/24 – 2034/35](#)
- ~~Corporate Business Plan 2022-2025~~ [City of Bunbury Corporate Business Plan 2023-2027](#)
- City of Bunbury Community Health and Wellness Plan 2021-2026
- City of Bunbury Parks and Playgrounds Strategy 2019-2029
- ~~Disability Access and Inclusion Plan 2017-2022~~ [Disability Access and Inclusion Plan 2023-2028](#)
- City of Bunbury Asset Management Plan 2019

Document Control					
Document Responsibilities:					
Owner:	Manager Community Facilities	Owner Business Unit:	Director Sustainable Communities		
Reviewer:	Manager Community Facilities	Decision Maker:	Council		
Document Management:					
Adoption Details	Res 13/15 20 January 2015 -	Review Frequency:	biennial	Next Due:	2024
Review Version	Decision Reference:	Synopsis:			
DOC/455744 [v3]	Council Decision 095/22 17 May 2022	Reviewed with minor changes to simplify and provide clarity.			
DOC/455744 [v2]	Council Decision 050/20 17/03/2020	Reviewed with changes, to complement the Sport and Recreation Strategy 2019-2029.			
CP-027042 [v1]	Res 109/17 21/03/2017	Reviewed with no changes			
Date Printed	12/04/2024 /04/2024				

Legislative Compliance

There is no advertising period required for this item as once a Council has initially endorsed a Recreation Facilities Council Policy (where advertising is required), further amendments can be made at any time without an advertising or notification period.

Officer Comments

Officers have reviewed the policy and suggest minor changes to ensure the policy refers to current City of Bunbury organisational documents.

A copy of the revised changes with tracked changes is attached at appendix 8.5-A.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil – not required.

Elected Member/Officer Consultation

Officers have reviewed this policy which is now presented to Council by the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable – statutory update

Timeline: Council Decision Implementation

Immediate once Council have endorsed the recommendation.

8.6 Review of Council Policy: Legal Representation for Elected Members and Employees

File Ref:	COB/6306
Applicant/Proponent:	Internal
Responsible Officer:	Greg Golinski, Manager Governance
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Karin Strachan, Director Corporate and Community Services
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.6-A: Council Policy Legal Representation for Elected Members and Employees

Summary

At its meeting held on 29 November 2023, the Policy Review and Development Committee (PRDC) deferred consideration of a report recommending changes to the existing Legal Representation for Elected Members and Employees Council Policy, pending the holding of a workshop between Council and representatives from the Department of Local Government, Sport and Cultural Industries (the Department) in this regard.

This matter is returned to the PRDC as per the original deferral request, which was until the April meeting of the PRDC. Due to staff changes at the Department, the CEO has been unable to arrange a meeting with appropriate Officers within the Department to date. Given the strong sentiment expressed by some Elected Members when this matter was last considered coupled with the complexity of the matter, it is suggested that further review of this policy be deferred again until such time as a meeting with representatives from the Department can be facilitated.

A copy of the policy as last presented to the PRDC for consideration is attached at Appendix 8.6-A.

Executive Recommendation

That the Committee defer consideration of this matter until such time as a workshop can be held between Council and the Department of Local Government, Sport and Cultural Industries in relation to this matter.

Voting Requirement: Simple Majority Vote

Strategic Relevance

Pillar: Performance
 Aspiration: Leading with purpose and robust governance
 Outcome 13: A leading local government
 Objective 13.1: Provide strong and accountable leadership and governance.

Regional Impact Statement

This policy only applies within the City of Bunbury.

Background

As per the Summary.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

Section 9.56 of the Local Government Act 1995 (the Act) provides protection from actions of tort for anything a council member or employee has, in good faith, done in the performance or purported performance of a function under the Act or under any other written law. However, the legislation does not preclude people taking action against individual council members or employees if they believe that the council member or employee has not acted in good faith.

Section 3.1 of the Act provides that the general function of a local government is to provide for the good government of persons in its district. Section 6.7(2) provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by the Act or any other written law. Under these provisions, a council can expend funds to provide legal representation for council members and employees, as long as it believes that the expenditure falls within the scope of the local government's function.

Officer Comments

As per the Summary.

Should the PRDC wish to recommend changes to the Policy without consulting the Department, it is at liberty to do so should it so desire. To this extent the last marked up version of the Policy as presented to the PRDC is attached at Appendix 8.6-A.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

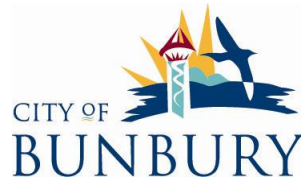
This matter is to the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Immediately following Council decision.



LEGAL REPRESENTATION FOR ELECTED MEMBERS AND EMPLOYEES COUNCIL POLICY

POLICY STATEMENT

To provide Elected Members and employees an undertaking that they are protected from threats and will be given proper legal representation if any legal action is taken against them in relation to their role of elected member or employee of the City of Bunbury.

POLICY SCOPE

This policy applies to: Elected Members and City of Bunbury staff

POLICY DETAILS

Subject to the parameters of the Policy being met, the Council will-may pay reasonable legal expenses incurred if an elected member or employee's work related actions results in legal action.

POLICY PROCEDURE

1. Payment Criteria

There are four (4) major criteria for determining whether the City will pay the legal representation costs of an elected member or employee. These are –

- (a) the legal representation costs must relate to a matter that arises from the performance, by the Council member or employee, of his or her functions;
- (b) the legal representation cost must be in respect of legal proceedings that have been, or may be, commenced;
- (c) in performing his or her functions, to which the legal representation relates, the elected member or employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
- (d) the legal representation costs do not relate to a matter that is of a personal or private nature.

2. Examples of Legal Representation Costs that may be approved

2.1 If the criteria in clause 1 of this Policy are satisfied, the City may approve the payment of legal representation costs –

- (a) where proceedings are brought against an Elected member or employee in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the Elected member or employee; or

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- (b) to enable proceedings to be commenced and/or maintained by an Elected member or employee to permit him or her to carry out his or her functions – for example where an Elected member or employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the Elected member or employee; or
- (c) where exceptional circumstances are involved – for example, where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about Elected members or employees.

2.2 The City will not approve, unless under exceptional circumstances, the payment of legal representation costs for a defamation action, or a negligence action, instituted by an Elected member or employee.

2.3 The City will not approve the payment of legal representation costs for Minor Breach complaints initiated in accordance with the relevant sections of the *Local Government Act 1995*, as the Department of Local Government, Sport and Cultural Industries advises that the determination process by the Standards Panel is not a court or legal process.

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3. Legal representation costs – Limit

3.1 The Council in approving an application in accordance with this policy shall set a limit on the costs to be paid based on the estimated costs in the application.

3.2 An elected member or employee may make a further application to the council in respect of the same matter.

4. Council's powers

4.1 The council may –

- (a) refuse;
- (b) grant; or
- (c) grant subject to conditions, an application for payment of legal representation costs.

4.2 Conditions under clause 4.1 may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.

4.3 In assessing an application, the Council may have regard to any insurance benefits that may be available to the applicant under the City's Elected members or employees insurance policy or its equivalent.

4.4 The Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.

4.5 The Council may, subject to clause 4.6, determine that an Elected member or employee whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved –

- (a) not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
- (b) given false or misleading information in respect of the application.

4.6 A determination under clause 4.5 may be made by the Council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.

- 4.7 Where the Council makes a determination under clause 4.5, the legal representation costs paid by the City are to be repaid by the elected member or employee in accordance with clause ~~78~~.

5. Insurance

5.1 The City may, from time to time, have in place insurance that is applicable to legal representation matters for Elected Members and Officers.

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5.2 In considering making an application for payment of legal representation costs under the terms of this policy, the Elected Member and/or Officer is encouraged to speak with the Chief Executive Officer to ascertain whether the City has in place any applicable insurance policies that may apply.

5.3 Any insurance claims made in relation to payment of legal representation costs for Elected Members or Officers are to be lodged by the Chief Executive Officer or their nominee.

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PROCESS:

56. Application for Payment

- 56.1 An Elected member or employee who seeks assistance under this policy is to make an application(s), in writing, to the CEO for referral to Council.
- 56.2 The written application for payment of legal representation costs is to give details of –
- the matter for which legal representation is sought;
 - how that matter relates to the functions of the Elected member or employee making the application;
 - the lawyer (or law firm) who is to be asked to provide the legal representation;
 - the nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc.);
 - an estimated cost of the legal representation; and
 - why it is in the interests of the City for payment to be made.
- 56.3 The application is to contain a declaration by the applicant that he or she has acted in good faith, and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.
- 56.4 As far as possible, the application is to be made before commencement of the legal representation to which the application relates.
- 56.5 The application is to be accompanied by a signed written statement by the applicant that he or she –
- has read, and understands, the terms of this Policy;
 - acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause ~~78~~ and any other conditions to which the approval is subject; and
 - undertakes to repay to the City any legal representation costs in accordance with the provisions of clause ~~78~~.
- 56.6 In relation to clause ~~56.5~~(c), when a person is to be in receipt of such monies the person should sign a document which requires repayment of that money to the local government as may be required by the local government and the terms of the Policy.
- 56.7 An application is also to be accompanied by a report prepared by the CEO or where the CEO is the applicant by an appropriate employee.

67. Authorisation of the Chief Executive Officer

67.1 In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO may exercise, on behalf of the Council, any of the powers of the Council under clause 4.1 and 4.2, to a maximum of \$10,000 in respect of each application.

67.2 An application approved by the CEO under clause 67.1, is to be submitted to the next ordinary meeting of the Council.

87. Repayment of legal representation costs

78.1 An Elected member or employee whose legal representation costs have been paid by the City is to repay the City –

- (a) all or part of those costs – in accordance with a determination by the Council under clause 4.7;
- (b) as much of those costs as are available to be paid by way of setoff – where the elected member or employee receives monies paid for costs, damages, or settlement, in respect of the matter for which the City paid the legal representation costs.

78.2 The City may take action in a court of competent jurisdiction to recover any monies due to it under this Policy.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Local Government Act 1995*

INDUSTRY

ORGANISATIONAL

Document Control					
Document Responsibilities:					
Owner:	Chief Executive Officer	Owner Business Unit:	Manager Governance		
Reviewer:	Manager Governance	Decision Maker:	Council		
Document Management:					
Adoption Details	Res 121/10 29 June 2010	Review Frequency:	biennial	Next Due:	2023
Review Version	Decision Reference:	Synopsis:			
DOC/441976[v2]	Council Decision 202/21 12 October 2021	Reviewed with no changes			
DOC/441976[v2]	Council Decision 049/20 17 March 2020	Consolidate policies and corporate guidelines in accordance with revised Policy Framework.			
DOC/441976[v1]	Council Decision 254/19 17/09/19	Reviewed with no changes			
CP-011228 v 1.0	Res 232/17 27/06/2017	Reviewed			
CP-011228	Res 322/15 15/09/2015	Reviewed			
CP-011228	Res 81/16 26/03/2016	Reviewed			
Date Printed	12 April 2024 November 2023				

8.7 Review of Council Policy: Elected Member Entitlements

File Ref:	COB/6306
Applicant/Proponent:	Internal
Responsible Officer:	Greg Golinski, Manager Governance
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.7-A: Revised Council Policy Elected Member Entitlements

Summary

The purpose of this report is to facilitate a review of existing Council's existing policy relating to Council Member entitlements. The policy was last reviewed in December 2022 however it was informally requested at the last meeting of the Policy Review and Development Committee (PRDC) that it be put to the next meeting of the PRDC for review.

Executive Recommendation

That the Committee that Council adopt the revised Council Policy: Elected Member Entitlements as presented at Appendix 8.7-A.

Voting Requirement: Simple Majority Vote

Strategic Relevance

Pillar: Performance
Aspiration: Leading with purpose and robust governance
Outcome 13: A leading local government
Objective 13.1: Provide strong and accountable leadership and governance.

Regional Impact Statement

This policy only applies within the City of Bunbury.

Background

The policy was last reviewed in December 2022 however it was informally requested at the last meeting of the PRDC that it be put to the next meeting of the committee for review.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

Local Government Act 1995

Officer Comments

Officers have taken this opportunity to suggest some minor referencing amendments within Annexure 4 of the policy, having updated the references which previously read “*Local Government Officers’ (WA) Interim Award 2011*” to “*Local Government Officers’ (Western Australia) Award 2021*”. The figures within the annexure are unchanged.

Further, it is understood that the premise of having the Policy return to the PRDC for consideration “out of session” was to discuss particulars around the ICT expenses allowances, and more specifically the provision of devices to Elected Members by the City.

It must be noted that the current policy provisions align perfectly with legislative requirements in terms of how the ICT allowance is intended to be applied in lieu of reimbursements for the same.

The *Local Government Act 1995* provides parameters for Elected Member sitting fees and allowances. Further, the SAT determines the levels of sitting fees and allowances payable, with paragraph 22 (Conclusions) of the most recent determination into Local Government CEOs and Elected Members is relevant in this context (emphasis added in bold):

22. *If an annual ICT allowance is preferred over reimbursement of costs, councils must calculate, with consideration to their internal policies and procedures, including asset management, an amount within the ICT allowance range (currently \$500 - \$3,500) that considers the total cost of ICT and ensures payment will not result in a windfall gain for council members. **It is not intended for the maximum ICT allowance to be paid in addition to providing equipment and hardware.***

As such, no changes to this process are recommended. Should the committee wish to explore other options whereby devices (ie laptops) are provided by the City in lieu of the full ICT expenses allowance, then it is suggested that such a conversation be held at a strategic workshop where Officers could provide details of the cost implications of the various options.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

This matter is to the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Immediately following Council decision.



ELECTED MEMBER ENTITLEMENTS COUNCIL POLICY

POLICY STATEMENT

To outline the support that will be provided to Elected Members through the payment of allowances, reimbursement of expenses incurred, insurance cover and supplies provided in accordance with the *Local Government Act 1995* while performing the official duties of office.

POLICY SCOPE

This policy applies to Elected Members.

POLICY DETAILS

1. Allowances

1.1 Mayoral Allowance

[Local Government Act 1995 s.5.98(5)]

As a policy position, the Mayor shall be entitled to an annual local government allowance that is the maximum (100%) of the minimum/maximum range as determined annually by the Salaries and Allowances Tribunal. The exact quantum of the Mayoral Allowance is determined annually by Council when adopting the annual budget within the prescribed range.

1.2 Deputy Mayor Allowance

[Local Government Act 1995 s.5.98A]

The Deputy Mayor shall be entitled to an annual local government allowance equivalent to 25% of the Mayoral Allowance.

1.3 Meeting Attendance Allowance

[Local Government Act 1995 s.5.98(1)(b)]

The Mayor and Elected Members shall be entitled to an annual Meeting Attendance Allowance within the applicable band range as determined by the Salaries and Allowances Tribunal.

As a policy position, Councillors shall be entitled to an annual Meeting Attendance Allowance that is the maximum (100%) of the minimum/maximum range as determined annually by the Salaries and Allowances Tribunal.

As a policy position, the Mayor shall be entitled to an annual Meeting Attendance Allowance that is the maximum (100%) of the minimum/maximum range as determined annually by the Salaries and Allowances Tribunal.

The exact quantum of the Meeting Attendance Allowance is determined annually by Council when adopting the annual budget within the prescribed range.

1.4 ICT Expenses Allowance

[Local Government Act 1995 s.5.99A and Local Government (Administration) Regulations 1996 Reg.31 and 32]

Elected Members shall be entitled to an annual Information Communication and Technology (ICT) allowance equal to the maximum amount permitted to be paid as determined by the Salaries and Allowances Tribunal to cover all information and communications technology costs that are a kind of expense for which Elected Members may be reimbursed as prescribed by Regulations 31(1)(a) and 32(1) of the *Local Government (Administration) Regulations 1996*.

Consistent with the definition of ICT Expenses by the Salaries and Allowances Tribunal, the ICT allowance is intended to cover costs associated with the provision of:

- Rental charges for one facsimile and one telephone as prescribed by Regulation 31(1)(a) of the *Local Government Administration Regulations 1996*;
- Other expenses that relate to ICT (Regulation 32(1)) including, telephone call charges, cost of rental/purchase of a laptop/tablet/mobile device and associated security licencing, internet service provider charges, any related plans or contracts, plus any consumables.

2. Information and Communication Technologies (ICT)

2.1 Electronic Device

The City of Bunbury recognises the benefits of digital communications and information sharing. The City's preferred technology for disseminating and managing Council documentation is via an online format. At the request of individual Elected Members, hard copy material can also be made available.

Each Elected Member is responsible for sourcing a suitable device/s as soon as possible following election to Council (see 1.4 ICT Expenses Allowance). In non-election years, the ICT Allowance will be paid in June of that financial year. In an ordinary election year, retiring and newly Elected Members will receive the annual ICT Allowance on a pro-rata basis, which will be paid as soon as practicable following the election to assist newly Elected Members in purchasing hardware. Continuing Elected Members will be paid their allowance in June as in non-election years.

At the Elected Members request, the City can provide advice regarding the various devices available on the market and their compatibility with City systems, including threat and vulnerability scanning.

The City will install requisite any relevant software (including City of Bunbury email) on individual devices at the earliest opportunity post election, which will facilitate Elected Members being able to access relevant information and discharge the duties of an Elected Member of Council. The software and applications installed on the electronic device by the City are required to remain on the device in usable condition and be readily accessible at all times. From time to time the City may contact Elected Members regarding upgrades or additional software applications, and as such Elected Members are requested to provide their device to the City for periodic updates and synchronising.

It is suggested that electronic devices be replaced every 2 years, to enable City systems to advance at the same or a similar rate as technology.

2.2 Business Cards

The City will provide each Elected Member with a quantity of 500 printed business cards for relevant City business use within each term of office. The business card format will be in accordance with the City's Style Guide.

2.3 Letterhead

An electronic letterhead template will be provided to each Elected Member for relevant City business use within each term of office.

3. Reimbursable Expenses

3.1 Travel Expenses

[Local Government Act 1995 s.5.98(2)(b) and (3) and Local Government (Administration) Regulations 1996 Reg.31(1)(b) and (c)]

Elected Members shall be entitled to reimbursement of travelling expenses incurred while using their own private motor vehicle in the performance of the official duties of their office, subject to claims being related to travel to a destination from their normal place of residence or work and return in respect to the following:

- a. Council Meetings, Civic functions, Citizenship Ceremonies or briefings called by Council, the Mayor or the Chief Executive Officer.
- b. Committees to which the Councillor is appointed a delegate or deputy by Council.
- c. Meetings, training and functions scheduled by the Chief Executive Officer or Directors.
- d. Conferences, community organisations, industry groups and local government associations to which the Elected Member has been appointed by Council as its delegate or a deputy to the delegate.
- e. Functions and presentations attended in the role as an Elected Member or whilst deputising for the Mayor, that are supported by a copy of the relevant invitation or request for attendance.
- f. Gatherings or events (i.e. funerals, local business or community events), approved by the Chief Executive Officer for attendance by the Mayor or the Mayor's nominated deputy as a representative of the City.
- g. Any other occasion in the performance of an act under the express authority of Council.
- h. Site inspections in connection with matters listed on any Council Agenda paper (Members to state the Item Number listed on any Council Agenda paper along with the date and time of the visit on the claim form).
- i. In response to a request to meet with a ratepayer/elector but excluding the day of Council Elections. (Members to state the time and purpose of the visit and the name and address of the ratepayer/elector on the claim form).
- j. Completing the compulsory training for Council Members pursuant to section 5.126(1) of the *Local Government Act 1995*.

Reimbursement will be in accordance with the requirements outlined in annexure D.

3.2 Intrastate or Interstate Travel and Accommodation

[Local Government Act 1995 s.5.98(2)(a) and (3) and Local Government (Administration) Regulations 1996 Reg.32(1)]

- a. The cost of accommodation for Elected Members and staff when staying on Council business either:
 - i. overnight in a hotel or motel; or
 - ii. at a place other than a hotel or motel;
 shall be reimbursed to the maximum amount stated in the Public Service Allowance Schedule I – Travelling, Transfer and Relieving Allowance (shown at Annexure C).
- b. All costs are to be fully substantiated by receipts and invoices; or if staying in accommodation other than a hotel or motel, a signed statutory declaration with certification from the owners of the premises shall be provided.
- c. All costs for breakfast, lunch, dinner and other incidental costs shall be paid in accordance with the rates stated in Annexure C.
- d. In addition to the rates contained in Annexure C, Elected Members and staff members shall be reimbursed reasonable incidental expenses such as train, bus and taxi fares, official telephone calls and IT expenses and laundry and dry cleaning expenses, on production of receipts.
- e. Where an Elected Member or staff member is accompanied at an event, all costs for or incurred by the accompanying person, including, but not limited to, travel, breakfast, lunch and dinner, registration and/or participation in any event programs, are to be borne by the Elected Member or staff member or accompanying person and not by the City. The cost for an accompanying person attending any official event dinner where partners would normally be expected to attend shall be met by the City.
- f. An accompanying person's registration, or accompanying person's program fee, is to be paid to the conference organiser, at the time of registration. The City will administer the registration and payment process for the accompanying person if the relevant forms and payment are made to the City in advance for the accompanying person.
- g. Expenses will generally be reimbursed from the time an Elected Member or staff member leaves home to attend an event to the time the Elected Member or staff member returns home. Should a person extend a visit by leaving prior to the time necessary to arrive for the event or return after the time at which the person could have returned following the event, reimbursements will be paid:
 - i. for the days of the event only (including travel periods); and
 - ii. for the cost of travel to and from the airport to the accommodation to be used for the event.

3.3 Child Care Costs

[Local Government Act 1995 s.5.98(2)(a) and (3) and Local Government (Administration) Regulations 1996 Reg.31(1)]

Elected Members shall be entitled to reimbursement of the lesser amount of actual child care costs or the amount prescribed by the Salaries and Allowances Tribunal for care of children, of which they are parent or legal guardian, whilst attending a Council meeting or a meeting of a committee of which he or she is a member, or completing the compulsory training for council members pursuant to section 5.126(1) of the Act.

Any reimbursement of costs under the terms of this Policy shall be made within 30 days of being invoiced for such expenditure.

4. OTHER SUPPORT / SUPPLIES

4.1 Insurance

The City will insure or provide insurance cover for Elected Members for:

- a. Personal accident whilst engaged in the performance of the official duties of their office, with the cover being limited to non-Medicare medical expenses as defined within the Insurance Policy.
- b. Spouses/partners of Elected Members are entitled to the same level of cover when attending meetings, conferences or functions with the express approval of the Chief Executive Officer.
- c. Professional indemnity for matters arising out of the performance of the official duties of their office provided the performance or exercise of the official duty is in the opinion of Council, not illegal, dishonest, against the interests of the City or otherwise in bad faith.
- d. Public liability for matters arising out of the performance of the official duties of their office but subject to any limitations set out in the policy of insurance.

4.2 City Vehicle provided to the Mayor

Private use of the Mayoral Vehicle will be in accordance with the *Council Policy: Private use of Mayor Vehicle*.

4.3 Name badges

The City will provide each Elected Member with a name badge to be worn at official functions and meetings

4.4 Car Parking

The City will provide each Elected Member with an annual car parking permit which enables free car parking whilst on Council-related business within the specified areas of the permit.

4.5 Clothing

The City will provide each Elected Member with an embroidered City of Bunbury blazer upon request. A maximum of two blazers per member per elected term will be made available.

The City will provide each Elected Member with two polo shirts upon request. Options available will be in accordance with the City's nominated colours/style. The City's logo with the word MAYOR or COUNCILLOR underneath the logo will be embroidered on the shirts. A maximum of two polo shirts per member per elected term will be made available.

4.6 General

The Mayor shall, in carrying out the duties and responsibilities of that Office, be entitled to receive the benefit of the following facilities without the reduction of the fees and allowances approved by Council under Section 5.98, 5.98A, 5.99 and 5.99A of the *Local Government Act 1995*:

1. Access to the Marion Hudson room lounge and refreshments;
2. Suitable contemporary office accommodation within the Administration Building; and
3. Administrative assistance associated with any Council functions, meetings, publications and the like, that relate to the discharge of the duties of the Officer of Mayor.

The Deputy Mayor and Elected Members shall, in carrying out the duties and responsibilities of their Office, be entitled to receive the benefit of the following facilities without the reduction of the fees and allowances under Section 5.98, 5.98A, 5.99 and 5.99A of the *Local Government Act 1995*:

1. Access to the Marion Hudson room lounge and refreshments;
2. Access to suitably equipped shared office accommodation, reading room, meeting and conference rooms within the Administration Building with photocopying, printing, facsimile, internet and telephone facilities via the Executive Assistant to the Mayor; and
3. Some administrative support as resources allow, including limited word processing, photocopying, and postage, that relate to the discharge of the duties of the Officer of Deputy Mayor or Councillor.

All equipment, facilities and support listed above are provided to the Mayor, Deputy Mayor and Councillors on the absolute understanding that they will not be used for any election purposes.

COMPLIANCE REQUIREMENTS

LEGISLATION

- [Local Government Act 1995](#)
- [Local Government \(Administration\) Regulations 1996](#)
- [Salaries and Allowances Act 1975](#)
- [Salaries and Allowances Tribunal Determination on Local Government Elected Council Members](#)

INDUSTRY

ORGANISATIONAL

- *Council Policy: Private Use of Mayoral Vehicle*




Private Use of
Mayoral Vehicle Cou

- [Annexure A: Accommodation and Incidental Allowances Claim Form](#)
- [Annexure B: Private Vehicle Allowance Claim Form](#)
- [Annexure C: City of Bunbury Travelling Allowance Schedule](#)
- [Annexure D: City of Bunbury Motor Vehicle Allowance Schedule for Elected Members](#)

Document Control					
Document Responsibilities:					
Owner:	Chief Executive Officer	Owner Business Unit:	Manager Governance		
Reviewer:	Manager Governance	Decision Maker:	Council		
Document Management:					
Adoption Details	Res 363/17 3 October 2017	Review Frequency:	biennial	Next Due:	2026
Review Version	Decision Reference:	Synopsis:			
DOC/442460[v7]	Council Decision 281/22 20 December 2022	Reviewed and amended – minor changes to ensure consistency with amended legislation.			
DOC/442460[v6]	Council Decision 087/22 17 May 2022	Reviewed and amended – updated policy to clarify definition of ICT allowance and process of Elected Members setting up an ICT device.			
DOC/442460[v5]	Council Decision 045/22 22 February 2022	Reviewed and amended – updated policy position relating to Elected Member payments as a percentage. Increase from 50% to 100%.			
DOC/442460[v4]	Council Decision 261/20 8 December 2020	Reviewed and amended – clarification of personal accident insurance coverage in point 4.1(a)			
DOC/442460[v3]	Council Decision 220/20 29 September 2020	Reviewed and amended – inclusion of a policy position relating to Elected Member payments as a percentage			
DOC/442460[v2]	Council Decision 005/20 21 January 2020	Reviewed and amended – updating technical requirements for electronic devices and clarifying the process for payment of annual ICT Allowance.			
DOC/442460[v1]		Converted from Mydocs to CM9			
CP-039952	Res 305-18 16 October 2018	Review and amended			
Date Printed	12/04/2024				

Annexure A

 <p>CITY OF BUNBURY</p>	<p>Accommodation and Incidental Allowances Claim Form</p>
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DEPARTMENT EMPLOYEE NAME

GL NUMBER ADDRESS.....

CLAIM PARTICULARS – Please ensure receipts or invoices are attached

I hereby make claim for expenses incurred whilst attending the following event:

Conference/Seminar Name:

Name of Town/City and State in which event was held:

Type of Accommodation Claimed: [] Hotel [] Private Accommodation

Hotel Name:

Period Claimed: (from) to

Total Number of Days Claimed

Number of Days @ (daily rate) \$..... **Sub-total** \$.....

Other Incidental Expenses:

Type Amount \$.....

Type Amount \$.....

TOTAL THIS CLAIM \$.....

If claiming for travelling expenses, complete the section below:

Date	Departure Place	Time	Arrival Place	Time

I HEREBY CERTIFY THAT THE EXPENSES CLAIMED WERE INCURRED ON OFFICIAL COUNCIL BUSINESS AND COMPLY WITH COUNCIL POLICY AND ALL COSTS ARE SUBSTANTIATED WITH RECEIPTS AND/OR INVOICES.

SIGNATURE OF APPLICANT: **DATE:**

OFFICE USE ONLY:

SIGNATURE OF AUTHORISING OFFICER:

Annexure C

City of Bunbury Travelling Allowance Schedule*(An extract from the Public Service Award 1992 Schedule 1 – Travelling, Transfer and Relieving Allowance)***ALLOWANCE TO MEET INCIDENTAL EXPENSES (Must be substantiated with receipts)**

- | | | |
|-----|----------------------------------|---------------------------|
| (1) | WA – South of 26° South Latitude | \$14.55 per day (Maximum) |
| (2) | WA – North of 26° South Latitude | \$21.70 per day (Maximum) |
| (3) | Interstate | \$21.70 per day (Maximum) |

ACCOMMODATION INVOLVING AN OVERNIGHT STAY IN A HOTEL OR MOTEL INCLUDING THE COST OF ALL MEALS (Must be substantiated with receipts or invoice)

- | | | |
|-----|--------------------------------------|------------------------------|
| (4) | WA Metropolitan Hotel or Motel | \$305.45 per day (Maximum) |
| (5) | Locality South of 26° South Latitude | \$208.55 per day (Maximum) |
| (6) | Locality North of 26° South Latitude | \$ Variable Rate (Refer CEO) |
| (7) | Interstate – Capital City: | |
| | Sydney | \$304.90 per day (Maximum) |
| | Melbourne | \$288.55 per day (Maximum) |
| | Other Capitals | \$270.10 per day (Maximum) |
| (8) | Interstate Other than Capital City | \$208.55 per day (Maximum) |

ACCOMMODATION INVOLVING OVERNIGHT STAY AT OTHER THAN HOTEL OR MOTEL INCLUDING THE COST OF ALL MEALS

- | | | |
|------|--------------------------------|----------------------------|
| (9) | WA South of 26° South Latitude | \$93.65 per day (Maximum) |
| (10) | WA North of 26° South Latitude | \$128.25 per day (Maximum) |
| (11) | Interstate | \$128.25 per day (Maximum) |

TRAVEL NOT INVOLVING AN OVERNIGHT STAY (All expenses must be substantiated with receipts)

Location	Breakfast	Lunch	Dinner
WA – South of 26° South Latitude	\$16.30 (Maximum)	\$16.30 (Maximum)	\$46.50 (Maximum)
WA – North of 26° South Latitude	\$21.20 (Maximum)	\$33.20 (Maximum)	\$52.20 (Maximum)
Interstate	\$21.20 (Maximum)	\$33.20 (Maximum)	\$52.20 (Maximum)

**Current as at 28 August 2017*

ANNEXURE D

Extent of expenses to be reimbursed

The extent to which a council member of a local government can be reimbursed for reasonable travel costs referred to in regulation 31(1)(b) of the LG Regulations is:

- a. if the person lives or works in the local government district or an adjoining local government district, the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or
- b. if the person does not live or work in the local government district or an adjoining local government district, the actual cost, in relation to a journey from the person's place of residence or work and back:
 - i. for the person to travel from the person's place of residence or work to the meeting and back; or
 - ii. if the distance travelled referred to in subparagraph (i) is more than 100 kilometres, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.

The extent to which a council member of a regional local government can be reimbursed for reasonable travel costs referred to in regulation 31(1)(b) of the LG Regulations is the actual cost for the person to travel from the person's place of residence or work to the meeting and back.

Travel costs incurred while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) are to be calculated at the same rate contained in Section 30.6 of the Local Government Officers' (Western Australia) Award 2021 as at the date of this determination. For members with Electric Vehicles, the 1600cc Motor Vehicle Allowance rate should be applied.

Section 30.6 of the Local Government Officers' (Western Australia) Award 2021

Rates of hire for use of an Officer's own motor vehicle on official business shall be as follows:

Area and Details	Engine displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc to 2600cc	1600cc and under
	Cents per Kilometre		
Metropolitan area	93.97	67.72	55.85
South West Land Division	95.54	68.66	56.69
North of 23.5 Latitude	103.52	74.12	61.21
Rest of state	99.01	70.87	58.37
Motor cycle	Rate c/km		
Distance travelled	42.55		

30.6.1 Motor vehicles with rotary engines are to be included in the 1600 - 2600 category.

30.6.2 Metropolitan area means that area within a radius of 50 kilometres from the Perth Railway Station.

30.6.3 South West Land Division means the South West Land Division as defined by Section 28 of the Land Act.

30.6.4 Other areas means that area of the State south of 23.5 degrees South Latitude, north of 23.5 degrees South Latitude, excluding the Metropolitan area and the South West Land Division.

8.8 Review of Council Policy: Private use of Mayoral Vehicle

File Ref:	COB/6306
Applicant/Proponent:	Internal
Responsible Officer:	Greg Golinski, Manager Governance
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.8: Council Policy Private Use of Mayoral Vehicle

Summary

This report is presented to the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy Private Use of Mayoral Vehicle. The policy was last reviewed in May 2022 and is now due for its biennial review.

Executive Recommendation

That the Committee notes the review of Council Policy Private Use of Mayoral Vehicle, with no changes recommended.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar: Performance
Aspiration: Leading with purpose and robust governance
Outcome 13: A leading local government
Objective 13.1: Provide strong and accountable leadership and governance.

Regional Impact Statement

This policy only applies within the City of Bunbury.

Background

Although the *Local Government Act 1995* (the Act) does not expressly provide for the provision of motor vehicles to Elected Members, the Department of Local Government, Sport and Cultural Industries (the Department) considers that there is scope in section 5.98 of the Act to allow the Mayor to be provided with the use of a motor vehicle for the purpose of carrying out his or her official functions and duties.

The Act is however silent in relation to the use of the vehicle for private purposes. The Department advises that private use is clearly considered as a personal benefit over and above the normal entitlements of fees, expenses and allowances that are provided to elected members under the Act. Accordingly, private use does not fall within the scope of an elected member performing their functions and duties under the Act.

To assist in clarifying the provision of a vehicle for official purposes and the payment of expenses, the Department has previously introduced section 5.101A as a new section of the Act to allow for regulations to be made about the method of payment of an expense for which a person may be reimbursed. A motor vehicle is now prescribed in the *Local Government (Administration) Regulations 1996* (the Regulations) as one of those methods of payment of an expense for which a person may be reimbursed.

The Regulations also require that the Council Member to which a vehicle is provided must sign an agreement setting out the responsibilities of the Council Member in relation to the use of that vehicle.

Cognisant of the earlier change to the legislation, the Department suggested that local governments adopt a policy in relation to Mayoral vehicle use. Council has previously adopted a policy in this regard (Appendix 8.8), which is consistent with guidelines provided by the Department for this purpose.

Furthermore, an agreement is currently in place between the Mayor and the City which formalises acceptance of the terms and conditions of the policy, noting that the Mayor currently chooses not to utilise a vehicle under the terms of this policy.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

Section 5.101A of the *Local Government Act 1995* and regulation 34AD of the *Local Government (Administration) Regulations 1996* apply.

5.101A. Regulations about payment of expenses

Regulations may be made about the method of payment of an expense for which a person can be reimbursed.

34AD. Method of payment of expenses for which person can be reimbursed (Act s. 5.101A)

- (1) *The provision of a vehicle owned by a local government —*
- (a) *to a council member who is a mayor or president of the local government; or*
 - (b) *to a council member who is not a mayor or president of the local government if —*
 - (i) *no reasonable alternative method of travel is available to the council member; and*
 - (ii) *the CEO, mayor or president of the local government has given prior written approval for the provision of the vehicle,*
- is prescribed under section 5.101A as a method of payment of expenses for which a council member can be reimbursed.*

- (2) *Before a vehicle owned by a local government is provided to a council member the local government and the council member must sign an agreement setting out the responsibilities of the council member in relation to the use of the vehicle.*

Officer Comments

Officers have reviewed the current policy and recommend no changes, as the policy still reflects best practice in this regard.

Analysis of Financial and Budget Implications

Nil as the policy is currently in place.

Community Consultation

Nil

Councillor/Officer Consultation

This matter is brought to the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Following Council endorsement, any revisions to the policy will become effective immediately.



PRIVATE USE OF MAYORAL VEHICLE COUNCIL POLICY

POLICY STATEMENT

To outline the requirements surrounding the use of the City vehicle provided to the Mayor in accordance with the provisions of the *Local Government Act 1995* and *Local Government Regulations (Administration) 1996*.

POLICY SCOPE

This policy applies to the Mayor City of Bunbury

POLICY DETAILS

The position of Mayor of the City of Bunbury shall, for the purposes of carrying out the functions of the Mayoral office, be entitled to receive the provision of a fully maintained local government owned vehicle. The type/standard of vehicle to be provided will be determined by the City.

The vehicle provided to the position of Mayor:

- is to be in lieu of travel/mileage claims otherwise claimable by the Mayor for his or her personal vehicle;
- can be used for personal private purposes (including use by a driver nominated by the Mayor) on the basis that the cost of that private use is fully reimbursed by the Mayor;
- shall not be used for any commercial purposes;
- will not occur at the reduction of the fees, allowances and reimbursements (other than the travel/mileages claims) otherwise ordinarily payable to the Mayor as approved by Council in accordance with the relevant provisions of the Local Government Act 1995; and
- will be administered in accordance with any related Policy/Guideline the City has in place.

The calculation of the private use component of the vehicle costs to be reimbursed to the City by the Mayor is to be determined as follows:

- A logbook is to be kept of all private use of the vehicle, which shall be agreed with the Mayor as being the basis upon which the costs of private use will be calculated and subsequently required to be paid by the Mayor to the City, at the relevant rate per kilometre as specified in Schedule F of the Western Australia Public Service Award 1992; and
- On the basis that the predominant use of the vehicle will be for official purposes, only those vehicle costs of a “variable” nature directly affected by the additional private use will be used for determining the payment for private use to be made by the Mayor. This includes fuel, vehicle servicing costs (and then only the additional servicing costs occasioned by the private use) and depreciation where it can be shown that the additional private use has negatively impacted on the trade values of the vehicle.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Local Government Act 1995*

INDUSTRY

ORGANISATIONAL

Document Control					
Document Responsibilities:					
Owner:	Chief Executive Officer	Owner Business Unit:	Manager Governance		
Reviewer:	Manager Governance	Decision Maker:	Council		
Document Management:					
Adoption Details	Res 235/14 8 July 2014	Review Frequency:	biennial	Next Due:	2024
Review Version	Decision Reference:	Synopsis:			
DOC/455732 [v1.4]	Council Decision 088/22 17 May 2022	Reviewed with no changes			
DOC/455732 [v1.3]	Council Decision 051/20 17 March 2020	Reviewed with no changes			
CP-025047	Res 187/18 26 June 2018	Reviewed with no changes			
CP-025047	Res 164/16 17 May 2016	Reviewed with no changes			
Date Printed	12/04/2024				

8.9 Review of Council Policy: Privacy

File Ref:	COB/6306
Applicant/Proponent:	Internal
Responsible Officer:	Greg Golinski, Manager Governance
Responsible Manager:	Elijah Glass, Manager Information Services Greg Golinski, Manager Governance
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.9-A: Revised Council Policy Privacy

Summary

The purpose of this report is to facilitate a review of existing Council’s existing policy relating to Privacy.

Executive Recommendation

That the Committee recommend that Council:

1. Adopt the revised Privacy policy as presented at Appendix 8.9-A; and
2. Note that an extensive review of the Policy will be undertaken following the implementation of new privacy legislation scheduled for 30 June 2024, that will be effective from 1 July 2025.

Voting Requirement: Simple Majority Vote

Strategic Relevance

Pillar: Performance
 Aspiration: Leading with purpose and robust governance
 Outcome 13: A leading local government
 Objective 13.1: Provide strong and accountable leadership and governance.

Regional Impact Statement

This policy only applies within the City of Bunbury.

Background

The current policy was adopted by Council in March 2020 as a replacement for an earlier policy that covered publication of information. The earlier policy only covered scenarios where information was received as a result of a public consultation process (i.e., when submissions are sought for a particular development matter), and so it was felt that there were obvious gaps in terms of how the City dealt with other information that was received through the normal course of our business. The result was the current Council Privacy Policy.

New legislation is set to be introduced through the WA Parliament by 30 June 2024 outlining responsibilities for government agencies in relation to privacy and responsible information sharing. This legislation is set to take effect from 1 July 2025 at this stage.

Once legislated, the WA Government will be producing guidelines as to the practicalities of implementing the new legislation, at which point it is suggested that a thorough review of the City's responsibilities in this regard will need to take place.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

As detailed above, new legislation will soon be enacted which will govern privacy and responsible information sharing.

Officer Comments

Notwithstanding the pending legislative changes, Officers have undertaken a desktop review of the current Privacy Policy and for the interim have suggested some very minor changes as detailed at Appendix 8.9-A.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

This matter is to the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Immediately following Council decision.



PRIVACY COUNCIL POLICY

POLICY STATEMENT

The City of Bunbury (the City) values the privacy of our residents, customers and stakeholders, and views the protection of your privacy as an integral part of our commitment towards complete accountability and integrity in all our activities and programs. This privacy policy outlines how we deal with your personal information

POLICY SCOPE

This policy applies to: Elected Members, Committee Members, and staff

POLICY DETAILS

1. Personal Information

Personal information is defined as “information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.”

2. Collection of personal information

The City collects information about our customers and stakeholders in the performance of our services and functions and as required by law. The City maintains a database of properties within the City of Bunbury, which includes personal information relating to property owners such as names, addresses, and also records of any complaints and enquiries related to a property.

Personal information is also collected when you give it to us, for example:

- When you join one of the City’s services or facilities (South West Sports Centre, City of Bunbury Libraries etc)
- Through correspondence, communication and service requests
- Through the Social Pinpoint engagement hub/E-News/Household Panel
- When you register for an event or program
- When members of the public are invited to make submission or comment (ie public consultation, or a submission to a planning application etc).

3. Social Media

The City of Bunbury uses social media sites to share and promote its services and functions. When you communicate with us using these services we may collect your personal information, but we only use it to help us to communicate with you and the public. The social networking service will

also handle your personal information for its own purposes. These sites have their own privacy policies.

4. Collection through our City of Bunbury Website

The City of Bunbury website may use cookies to collect anonymous traffic data from users who access this website. Additionally our web servers may collect information such as browser type, IP address and domain name of clients accessing the site. Where you provide details to us due to an interest in services provided by the City of Bunbury, you consent to us sending commercial electronic messages to any address that you provide for this purpose.

a. Data collection and click-stream data

Browsing any website, including the Bunbury City Council site, generates a trail of the pages visited known as Click Streams. Click streams are the paths a user takes when navigating a website and the Internet in general.

When you visit our site, our servers may record the following information for statistical purposes:

- The user's server (IP) address and machine name
- The date and time of visit to the site
- The pages accessed and documents downloaded
- The number of bytes transmitted and received for each request
- The address of the referring page visited
- Search terms used
- The type of browser used

Bunbury City Council may examine this information to determine the traffic through the server, and to specific pages or applications, in order to deliver better information.

No attempt will be made to identify users or their browsing activities except in the unlikely event of an investigation, or the need to determine details related to a security breach or other inappropriate activity.

b. Cookies and links to other websites

A cookie is a piece of data stored on the user's computer tied to information about the user. Bunbury City Council uses only session ID cookies and, once users close the browser, the cookie simply terminates. Cookies can be easily blocked on your computer by simply unchecking the "accept cookies" option in your web browser. This can be found under the options menu of your Netscape Navigator or Microsoft Explorer browser software.

The City of Bunbury website may contain links to domains other than www.bunbury.wa.gov.au. Such sites may be controlled or provided by third parties. Links to these sites in no way comprises an endorsement, approval, recommendation or preference for these sites. Use of any third party sites may be subject to terms and conditions different to this site. Use of any linked sites is entirely at your own risk.

5. Email addresses, telephone numbers

We collect your email addresses, telephone numbers (mobile and landline), address(es) and, sometimes other contact details, for the purposes of contacting you as a ratepayer or resident, when you log a request with the City or when you subscribe to services. We use this information for the

purpose of communicating with you in regard to Council business, such as rates, debts, complaints, for sending you updates on the activities of the particular service, conducting surveys for ongoing research and development of our services and to administer contact lists.

6. Use and Disclosure

Any personal information collected by the City will only be used for the purpose for which it has been collected, or for a purpose you would reasonably expect in carrying out the City's activities and functions, including:

- To maintain the assessment record (rates) and other records of local government nature;
- To provide you with information about the City's services and facilities;
- To determine and provide appropriate services and facilities;
- To administer and manage processes such as applications for permits, animal ownership, billing and collection of levies and charges, parking controls and development proposals.

The City will take reasonable steps to ensure that your personal information is not disclosed to third parties except in the following circumstances:

- To undertake market research for the City in which case the supplier is prohibited from using your personal information except to provide these services to the City of Bunbury.
- If, on an application by a person for information under the *Freedom of Information Act 1992*, the City (or the Western Australian Information Commissioner on appeal), adjudges that disclosure of that personal information would on balance be in the public interest.
- As required by a court order
- As otherwise required or authorised by law
- In order to complete the purpose or function for which the information was provided, which includes when submissions are provided as part of a report (or an attachment to a report) that is presented to Council for decision
- For collecting monies owed to the City
- In the recovering of outstanding library materials or monies, through a contracted debt collection agency
- Otherwise, only with the consent, express or implied, of the customer or stakeholder.

Information received by the City of Bunbury is protected from unauthorised use and disclosure by virtue of specific provisions in the *Crime Act 1914*, *Public Service Act 1999* and the *Public Service Regulations 1999*.

7. Public Registers

The City will not disclose Personal Information kept in a Public Register unless the information is to be used for a purpose relating to the purpose of the Register, or an Act under which the Register is kept.

The City requires that any person who applies for information from a Public Register completes a statutory declaration describing the intended use of any information obtained from the public register.

8. Accuracy of Information

It is important to the conduct of our business that the personal information we collect, use or disclose is accurate, complete and up to date. If you think that your personal information retained by the City requires changing or updating, please contact the [Freedom of Information Coordinator](#) City.

[Freedom of information Coordinator](#)

City of Bunbury

PO Box 21

BUNBURY WA 6230

Email: record@bunbury.wa.gov.au info@bunbury.wa.gov.au

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Crime Act 1914,*
- *Public Service Act 1999*
- *Public Service Regulations 1999*
- *Freedom of Information Act 1992*
- *Privacy Act 1988 (Cwth)*
- *Local Government Act 1995*

INDUSTRY

-

ORGANISATIONAL

- City of Bunbury Code of Conduct

Document Control					
Document Responsibilities:					
Owner:	Chief Executive Officer	Owner Business Unit:	Manager Governance		
Reviewer:	Manager Governance	Decision Maker:	Council		
Document Management:					
Adoption Details	17/03/2020 Council Decision 048/20	Review Frequency:	biennial	Next Due:	2024
Review Version	Decision Reference:	Synopsis:			
DOC/479215[v1.2]	Council Decision 089/22 17 May 2022	Reviewed with no changes			
DOC/479215[v1.1]	Council Decision 048/20 17 March 2020				
Date Printed	12/04/2024 / 04/2024				

8.10 Revocation of Council Policy: Shark Hazard Management

File Ref:	COB/
Applicant/Proponent:	Internal
Responsible Officer:	Mark Allies, Team Leader Rangers & Emergency Management
Responsible Manager:	Sarah Upton, Manager Community Wellbeing
Executive:	David Russell, A/ Director Sustainable Development
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.10-A Shark Hazard Management Council Policy Appendix 8.10-B Draft Shark Hazard Management Policy

Summary

The Shark Hazard Management Council Policy (attached at appendix 8.10-A) is due for review.

The process for managing beach closures is based on best practice which is provided by Surf Life Saving WA (SLSWA), Water Police and Shark Smart (a dedicated division of Department of Primary Industries & Regional Development (DPIRD)). DPIRD are also the owners of the WA Shark Mitigation Strategy and manage the alerts and notifications for shark sightings. DPIRD are also the owners of the Beach Emergency Numbers (BEN) program that manages the signs designed for emergency response and beach closures.

The City of Bunbury cannot reasonably maintain a two (2) year Policy where the content is owned by State Government and WA Police. A Management Policy would allow for more frequent reviews as required and provide guidance for internal policy users only. A Council Policy would make that Policy applicable to community members also and we would risk contradictions with State Government recommendations.

Executive Recommendation

That Council:

1. Revoke the existing Shark Hazard Management Council Policy
2. Request the CEO implement a new Management Policy as attached at appendix 8.10-B.

Voting Requirement: Absolute Majority

Strategic Relevance

Pillar	Planet
Aspiration	A healthy and sustainable ecosystem.
Outcome No. 1	An aware and resilient community equipped to respond to natural disasters and emergencies.
Objective No. 1.1	Improve community readiness and resilience when preparing for and responding to natural disasters.

Regional Impact Statement

The implementation of Management Policy will allow greater procedural flexibility to ensure the City of Bunbury is adapting to current Shark Hazard Management processes that is consistent with State Government and WA Police messaging and response.

Background

The City originally adopted a Shark Hazard Management Policy (Res 227/15) on 7 July 2015 in response to the number of Shark Sightings at the time. State Government has developed numerous strategies and systems to manage this threat since that time and now offer guidance, resources and response to all Western Australian community members rendering the City Policy obsolete.

Council Policy Compliance

The City's Governance Framework makes provision for the establishment of Working/Advisory Groups as a mechanism for facilitating and improving broader participation in the City's decision-making process.

Legislative Compliance

The Local Government Act 1995 s1.9 refers to all decisions by Absolute Majority.
The footnote Absolute majority required, applying to a power conferred in this Act, means that —
(a) if the power is conferred on a local government, it can only be exercised by or in accordance with, a decision of an absolute majority of the Council;

Officer Comments

A flexible Management Policy will allow City of Bunbury Authorised Officers to consistently respond to Shark Sightings in a manner consistent with experts and state guidance. A proposed management policy is attached at appendix 8.10-B.

Analysis of Financial and Budget Implications

Nil Implications to Budget.

Community Consultation

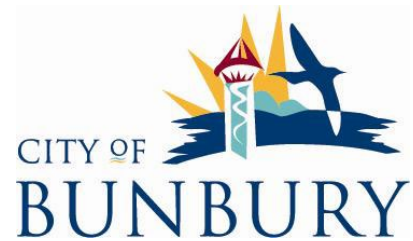
Not applicable as messaging and management of this issue is managed by DPIRD.

Councillor/Officer Consultation

This process was discussed with Manager Community Wellbeing and Manager Governance, and it was determined a Management Policy was the appropriate way to manage improvement to the Policy.

Applicant Consultation

This process was discussed with Manager Community Wellbeing and Manager Governance and updated information available on DPIRD and Shark Smart websites.



SHARK HAZARD MANAGEMENT COUNCIL POLICY

POLICY STATEMENT

To provide a risk management based framework for the City to provide for community safety, in the event of a shark sighting or incident, in Bunbury waters.

POLICY SCOPE

1. This policy will be applied to all:
 - 1.1 All shark sightings in Bunbury waters;
 - 1.2 All shark related incidents in Bunbury waters;
 - 1.3 City of Bunbury Rangers

POLICY DETAILS

This policy provides a risk management approach to balance community safety, the expectations of the various stakeholders and the City's capacity to respond appropriately to this hazard.

1. The City has a responsibility to respond and manage a beach closure for any reported sighting of a shark within one (1) km of a City of Bunbury beach. The beaches are to be closed only when the shark exceeds two (2) m in length.
2. The City only has jurisdiction over beaches, to the high-water mark. This is the indicative point where a person can reasonably see the highest intrusion point of beach water.
3. This Policy provides guidance to City staff in the event of a shark report or incident, recognising jurisdiction and subject matter expertise limitations, while providing for community safety and meeting expectations of community and external bodies.

POLICY PROCEDURE

1. In the event of a shark sighting, the following procedure is to be used when closing a beach:
 - 1.1 Attend the beach location and using the triangular socket key provided in all vehicles, undo the bolts that attach Beach Emergency Number (BEN) signs to the poles. Reverse the sign so that "Beach Closed" is facing onlookers and secure back to pole.
 - 1.2 Repeat process for all BEN signs along specified stretch of beach ([Appendix C - Refer BEN sign Map](#)).
 - 1.3 Advise the City's Public Relations (PR) team of the beach area that is closed so the details can be posted online.
 - 1.4 Inform anyone either in or near the water that the beach is closed due to a shark sighting and strongly recommend they leave the water. Rangers have no authority

to forcibly prevent any person from entering the water, however an infringement may be issued for “Failure to comply with the direction of an Authorised Officer” under s 4.7 of the Public Places and Local Government Property Local Law 2020. This discussion may at least encourage them to comply with request so no infringement is necessary.

- 1.5 The beach must remain closed for a minimum of one (1) hour from the last reported shark sighting
 - 1.6 Contact SurfCom on (08) 9207 6688 and the Water Police on (08) 9442 8600 and inform them of the shark sighting and status of affected beach area if required. Any emergency situation must be reported via ‘000’ and the appropriate BEN number provided to the Operator to facilitate the fastest response time.
Note: The BEN number coding is simply an amalgamation of location ‘BY’=Bunbury and the number marks the distance between the beach nearest the sign and the town's northern boundary.
 - 1.7 Once the beach is ready to be re-opened, the Ranger must return to the affected BEN signs and return them to the former position. PR should be advised so the status can be changed online.
 - 1.8 Any media enquiries must be directed to the PR team.
2. The information provided in the attached [Appendix A – Shark Response Flow-Chart](#) further demonstrates the procedure required for the response to shark sightings and related incidents within the City of Bunbury.

 City staff will be required to follow the processes as established in this policy and ensure the application of the relevant information as described in [Appendix B - Near Coastal Shark Risk Mitigation – RACI Matrix](#).
 3. Category 1 areas shall be the responsibility of relevant organisations including Surf Lifesaving WA (SLSWA), WA Police, and the Department of Primary Industries and Regional Development (DPIRD). City staff may be required to provide support to response agencies within Category 1 areas subject to approval being provided by the CEO.
 4. The City will apply this Procedure and may establish the requirements as set out in [Appendix B](#) as detailed for the following areas that are under the care, control and management of the City -
 - (a) **Category 2 areas** - being those areas that are not patrolled by SLSWA, have easy road access, regularly populated 30+ people, and have amenities provided i.e. toilets, car parking;
 - (b) **Category 3 areas** – being areas that are not patrolled by SLSWA, access is available, not regularly occupied and has no amenities;
 - (c) **Category 4 areas** – being areas that are not patrolled by SLSWA, are remote, limited access, no amenities, and not regularly occupied.
 5. Those areas that do not fall under the care, control and management of the City shall be the responsibility of the relevant owner or occupier of the area as described under the *Land Administration Act 1997* and any other relevant legislation. City staff may be required to provide support to the relevant land owner or occupier subject to approval being provided by the CEO.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Local Government Act 1995*
- *Land Administration Act 1997*
- *City of Bunbury Public Places and Local Government Property Local Law 2020*

INDUSTRY

ORGANISATIONAL

Document Control					
Document Responsibilities:					
Owner:	Manager Community Services	Owner Business Unit:	Team Leader Community Law, Safety & Emergency Management		
Reviewer:	Team Leader Community Law, Safety & Emergency Management	Decision Maker:	Council		
Document Management:					
Adoption Details	Res 227/15 7 July 2015 –	Review Frequency:	biennial	Next Due:	2024
Review Version	Decision Reference:	Synopsis:			
DOC/441946[v4]	Council Decision 040/22 22 February 2022	Reviewed with significant changes.			
DOC/441946[v3]	Council Decision 049/20 17 March 2020	Consolidate policies and corporate guidelines in accordance with revised Policy Framework.			
DOC/441946[v2]	Council Decision 253/19 17/09/19	Reviewed with minor administrative changes			
DOC/441946[v1]		Converted from Mydocs to CM9			
CP-029805	Res 231/17 27 June 2017 –	Reviewed			
Date Printed	19 April 2024				

Appendix A

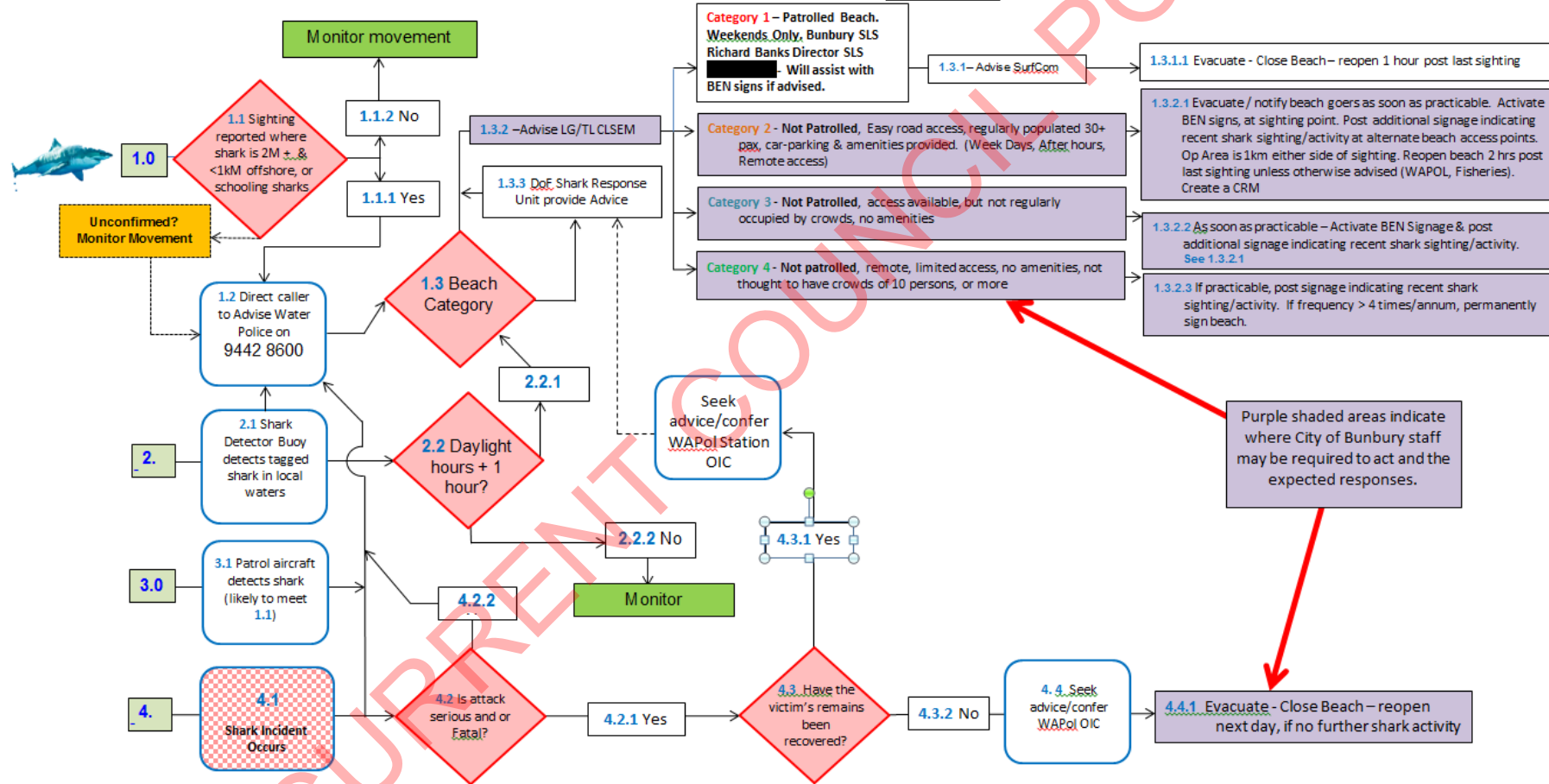


Appendix 'A'

City of Bunbury - Shark Response Flow-Chart

DPIRD - Shark Manager On Duty (For additional assistance and better locations)

Not to be disseminated under any circumstances – [Redacted]



Purple shaded areas indicate where City of Bunbury staff may be required to act and the expected responses.

Changes to this document can only be made by the document owner. The electronic version on the Intranet is the controlled version. Printed copies are considered uncontrolled and should be verified as current version.

Appendix B



Appendix 'B'

Near Coastal Shark Risk Mitigation – RACI Matrix

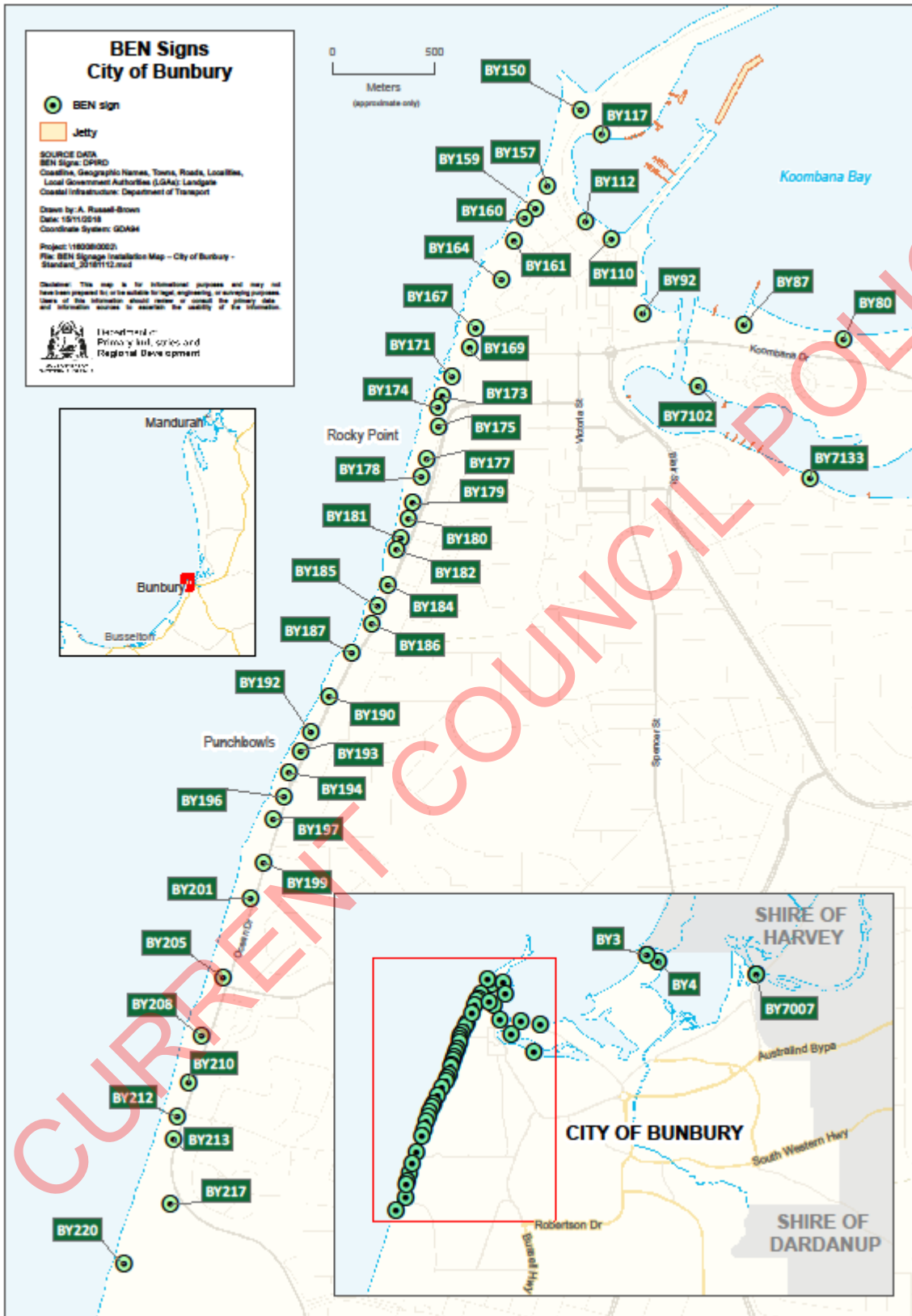
Serial	Incident	Water Police Coordination Centre (WPCC)	Dept Of Fisheries	WAPol Station OIC	Tenure Dependent Response		
					SLSWA	LG	DBCA or other
1.0	Shark detected by the general public – 'direct them to contact' Water Police Coordination Centre (WPCC) on 9442 8600	IA					
1.1	Shark detected at 1.0 satisfying criteria (2M or greater in length & within 1 km from shore, or schooling sharks, species thought to be White, Tiger or Bull shark) – Decision Point	C	I	I			
1.1.1	Shark in area meets criteria (>2M length + < 1km offshore, or schooling) – 'Direct' caller to report to WPCC on 9442 8600	RA	CI				
1.1.2	No (or unconfirmed report) – Monitor movement of animal/s	A					
1.2	WPCC verifies a report, which meets triggers, decides further action for locality & beach category, then refers to appropriate authority	RA	C		I	I	I
1.3	From intelligence received – WPCC decide on tenure and transfer detail to responsible authority - Decision Point	RA	C	I	I	I	I
1.3.1	Category 1 Beach (currently patrolled) – WPCC Advise SLSWA SurfCom – (during a non-patrol period, reverts to Category 2,3 or 4 beach)	R	C		A		
1.3.1.1	SLSWA Close beach, manage per SLSWA Shark Hazard Plan			I	RA		
1.3.2	Category 2, 3 & 4 Beaches – WPCC advise relevant agency (LG, DBCA or other) according to tenure	RA	C	I		I	I
1.3.2.1	Category 2 Beach – Evacuate, notify beach goers ASAP. Reopen after no sighting for past 2 hours. Place signage.			I		R	R
1.3.2.2	Category 3 Beach – As soon as practicable, post signage warning of recent shark activity. Remove sign as soon as practicable, after 2 hours with no further shark sighting.			I		R	R
1.3.2.3	Category 4 Beach – If practicable, post sign warning of recent shark activity. Remove next day, or as ASAP from then.			I		R	R
1.3.3	Seek DPIRD-DoF Subject Matter Advice, transmit to relevant, responsible agencies	R	A	I	I	I	I
2.0	Detector Buoy – Detects tagged shark		RA				
2.1	Buoy detects tagged shark meeting criteria (1.1). Referred to WPCC (plus other authority where buoy within local waters only)	C	RA		I	I	I
2.2	Is detection within day light hours (+1 hour either end)? Decision point	C	RA				
2.2.1	Yes, warn beachgoers of risk, within 2 nautical miles of beacon (including social media – websites). Place Signage	C	RA	I	R	R	R
2.2.2	No – Monitor movement, report further contacts until meets criteria for 2.2.1	C	RA				
3.0	Detection by aircraft patrol				RA		
3.1	Aircraft sighting – validates sighting of shark meeting criteria 1.1 – Advises WPCC notify local agency with jurisdiction	C	C	I	RA	I	I
3.2	Activate SLSWA warning media, advises local authorities relevant to jurisdiction (SLSWA, LG, DBCA or other)	I	I		RA	I	I
4.0	Incident – Attack on human, or vessel						
4.1	Attack or 'incident' upon human - immediate WAPol involvement	A	C	I	I	I	I
4.2	Is attack fatal to human? – Decision Point						
4.2.1	Attack fatal to human – seek advice of WAPol Station OIC	A	C	C	R	R	R
4.2.2	Non-lethal attack– Beach closures for normal response (1.3), consult WAPol Station OIC for advice + inform WPCC on 9442 8600	C	C	C	R	R	R
4.3	Have Victim's remains been recovered? – Decision Point						
4.3.1	Yes – seek advice of WAPol Station OIC for decision to reopen beach (refer 1.3.1.1, 1.3.2.1, 1.3.2.2, or 1.3.2.3)	C	C	A	R	R	R
4.4	No – Seek advice of WAPol Station OIC, consider closing remainder of day and next.	C	C	RA	R	R	R

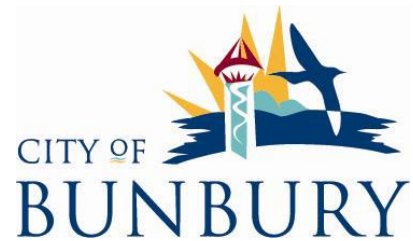
Note - Risks identified:

- SLSWA may only patrol beaches intermittently. May lead to confusion on whether/when beaches may be Category 1 or 2.
- WPCC may not understand the category of local beaches. Would need GIS support and accurate report locations.

Code	Definition	Definition
R	Responsible for action/initiation	Executes the task
A	Accountable to ensure outcomes	Owens outcomes – determines criteria for decisions
C	Consulted	Prior to & during execution
I	Informed	Prior to & post event
RA	Responsible & Accountable	

Appendix C





SHARK HAZARD MANAGEMENT POLICY

POLICY STATEMENT

To provide direction for staff managing beach closures following the report of a Shark sighting in City of Bunbury waters.

POLICY SCOPE

1. This policy will be applied to all:
 - 1.1 All shark sightings in Bunbury waters;
 - 1.2 All shark related incidents in Bunbury waters;
 - 1.3 City of Bunbury Ranger & Emergency Management Team

POLICY DETAILS

This policy provides a risk management approach to balance community safety, the City's capacity to respond appropriately to this hazard and direction from the Department of Primary Industries & Regional Development (DPIRD). DPIRD provides the strategic framework and mitigation processes designed to minimise the number of shark attacks.

1. The City has a responsibility to respond and manage a beach closure for any reported sighting of a shark within one (1) km of a City of Bunbury beach. The beaches are to be closed only when the shark exceeds two (2) m in length.
2. The City only has jurisdiction over beaches, to the high-water mark. This is the indicative point where a person can reasonably see the highest intrusion point of beach water.
3. This Policy provides guidance to City staff in the event of a shark report or incident, recognising jurisdiction and subject matter expertise limitations, while providing for community safety and meeting expectations of community and external bodies.

PROCEDURE

1. Preparation

- 1.1 If the shark is larger than three metres and within one kilometre of the shore – close the beach and water 1km either side of the shark location for one hour (two hours if at dawn; for the remainder of the evening if at dusk).
- 1.2 If the shark is 2 – 3 metres in length and/or schooling sharks and within 500 metres of the shore – close the beach and water 1km either side of the shark location for one hour (two hours if at dawn; for the remainder of the evening if at dusk).

- 1.3 If the shark is less than two metres in length – advise the public but maintain normal operations.

2. Beach Closures

- 1.1 Attend the beach location and using the triangular socket key provided in all vehicles, undo the bolts that attach Beach Emergency Number (BEN) signs to the poles. Reverse the sign so that “Beach Closed” is facing onlookers and secure back to pole.
- 1.2 Repeat process for all BEN signs along specified stretch of beach ([Appendix A - Refer BEN sign Map](#)). Beach
- 1.3 Advise the City’s Public Relations (PR) team of the beach area that is closed so the details can be posted online.
- 1.4 Inform anyone either in or near the water that the beach is closed due to a shark sighting and strongly recommend they leave the water. Rangers have no authority to forcibly prevent any person from entering the water, however an infringement may be issued for “Failure to comply with the direction of an Authorised Officer” under s 4.7 of the Public Places and Local Government Property Local Law 2020. This discussion may at least encourage them to comply with request, so no infringement is necessary.
- 1.5 The beach must remain closed for a minimum of one (1) hour from the last reported shark sighting.
- 1.6 Contact Water Police on (08) 9442 8600 and inform them of the shark sighting and status of affected beach area if required. Any emergency situation must be reported via ‘000’ and the appropriate BEN number provided to the Operator to facilitate the fastest response time.
Note: The BEN number coding is simply an amalgamation of location ‘BY’=Bunbury and the number marks the distance between the beach nearest the sign and the town's northern boundary.
- 1.7 Once the beach is ready to be re-opened, the Ranger must return to the affected BEN signs and return them to the former position. PR should be advised so the status can be changed online.
- 1.8 Any media enquiries must be directed to the PR team.

3. Notifications

- 1.1 The SharkSmart WA app combines shark activity information, beach safety features such as Surf Life Saving WA patrolled beaches and weather forecast, to help plan trips to the beach.
The SharkSmart WA app can be downloaded from the [App Store](#) and [Google Play](#).

1.2 BEN signs are managed by DPIRD and any changes to the signs or locations must be reported to the DPIRD BEN Sign Program Coordinator at email: marion.massam@fish.wa.gov.au

1.3 The City of Bunbury Ranger team can manage direct to mobile notifications by contacting sharksmart@dpird.wa.gov.au via email and requesting an update to the Notification Contact List for the City of Bunbury.

1.4 Visit www.sharksmart.com.au for more information.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Local Government Act 1995*
- *Land Administration Act 1997*
- *City of Bunbury Public Places and Local Government Property Local Law 2020*

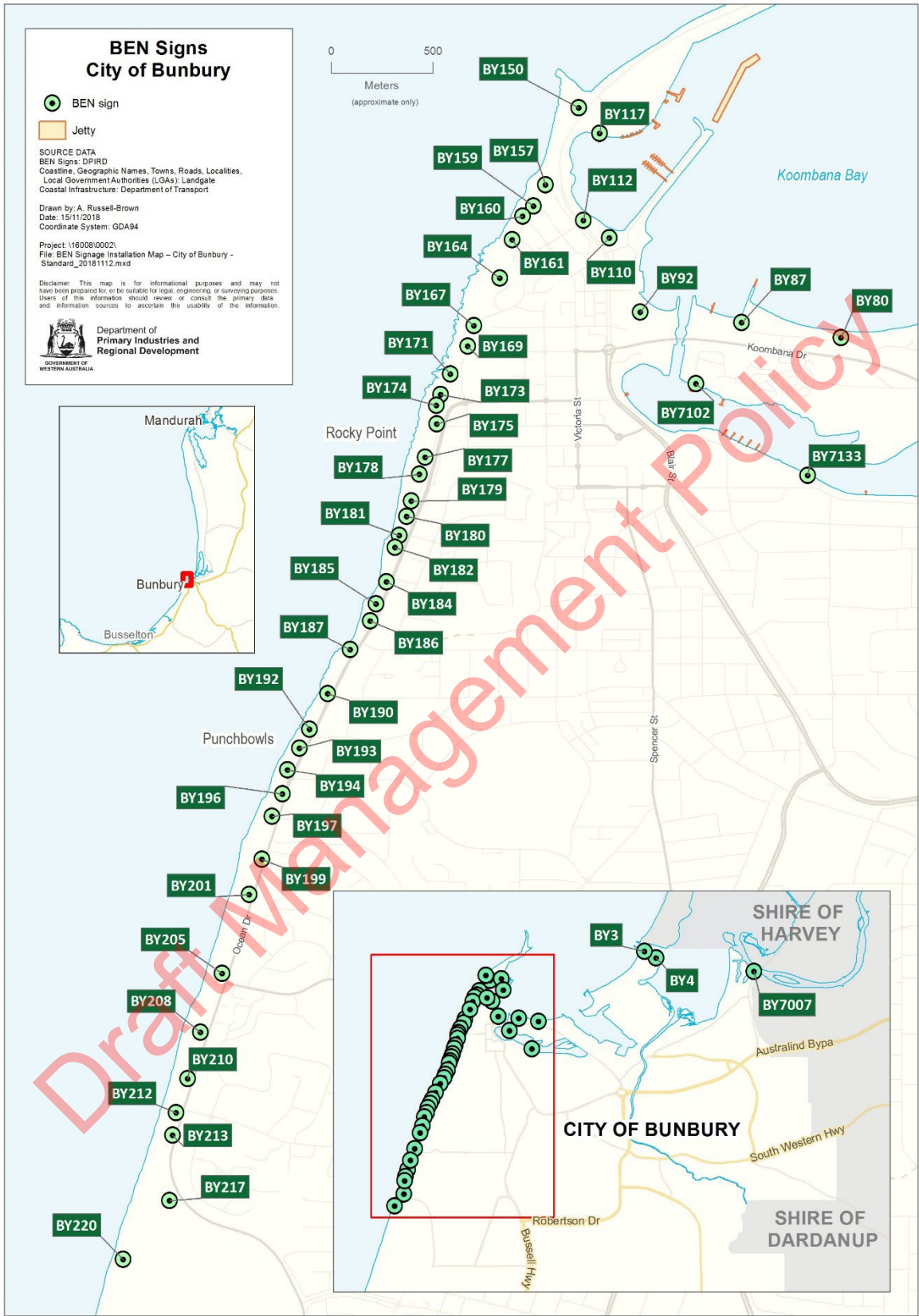
INDUSTRY

- *Department of Primary Industries & Regional Development (DPIRD)*
- *Surf Life Saving WA (SLSWA)*
- *WA Water Police*

ORGANISATIONAL

Document Control					
Document Responsibilities:					
Owner:	Manager Community Services	Owner Business Unit:	Team Leader Community Law, Safety & Emergency Management		
Reviewer:	Team Leader Community Law, Safety & Emergency Management	Decision Maker:	Council		
Document Management:					
Adoption Details	Res 227/15 7 July 2015 –	Review Frequency:	biennial	Next Due:	2024
Review Version	Decision Reference:	Synopsis:			
DOC/441946[v4]	Council Decision 040/22 22 February 2022	Reviewed with significant changes.			
DOC/441946[v3]	Council Decision 049/20 17 March 2020	Consolidate policies and corporate guidelines in accordance with revised Policy Framework.			
DOC/441946[v2]	Council Decision 253/19 17/09/19	Reviewed with minor administrative changes			
DOC/441946[v1]		Converted from Mydocs to CM9			
CP-029805	Res 231/17 27 June 2017 –	Reviewed			
Date Printed	19 April 2024				

Appendix A



8.11 Statutory Annual Review of Delegations – 2023/24

File Ref:	COB/6494
Applicant/Proponent:	Internal
Responsible Officer:	Maureen Keegan, Senior Governance Officer
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 8.11-A: Current City of Bunbury Delegation Register where Council is the delegator

Summary

The purpose of this report is for the Committee to receive the annual review of delegations made under the *Local Government Act 1995*, *Building Act 2011*, *Bush Fires Act 1954*, *Cat Act 2011*, *Dog Act 1976*, *Food Act 2008*, *Graffiti Vandalism Act 2016*, *Health (Miscellaneous Provisions) Act 1911*, *Planning and Development Act 2005*, *Public Health Act 2016*, *Health (Asbestos) Regulations 1992* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

It is important to note that although Council is required to review its register of delegations to the CEO annually, individual delegations can be considered/amended on a standalone basis at any time.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council:

1. Receives this report as the review of the delegations for the 2023/24 financial year pursuant to section 5.46(2) of the *Local Government Act 1995*, section 47(2) of the *Cat Act 2011*, and section 10AB (2) of the *Dog Act 1976*.

Voting Requirements: Absolute Majority Required

Strategic Relevance

Pillar:	Performance
Aspiration:	Leading with purpose and robust governance
Outcome 13:	A leading local government
Objective 13.1	Provide strong, accountable leadership and governance

Regional Impact Statement

Not applicable to this report.

Background

The *Local Government Act 1995*, *Cat Act 2012* and *Dog Act 1976* require delegations to be reviewed by the Delegator at least once each financial year. This standard is applied to all delegations regardless of the Head of Power. Council last reviewed its delegations in its entirety

on 27 June 2023. Therefore, this review is being conducted to ensure Council is compliant with the requirements of the applicable legislation. A copy of the Register, including any amendments made by Council since the last annual review is attached at Appendix 8.10-A. This Register includes all delegated authority where the delegator is Council.

Council Policy Compliance

The City's Management Policy Legislative Compliance applies.

Legislative Compliance

The following sections of legislation apply when delegating powers or duties to the Chief Executive Officer:

- section 5.42(1) of the *Local Government Act 1995*;
- section 45 of the *Cat Act 2011*;
- section 10AA of the *Dog Act 1976*;
- section 16 of the *Graffiti Vandalism Act 2016*;
- section 127 (1) and (3) of the *Building Act 2011*;
- section 48 and 59(3) of the *Bush Fires Act 1954*;
- section 118 of the *Food Act 2008*;
- section 26 of the *Health (Miscellaneous Provisions) Act 1911*;
- schedule 2, Clause 82 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- section 21 of the *Public Health Act 2016*; and
- regulation 15D(7) of the *Health (Asbestos Regulations 1992)*

Officer Comments

As part of the review the City's operational requirements, the volume of decisions under each statutory power or duty and the conditions and limitations integrated to mitigate risks and sensitivities of the decisions have been considered.

There have been no amendments to the delegations during the 2023/24 financial year.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Elected Member/Officer Consultation

The CEO and Executives have been consulted in the review of the City's delegations and the matter is now presented to the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Any amendments to delegations and the Purchasing Council Policy apply immediately following Council resolving as such.



City of Bunbury
City of Bunbury Register of Delegated
Authority

Council to CEO

REVIEW

There are no reviews to display

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INTRODUCTION

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.

DELEGATIONS

Delegation	1.1.1 Declare Vehicle is Abandoned Vehicle Wreck
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	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
Express power or duty delegated	Local Government Act 1995 s.3.40A(4) Abandoned vehicle wreck may be taken
Function	Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Delegates	CEO
Conditions	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.
Policy	Nil
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	1.1.2 Disposing of Confiscated or Uncollected Goods
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<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
Function	<ol style="list-style-type: none"> 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] 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]. 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)]. 4. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Delegates	CEO
Conditions	<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>
Policy	City of Bunbury Corporate Guideline: Disposal of Minor Assets
Record keeping	As per the City's Record Keeping Plan
Date adopted	29 June 2021
Adoption references	Council Decision 128/21
Last reviewed	27 June 2023

Amendments			
Date	Type	Amendment	References
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
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

Delegation	1.1.3 Close Thoroughfares to Vehicles (Road Closures)
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<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
Function	<ol style="list-style-type: none"> 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)]. 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)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 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] 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].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 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)]. b. Maintain access to adjoining land [s.3.52(3)]
Policy	Nil
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 May 1999
Adoption references	Council Decision 244/99
Last reviewed	27 June 2023

Amendments			
Date	Type	Amendment	References
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

Delegation	1.1.4 Obstruction of Footpaths and Thoroughfares
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<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)
Function	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 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)]. 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)]. 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]. 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].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. 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. 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.
Policy	<p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.2 Determine and manage conditions on approvals to obstruct a public thoroughfare.</p> <p><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>.</p>
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018

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

Amendments			
Date	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. 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
12 Jan 2024	Amended delegation	Position of Building and Compliance Officer added to delegation	---
12 Jan 2024	Amended delegation	Building and Compliance Officer position added to Delegation	

Delegation	1.1.5 Gates Across Public Thoroughfares
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Function	<ol style="list-style-type: none"> 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)]. 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)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 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)]. 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)].
Delegates	CEO
Conditions	Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
Policy	<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> .
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	1.1.6 Public Thoroughfare – Dangerous Excavations
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<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
Function	<ol style="list-style-type: none"> 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)]. 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)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> 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. 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. 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.
Policy	<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 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>
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	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 Infrastructure Maintenance Services.	DOC/730934
26 Mar 2024	Amended delegation	2024 sub delegation review updated to include Development Engineer Record No 1285682	---

Delegation	1.1.7 Crossing – Construction, Repair and Removal
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<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)
Function	<ol style="list-style-type: none"> 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)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 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)]. 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)].
Delegates	CEO
Conditions	Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
Policy	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995 . Local Government and Public Property Local Law 2003 and as amended 2005.
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	1.1.8 Private Works on, over or under Public Places
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.8
Function	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)].
Delegates	CEO
Conditions	a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996 . 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.
Policy	Local Government (Uniform Local Provisions) Regulations 1996 – 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 Local Government Act 1995
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	Type	Amendment	References
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

Delegation	1.1.9 Expressions of Interest for Goods and Services
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<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
Function	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].
Delegates	CEO
Conditions	Nil
Policy	Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit City of Bunbury Council Policy: Purchasing
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	1.1.10 Tenders for Goods and Services - Call Tenders
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<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
Function	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1). 2. Authority to invite tenders although not required to do so [F&G r.13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 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&G r.14 (5)].
Delegates	CEO
Conditions	<p>Tenders may only be called where:</p> <ol style="list-style-type: none"> a. there is an adopted budget for the proposed goods or services; or 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"> 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 ii. a current supply contract expiry is imminent ; and iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption; and iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.
Policy	City of Bunbury Council Policy: Purchasing
Record keeping	As per the City's Record Keeping Plan
Date adopted	28 June 2022
Adoption references	Council Decision 139/22

Last reviewed	27 June 2023
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Amendments			
Date	Type	Amendment	References
3 Apr 2024	Amended delegation	New sub delegate Manager Economic Growth added due to CEO restructure March 2024	

Delegation	1.1.11 Tenders for Goods and Services - Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<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
Function	<ol style="list-style-type: none"> 1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)]. 2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: <ol style="list-style-type: none"> i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and ii. To accept the tender that is most advantageous. [F&G r.18(4)]. 4. Authority to decline to accept any tender [F&G r.18(5)]. 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&G r.18(6) & (7)]. 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&G r.20(1) and (3)]. 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&G r.20(2)]. 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&G r.21A(a)]. 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).
Delegates	CEO

Conditions	<p>a. Tenders may only be accepted or a contract entered into:</p> <ul style="list-style-type: none"> i. where the total consideration under the contract is \$400,000 or less (ex gst); or 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 iii. The expense is expected to be included in the adopted Annual Budget. <p>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.</p> <p>c. The delegation is subject to compliance with the requirements of the Purchasing Council Policy and operational procedures.</p>
Policy	Council Policy: Purchasing
Record keeping	As per the City's Record Keeping Plan
Date adopted	28 June 2022
Adoption references	Council Decision 139/22
Last reviewed	27 June 2023

Amendments			
Date	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"> • 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. • 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) • 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. • The prescriptive conditions of authorising minor variations have been removed from the delegation and included within the revised Council purchasing policy. 	Council Decision 139/22
2 Sep 2022	Amended delegation	Added the sub-delegate position of Manager Waste Operations and Infrastructure Business Services	DOC/1001432
3 Apr 2024	Amended delegation	Manager Economic Growth position added to delegation due to CEO restructure 2024	

Delegation	1.1.12 Tenders for Goods and Services - Exempt Procurement
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<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)
Function	<ol style="list-style-type: none"> 1. Authority to undertake tender exempt procurement. [F&G.r.11(2)] 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&G r.11(2)(f)].
Delegates	CEO

<p>Conditions</p>	<p>a. Tender exempt procurement under F&G.r.11(2) may only be undertaken where:</p> <ul style="list-style-type: none"> i. the total consideration under the resulting contract is expected to be included in the adopted Annual Budget; ii. Awarding/Negotiation must be inline with Purchasing Policy as it relates to tendering; and <p>iii. In accordance with F&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:</p> <table border="0"> <thead> <tr> <th style="text-align: left;">Category</th> <th style="text-align: left;">Maximum Value for individual contracts</th> </tr> </thead> <tbody> <tr> <td>WALGA Preferred Supplier Program [F&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&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&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&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&G.r.11(2)(h)]</td> <td><\$250,000* *as specified in F&G.r.11(2)(h)(ii)</td> </tr> <tr> <td>Goods or services supplied by an Australian Disability Enterprise [F&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&G r.11(2)(f) may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification; and iii. Rationale for why the supply is unique and cannot be sourced through other suppliers. <p>c. Tender Exempt Procurement under F&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>	Category	Maximum Value for individual contracts	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
Category	Maximum Value for individual contracts														
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														
<p>Policy</p>	<p>Council Purchasing Policy</p>														
<p>Record keeping</p>	<p>As per City's Record Keeping Plan.</p>														
<p>Date adopted</p>	<p>28 June 2022</p>														

Adoption references	Council Decision 139/22
Last reviewed	27 June 2023

Amendments			
Date	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"> • 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 • 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. 	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
3 Apr 2024	Amended delegation	Manager Economic Growth added due to CEO restructure March 2024	

Delegation	1.1.13 Panels of Pre-Qualified Suppliers for Goods and Services
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<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
Function	<ol style="list-style-type: none"> 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&G r.24AC(1)(b)]. 2. Authority to, before inviting submissions, determine the written criteria for deciding which applications should be accepted [F&G r.24AD(3)]. 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&G r.24AD(6)]. 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&G r.24AH(2)]. 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&G r.24AH(3)]. 6. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)]. 7. Authority to decline to accept any application [F&G r.24AH(5)]. 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&G r.24AJ(1)].
Delegates	CEO
Conditions	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; <ol style="list-style-type: none"> a. \$400,000; and b. the expense is included in the adopted Annual Budget
Policy	Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit City of Bunbury Council Policy: Purchasing
Record keeping	As per the City's Record Keeping Plan
Date adopted	28 June 2022

Adoption references	Council Decision 139/22
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	1.1.14 Disposal of Property
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.58 (2) & (3) Disposing of property
Function	<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>
Delegates	CEO
Conditions	<p>a. In accordance with s.5.43, disposal of property, the following asset value thresholds apply:</p> <ol style="list-style-type: none"> i. \$100,000 or less for plant, equipment and materials; and ii. \$500,000 or less for land. <p>b. When determining the method of disposal:</p> <ol style="list-style-type: none"> i. Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> • Reserve price has been set by independent valuation. • 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. ii. 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. iii. Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> • Negotiate the sale of the property up to a -5% variance on the valuation; and • Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded. iv. Where a lease/licence is determined [s.3.58(3)] as the method of disposal, authority is: <ul style="list-style-type: none"> • limited to any lease/licence where the disposal value is less than \$10,000 p/a. <p>c. Where the market value of the property is determined as being less than \$20,000 (F&G r.30 (3) excluded disposal) may be undertaken:</p> <ol style="list-style-type: none"> i. Without reference to Council for resolution; and ii. 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. <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>

Policy	City of Bunbury Council Policy - Land Rationalisation and Acquisitions City of Bunbury Management Policy: Disposal of Minor Assets City of Bunbury Council Policy – Bunbury Museum, Heritage Centre and Local Studies Collection City of Bunbury Council Policy – City of Bunbury Art Collection
Record keeping	As per the City's Recordkeeping Plan.
Date adopted	29 September 2020
Adoption references	Council Decision 224/20
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	1.1.15 Payments from Municipal and Trust Funds
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<i>Local Government (Financial Management) Regulations 1996</i> r12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Function	To approve payments from the Municipal and Trust Funds and to operate those funds and certify accounts [r.12(1)(a)].
Delegates	CEO
Conditions	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)).
Policy	Local Government (Financial Management regulations 1996 r.11 Payments, procedures for making etc
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	1.1.16 Investment of Council Funds
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.14 Power to invest Local Government (Financial Management) Regulations 1996 r.19 Investments, control procedures for
Function	<ol style="list-style-type: none"> 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)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [r.19].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 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. b. All investment activity must comply with the Financial Management Regulation 19C.
Policy	Nil
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	1.1.17 Defer, Grant Discounts, Waive or Write Off Debts
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.12 Power to defer, grant discounts, waive or write off debts
Function	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)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 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.
Policy	Not applicable
Record keeping	As per the City's Record Keeping Plan
Date adopted	31 March 2020
Adoption references	Council Decision 067/20
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	1.1.18 Powers of Entry
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<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
Function	<ol style="list-style-type: none"> 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].
Delegates	CEO
Conditions	Delegated authority may only be used, where there is imminent or substantial risk to public safety or property.
Policy	<i>Local Government Act 1995</i> 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
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

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

Delegation	1.1.19 Local Law - Parking and Parking Facilities Local Law 2018 and as amended 2019
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<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
Function	Authority to: (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)] (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)] (c) erect signs according to the determination of cl. 3.1(1) and cl. 3.1(2) [cl.3.1(3)] (d) approve an application to establish a work zone [cl. 4.13(2)] (e) issue to any member of the Council an Elected Member parking permit [7.8(1)] (f) issue a parking permit [cl.8.3] (g) revoke a parking permit [cl.8.9(1)]
Delegates	CEO
Conditions	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> .
Policy	Nil
Record keeping	As per the City's Record Keeping Plan
Date adopted	17 September 2019
Adoption references	Council Decision 260/19

Last reviewed	27 June 2023
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Amendments			
Date	Type	Amendment	References
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

Delegation	1.1.20 Agreement for the Payment of Rates and Service Charges
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.49 Agreement as to payment of rates and service charges
Function	Authority to make an agreement with a person for the payment of rates or service charges [s.6.49]
Delegates	CEO
Conditions	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.
Policy	Council Policy Corporate Revenue Debt Collection Council Policy COVID Financial Hardship
Record keeping	As per the City's Record Keeping Plan
Date adopted	15 September 2020
Adoption references	Council Decision 207/20
Last reviewed	27 June 2023

Delegation	1.1.21 Receiving and withdrawal of complaints alleging a breach of Council Code of Conduct
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Model Code of Conduct) Regulations 2021</i> c.11 Complaint about alleged breach
Function	<ol style="list-style-type: none"> 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)]. 2. Authority to approve the complaint form and any future amendments to the form [cl.11 (2)(a)]
Delegates	CEO
Conditions	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)].
Policy	Elected Member, Committee Member and Candidate Code of Conduct Complaint Handling Policy
Record keeping	As per the City's Record Keeping Plan
Date adopted	29 June 2021
Adoption references	Council Decision 128/21
Last reviewed	27 June 2023

Amendments			
Date	Type	Amendment	References
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

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

Amendments			
Date	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

Delegation	1.2.02 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<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)
Function	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.1.5: <ol style="list-style-type: none"> 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)]. 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)]. 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)].
Delegates	Building Surveyor Development Engineer Director Infrastructure Manager Infrastructure Maintenance Services Manager Projects and Asset Management Team Leader Building and Compliance
Conditions	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> .
Policy	This delegated authority is effective only in alignment with Delegated Authority 1.1.5 Obstructions of Footpaths and Thoroughfares. Local Government (Uniform Local Provisions) Regulations 1996 Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Record keeping	As per the City's Record Keeping Plan
Date adopted	18 January 2019
Adoption references	by CEO - CP-044119
Last reviewed	27 June 2023

Amendments			
Date	Type	Amendment	References
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
12 Jan 2024	Amended delegation	Building and Compliance Officer added to delegation	DOC/1244506
12 Jan 2024	Amended delegation	Building and Compliance Officer added to Delegation	DOC/1244506

Delegation	1.2.03 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<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
Function	When determining to grant permission to for a dangerous excavation under Delegated Authority 1.1.7: <ol style="list-style-type: none"> 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)]. 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)]. 3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily [r.11(7)(e)].
Delegates	Director Infrastructure Manager Infrastructure Maintenance Services
Conditions	a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.1.7 Public Thoroughfares – Dangerous Excavations. b. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
Policy	This delegated authority is effective only in alignment with Delegated Authority 1.1.7 Public Thoroughfares – Dangerous Excavations. Local Government (Uniform Local Provisions) Regulations 1996 Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Record keeping	As per the City's Record Keeping Plan
Date adopted	18 January 2019
Adoption references	by CEO - CP-044119
Last reviewed	2 August 2023

Amendments			
Date	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

Delegation	1.2.04 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<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
Function	<ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission for Private Works in Public Places under delegation 1.1.8, 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)]. 2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].
Delegates	Development Engineer Director Infrastructure Manager Infrastructure Maintenance Services Manager Projects and Asset Management
Conditions	Nil
Policy	This delegated authority is effective only in alignment with Delegated Authority 1.1.8 Private Works on, over or under Public Places
Record keeping	As per the City's Record Keeping Plan
Date adopted	18 January 2019
Adoption references	by CEO - CP-044119
Last reviewed	2 August 2023

Amendments			
Date	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

Delegation	1.2.05 Infringement Notices
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<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
Function	<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>
Delegates	<p>Director Infrastructure Director Sustainable Development Manager Community Wellbeing Team Leader Community Safety and Emergency Management</p>
Conditions	<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: (i) Manager Community Services (ii) Team Leader Rangers and Emergency Management (iii) Director Sustainable Communities</p> <p>c. Delegation for Waste Local Law Infringement Notices is limited for the following listed positions ONLY: (i) Director Infrastructure</p> <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: (i) Director Sustainable Communities</p>
Policy	City of Bunbury Corporate Guideline Regulatory Enforcement
Record keeping	As per the City Recordkeeping Plan.
Date adopted	7 July 2021
Adoption references	DOC/787220

Last reviewed	2 August 2023
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Amendments			
Date	Type	Amendment	References
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

Delegation	1.2.06 Destruction of Electoral Papers
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government (Elections) Regulations 1996</i> r.82(4) Keeping election papers – s4.84(a)
Function	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)].
Delegates	Manager Information Services Senior Corporate Information Officer
Conditions	Nil
Policy	City of Bunbury Record Keeping Plan
Record keeping	As per the City's Record Keeping Plan
Date adopted	18 January 2019
Adoption references	by CEO - CP-044119
Last reviewed	27 June 2023

Amendments			
Date	Type	Amendment	References
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
13 Mar 2024	Amended delegation	CEO Restructure Manager Information Services position created.	DOC/1283716
13 Mar 2024	Amended delegation	CEO Restructure Manager Information Services appointed	DOC/1283716

Delegation	2.1.1 Grant a Building Permit
Head of power	02 Building Act 2011
Delegator	Council
Express power to delegate	<i>Building Act 2011</i> s.127(1) & (3) Delegation special permit authorities and local government
Express power or duty delegated	<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))
Function	<ol style="list-style-type: none"> 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)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ul style="list-style-type: none"> 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)] ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Delegates	CEO
Conditions	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> .
Policy	<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 <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>
Record keeping	As per the City's Record Keeping Plan
Date adopted	23 June 2015

Adoption references	Council Decision 219/15
Last reviewed	27 June 2023

Amendments			
Date	Type	Amendment	References
12 Jan 2024	Amended delegation	Building and Compliance Officer added to delegation	DOC/1244506

Delegation	2.1.2 Demolition Permits
Head of power	02 Building Act 2011
Delegator	Council
Express power to delegate	<i>Building Act 2011</i> s.127(1) & (3) Delegation special permit authorities and local government
Express power or duty delegated	<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))
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 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) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> 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)] ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Delegates	CEO
Conditions	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> .
Policy	<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>
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018

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

Amendments			
Date	Type	Amendment	References
12 Jan 2024	Amended delegation	Building and Compliance Officer added to Delegation	DOC/1244506

Delegation	2.1.3 Occupancy Permits or Building Approval Certificates
Head of power	02 Building Act 2011
Delegator	Council
Express power to delegate	<i>Building Act 2011</i> s.127(1) & (3) Delegation special permit authorities and local government
Express power or duty delegated	<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)
Function	<ol style="list-style-type: none"> 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]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit and/or building approval certificate [s.62(1) and (3)]. 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].
Delegates	CEO
Conditions	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> .
Policy	<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>
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	Type	Amendment	References
12 Jan 2024	Amended delegation	Building and Compliance Officer added to Delegation	DOC/1244506

Delegation	2.1.4 Designate Employees as Authorised Persons
Head of power	02 Building Act 2011
Delegator	Council
Express power to delegate	<i>Building Act 2011</i> s.127(1) & (3) Delegation special permit authorities and local government
Express power or duty delegated	<i>Building Act 2011</i> s.96(3) authorised persons and Limitation on powers of authorised person
Function	<ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s.96(3)]. 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)].
Delegates	CEO
Conditions	Subject to the qualification requirements of the <i>Local Government (Building Surveyors) Regulations 2008</i> .
Policy	<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
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Delegation	2.1.5 Building Orders
Head of power	02 Building Act 2011
Delegator	Council
Express power to delegate	<i>Building Act 2011</i> s.127(1) & (3) Delegation special permit authorities and local government
Express power or duty delegated	<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
Function	<ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give written notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 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]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order ; or b. commence or complete any work specified in the order; or 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)]. 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)]. 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.
Delegates	CEO
Conditions	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> .
Policy	<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
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	Type	Amendment	References
12 Jan 2024	Amended delegation	Building and Compliance Officer added to Delegation	DOC/1244506

Delegation	2.1.6 Referrals and Issuing Certificates
Head of power	02 Building Act 2011
Delegator	Council
Express power to delegate	<i>Building Act 2011</i> s.127(1) & (3) Delegation special permit authorities and local government
Express power or duty delegated	<i>Building Act 2011</i> s.145A Local Government functions
Function	<ol style="list-style-type: none"> 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)]. 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)].
Delegates	CEO
Conditions	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> .
Policy	<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
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	Type	Amendment	References
12 Jan 2024	Amended delegation	Building and Compliance Officer added to Delegation	DOC/1244506

Delegation	2.1.7 Private Pool Barrier – Alternative Solutions
Head of power	02 Building Act 2011
Delegator	Council
Express power to delegate	<i>Building Act 2011</i> s.127(1) & (3) Delegation special permit authorities and local government
Express power or duty delegated	<i>Building Regulations 2012</i> r.51 Approvals by permit authority
Function	<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>
Delegates	CEO
Conditions	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> .
Policy	<i>Building Regulations 2012</i> r.50 Barrier to private swimming pool, clauses 4(b) and (c)(ii)
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	Type	Amendment	References
12 Jan 2024	Amended delegation	Building and Compliance Officer added to Delegation	DOC/1244506

Delegation	2.1.8 Smoke Alarms – Alternative Solutions
Head of power	02 Building Act 2011
Delegator	Council
Express power to delegate	<i>Building Act 2011</i> s.127(1) & (3) Delegation special permit authorities and local government
Express power or duty delegated	<i>Building Regulations 2012</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Function	<ol style="list-style-type: none"> 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]. 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].
Delegates	CEO
Conditions	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> .
Policy	<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>
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	Type	Amendment	References
12 Jan 2024	Amended delegation	Building and Compliance Officer added to Delegation	DOC/1244506

Delegation	2.1.9 Inspection and Copies of Building Records
Head of power	02 Building Act 2011
Delegator	Council
Express power to delegate	<i>Building Act 2011</i> s.127(1) & (3) Delegation special permit authorities and local government
Express power or duty delegated	<i>Building Act 2011</i> s.131(2) Inspection, copies of building records
Function	Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Delegates	CEO
Conditions	Nil
Policy	<i>Building Act 2011</i> - s.146 Confidentiality
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	Type	Amendment	References
12 Jan 2024	Amended delegation	Building and Compliance Officer added to Delegation	DOC/1244506

Delegation	3.1.1 Prohibited and Restricted Burning Times - Vary
Head of power	03 Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.17(7) Prohibited burning times may be declared by Minister s.18(5) Vary restricted burning times.
Function	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"> • Shortening, extending, suspending or reimposing a period of prohibited or restricted burning times; or • Imposing a further period of prohibited or restricted burning times.
Delegates	CEO Chief Bush Fire Control Officer Mayor
Conditions	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.
Policy	City of Bunbury Council Policy: Bushfire Inspection and Mitigation
Record keeping	As per the City's Record Keeping Plan
Date adopted	21 December 1999
Adoption references	Council Decision 662/99
Last reviewed	27 June 2023

Amendments			
Date	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 (BVFB) 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 DA05 Bush Fires Act	Council Decision 367/18

Delegation	3.1.2 Appoint Bush Fire Control Officer/s
Head of power	03 Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.38 Local Government may appoint bush fire control officer
Function	<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>
Delegates	CEO
Conditions	Nil
Policy	City of Bunbury Corporate Guideline Appointment of Authorised Persons
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Delegation	3.1.3 Prosecution of Offences
Head of power	03 Bush Fires Act 1954
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.59 Prosecution of offences s.59A Alternative procedure – infringement notices
Function	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.
Delegates	CEO Chief Bush Fire Control Officer Rangers/Fire Control Officers Senior Ranger/Fire Control Officer Team Leader Rangers and Emergency Management
Conditions	Bush Fire Control Officer is limited to issuing infringements only.
Policy	Bush Fires Act 1954 s.65 Proof of certain matters s.66 Proof of ownership or occupancy Bush Fires (Infringements) Regulations 1978
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	Type	Amendment	References
27 Nov 2018		Council appointed Blair Fisher of the Bunbury Volunteer Bush Fire Brigade (BVFB) 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

Delegation	3.1.4 Control of Operations Likely to Create Bush Fire Danger
Head of power	03 Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<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
Function	1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ul style="list-style-type: none"> a. a person operating a bee smoker device during a prescribed period [r.39CA(5)]. b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]. c. a person using explosives [r.39D(2)]. d. a person using fireworks [r.39E(3)]. 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>
Delegates	CEO
Conditions	Nil
Policy	Nil
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Delegation	3.1.5 Burning Garden Refuse/Open Air Fires
Head of power	03 Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<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
Function	<ol style="list-style-type: none"> 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)]. 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"> 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)]. 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]. 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"> a. camping or cooking [s.25(1)(a)]. b. conversion of bus into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)]. 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)]. 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)].
Delegates	CEO
Conditions	Nil
Policy	City of Bunbury Council Policy: Bushfire Inspection and Mitigation City of Bunbury Corporate Guideline: Bushfire Inspection and Mitigation
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Delegation	3.1.6 Fire-Breaks
Head of power	03 Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
Function	<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>
Delegates	CEO
Conditions	Nil
Policy	City of Bunbury Council Policy: Bushfire Inspection and Mitigation City of Bunbury Corporate Guideline: Bushfire Inspection and Mitigation
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Delegation	3.1.7 Recovery of Expenses Incurred through Contraventions of this Act
Head of power	03 Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.58 General penalty and recovery of expenses incurred
Function	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].
Delegates	CEO
Conditions	Nil
Policy	Nil
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Delegation	4.1.1 Cat Registrations
Head of power	04 Cat Act 2011
Delegator	Council
Express power to delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags
Function	<ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 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)]. 3. Authority to cancel a cat registration [s.10]. 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)].
Delegates	CEO
Conditions	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> .
Policy	<u><i>Cat Regulations 2012</i></u> 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))
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	4.1.2 Cat Control Notices
Head of power	04 Cat Act 2011
Delegator	Council
Express power to delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011</i> s.26 Cat control notice may be given to cat owner
Function	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].
Delegates	CEO
Conditions	Nil
Policy	Cat Regulations 2012 – r.20 Cat control notice [s.23(3)], prescribes the Form of the notice
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	4.1.3 Approval to Breed Cats
Head of power	04 Cat Act 2011
Delegator	Council
Express power to delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Express power or duty delegated	<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
Function	<ol style="list-style-type: none"> 1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37 (1) and (2)]. 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)]. 3. Authority to cancel an approval to breed cats [s.38]. 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)].
Delegates	CEO
Conditions	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> .
Policy	Cat Regulations 2012 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))
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	4.1.4 Applications to Keep Additional Cats
Head of power	04 Cat Act 2011
Delegator	Council
Express power to delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Express power or duty delegated	<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
Function	<ol style="list-style-type: none"> 1. Authority to require any document or additional information required to determine an application [r.8(3)] 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)]. 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].
Delegates	CEO
Conditions	Notices of decisions must include advice as to Review rights in accordance with r.11 of the Cat (Uniform Local Provisions) Regulations 2013 .
Policy	Nil
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	4.2.1 Infringement Notices – Extensions and Withdrawals
Head of power	04 Cat Act 2011
Delegator	CEO
Express power to delegate	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government
Express power or duty delegated	<i>Cat Act 2011</i> s.64 Extension of time s.65 Withdrawal of notice
Function	<ol style="list-style-type: none"> 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]. 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].
Delegates	Manager Community Wellbeing
Conditions	Nil
Policy	Cat Regulations 2012 r.28 Withdrawal of infringement notice (s.65(1))
Record keeping	As per the City's Record Keeping Plan
Date adopted	18 January 2019
Adoption references	By CEO - CP-044119
Last reviewed	2 August 2023

Amendments			
Date	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

Delegation	5.1.1 Refuse or Cancel Registration
Head of power	05 Dog Act 1976
Delegator	Council
Express power to delegate	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<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
Function	<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>
Delegates	CEO
Conditions	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.
Policy	Dog Act 1976 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) City of Bunbury Dog Local Law
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	5.1.2 Kennel Establishments
Head of power	05 Dog Act 1976
Delegator	Council
Express power to delegate	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976</i> s.27 Licensing of approved kennel establishments
Function	Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Delegates	CEO
Conditions	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.
Policy	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	5.1.3 Recovery of Moneys Due Under this Act
Head of power	05 Dog Act 1976
Delegator	Council
Express power to delegate	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976</i> s.29(5) Power to seize dogs
Function	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)].
Delegates	CEO
Conditions	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.
Policy	Nil
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	5.1.4 Dispose of or sell a dog which is liable to be destroyed
Head of power	05 Dog Act 1976
Delegator	Council
Express power to delegate	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976</i> s.29(11) Power to seize dogs
Function	Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Delegates	CEO
Conditions	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.
Policy	Nil
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	5.1.5 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke
Head of power	05 Dog Act 1976
Delegator	Council
Express power to delegate	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<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
Function	<ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to the seizure of a dangerous dog [s.33G(4)]. 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)] 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)].
Delegates	CEO
Conditions	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.
Policy	Nil
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	6.1.1 Prohibition Orders
Head of power	06 Food Act 2008
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<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
Function	<ol style="list-style-type: none"> 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)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66] 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)].
Delegates	Manager Community Wellbeing Team Leader Environmental Health
Conditions	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.
Policy	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record keeping	As per the City's Record Keeping Plan
Date adopted	29 June 2021
Adoption references	Council Decision 128/21
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	6.1.2 Food Business Registrations
Head of power	06 Food Act 2008
Delegator	Council
Express power to delegate	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
Express power or duty delegated	<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
Function	<ol style="list-style-type: none"> 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)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Delegates	Manager Community Wellbeing Team Leader Environmental Health
Conditions	<ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> *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
Policy	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record keeping	As per the City's Record Keeping Plan
Date adopted	29 June 2021
Adoption references	Council Decision 128/21
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	6.1.3 Appoint Authorised Officers and Designated Officers
Head of power	06 Food Act 2008
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<i>Food Act 2008</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Function	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(2)]. 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)]. 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)].
Delegates	CEO
Conditions	<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"> • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer
Policy	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
Record keeping	As per the City's Record Keeping Plan
Date adopted	29 June 2021
Adoption references	Council Decision 128/21
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	7.1.1 Give Notice Requiring Obliteration of Graffiti
Head of power	07 Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	<i>Graffiti Vandalism Act 2016</i> s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Function	<ol style="list-style-type: none"> 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)]. 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)].
Delegates	CEO
Conditions	Nil
Policy	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	7.1.2 Deal with Objections and Give Effect to Notices
Head of power	07 Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	<i>Graffiti Vandalism Act 2016</i> s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Function	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)].
Delegates	CEO
Conditions	Nil
Policy	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

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

Delegation	7.1.3 Obliterate Graffiti on Private Property
Head of power	07 Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	<i>Graffiti Vandalism Act 2016</i> s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016</i> s.25(1) Local government graffiti powers on land not local government property
Function	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)].
Delegates	CEO
Conditions	Subject to exercising Powers of Entry.
Policy	Nil
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

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

Delegation	7.1.4 Powers of Entry
Head of power	07 Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	<i>Graffiti Vandalism Act 2016</i> s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016</i> s.28 Notice of entry, s.29 Entry under warrant
Function	<ol style="list-style-type: none"> 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]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Delegates	CEO
Conditions	Nil
Policy	Nil
Record keeping	As per the City's Record Keeping Plan
Date adopted	11 December 2018
Adoption references	Council Decision 367/18
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	8.1.1 Discharge of Powers – Section 26 of the Health (Miscellaneous Provisions) Act 1911
Head of power	08 Health (Miscellaneous Provisions) Act 1911
Delegator	Council
Express power to delegate	<i>Health (Miscellaneous Provisions) Act 1911</i> s.26 Powers of local government
Express power or duty delegated	<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
Function	<p>The City of Bunbury hereby appoints and authorises the Team Leader Environmental Health 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>Manager Community Services Team Leader Environmental Health Officer; and Environmental Health Officer</p> <ul style="list-style-type: none"> • 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)]. • 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)).
Delegates	Environmental Health Officer Manager Community Wellbeing Senior Environmental Health Officer Team Leader Environmental Health
Conditions	Nil
Policy	City of Bunbury Health Local Law 2001
Record keeping	As per the City's Record Keeping Plan
Date adopted	29 June 2021
Adoption references	Council Decision 128/21
Last reviewed	27 June 2023

Amendments			
Date	Type	Amendment	References
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

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

Delegation	9.1.1 Unauthorised Development - Directions
Head of power	09 Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42(b) Delegation of some powers or duties to the CEO
Express power or duty delegated	<i>Planning and Development Act 2005</i> s214(2), (3) and (5) Responsible authority may give written directions regarding unauthorised development
Function	<ol style="list-style-type: none"> 1. Authority to issue written direction to stop unauthorised development [P&D s 214(2)]. 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&D s 214(3)]. 3. Authority to execute work to have unauthorised development brought into compliance [P&D s 214(5)].
Delegates	CEO
Conditions	Nil
Policy	City of Bunbury Local Planning Scheme 8
Record keeping	As per the City's Record Keeping Plan
Date adopted	7 July 1998
Adoption references	Council Decision 26/98
Last reviewed	27 June 2023

Amendments			
Date	Type	Amendment	References
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

Delegation	9.1.2 Determination of Development Application
Head of power	09 Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Cl 82 Delegation of any powers or duties to the CEO
Express power or duty delegated	<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
Function	<ol style="list-style-type: none"> 1. Authority to waive or vary a requirement for accompanying material to an application for development approval [sch 2 cl 63(2)]. 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)]. 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)]. 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]. 5. Authority to determine an application for development approval by: <ol style="list-style-type: none"> (a) granting development approval with or without conditions [sch 2 cl 68(2)(a)-(b)]; (b) grant temporary development approval with or without conditions [sch 2 cl 72]; (c) granting development approval subject to later approval of details with conditions [sch 2 cl 74(1)-(2)]; (d) amending or cancelling a development approval in respect of an application determined under delegated authority [sch 2 cl 77(4)]; or (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)]. 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"> (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"> (i) dwellings on land zoned to allow for residential development which satisfies all relevant deemed-to-comply provisions of the R-Codes, or (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; (b) amending or cancelling a development approval in respect of an application for dwellings determined under delegated authority [sch 2 cl 77(4)]; or (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)]. 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)].

Delegates	CEO
Conditions	<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> <p style="padding-left: 40px;">(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</p> <p style="padding-left: 40px;">(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</p> <p style="padding-left: 40px;">(c) the objection does not relate to valid planning and development considerations associated with the proposal.</p>
Policy	<p>Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 – CI 76 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>
Record keeping	As per the City's Record Keeping Plan
Date adopted	28 June 2022
Adoption references	Council Decision 140/22
Last reviewed	27 June 2023

Amendments			
Date	Type	Amendment	References
12 Jan 2024	Amended delegation	Building and Compliance Officer added to Delegation	DOC/1244506

Delegation	9.1.3 Grant of Approval for a Local Development Plan
Head of power	09 Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Cl 82 Delegation of any powers or duties to the CEO
Express power or duty delegated	<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
Function	<ol style="list-style-type: none"> 1. Authority to determine a local development plan is required for orderly and proper planning [sch 2 cl 47(d)]. 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)]. 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)]. 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)]. 6. Authority to: <ol style="list-style-type: none"> (a) approve the local development plan [sch 2 cl 52(1)(a), (4)]; (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)]; (c) approve the local development plan subject to later approval of details of development [sch 2 cl 53(1)]; or (d) refuse to approve the local development plan [sch 2 cl 52(1)(c), (4)].
Delegates	CEO

Conditions	<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"> (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 (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 (c) the objection does not relate to valid planning and development considerations associated with the proposal.
Policy	<p><u><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></u> 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>
Record keeping	As per the City's Record Keeping Plan
Date adopted	23 June 2020
Adoption references	Council Decision 131/20
Last reviewed	27 June 2023

Amendments			
Date	Type	Amendment	References
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

Delegation	9.1.4 Repair of existing Advertisements
Head of power	09 Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Cl 82 Delegation of any powers or duties to the CEO
Express power or duty delegated	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Cl 80 Repair of existing advertisements
Function	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)].
Delegates	CEO
Conditions	Nil
Policy	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 – Cl 80(4) written notice requirements Schedule 2 – Cl 80(5) application for review by SAT Local Planning Policy: Signage and Advertising
Record keeping	As per the City's Record Keeping Plan
Date adopted	23 June 2020
Adoption references	Council Decision 131/20
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	10.1.1 Designation of Authorised Officers
Head of power	10 Public Health Act 2016
Delegator	Council
Express power to delegate	<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
Express power or duty delegated	<i>Public Health Act 2016</i> s.24 Designation of Authorised Officers s.312 Environmental Health Officers to be Authorised Officers for certain purposes
Function	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)].
Delegates	CEO
Conditions	In accordance with s.29, this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Policy	Public Health Act 2016 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
Record keeping	As per the City's Record Keeping Plan
Date adopted	24 January 2017
Adoption references	Council Decision 21/17
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	11.1.1 Noise Control (Serve Environmental Protection Notices (s65(1)))
Head of power	11 Statutory Delegations to Local Government from External Agencies
Delegator	Department Environment Regulation
Express power or duty delegated	<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>

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Delegates	CEO
Conditions	N/A
Date adopted	9 January 2004
Adoption references	Approved by A/Chief Executive Officer of Department of Environment Regulation and Minister for the Environment - published 19/03/2004
Last reviewed	27 June 2023

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

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

<p>Express power or duty delegated</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>Delegates</p>	<p>CEO</p>

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

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

Delegation	11.1.3 Noise Control (Noise Management Plans (Reg. 13))
Head of power	11 Statutory Delegations to Local Government from External Agencies
Delegator	Department Environment Regulation
Express power or duty delegated	<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>
Delegates	CEO Environmental Health Officer Manager Community Wellbeing Senior Environmental Health Officer Team Leader Environmental Health
Conditions	Nil
Statutory framework	N/A
Policy	N/A
Record keeping	As per the City's Record Keeping Plan

Date adopted	1 May 2014
Adoption references	Approved by Minister for Environment; Heritage - published 16 May 2014
Last reviewed	27 June 2023

Amendments			
Date	Type	Amendment	References
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

Delegation	11.2.1 Western Australian Planning Commission (Clause 27 Greater Bunbury Region Scheme Development Approvals)
Head of power	11 Statutory Delegations to Local Government from External Agencies
Delegator	Western Australian Planning Commission
Express power or duty delegated	<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> <p>TIM HILLYARD, Secretary, Western Australian Planning Commission.</p> <p>-----</p>

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 m² 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 to the Bunbury office of the Department of Planning.

'Net lettable area' means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—

- (a) all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, tea rooms and plantrooms and other service areas;
- (b) lobbies between lifts facing other lifts servicing the same floor
- (c) areas set aside for the provision of facilities or services to the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where such

	<p>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>
Delegates	<p>CEO Council Director Sustainable Development Manager Planning and Development Principal Planner Major Projects Senior Planning Officer Team Leader City Planning</p>
Conditions	Nil
Policy	Nil
Record keeping	As per the City's Record Keeping Plan
Date adopted	22 April 2014
Adoption references	WAPC Resolution 22 April 2014 - published 09/05/2014
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	11.2.2 Western Australian Planning Commission (Sections 15, 21 and 22 Of Strata Titles Act 1995)
Head of power	11 Statutory Delegations to Local Government from External Agencies
Delegator	Western Australian Planning Commission
Express power to delegate	<i>Planning and Development Act 2005</i> s.16 Delegation by Commission
Express power or duty delegated	<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>1. Applications made under section 15 of the Strata Titles Act 1985 Power to determine applications under section 15 of the Strata Titles Act 1985, except those applications that—</p> <ol style="list-style-type: none"> a. propose the creation of a vacant lot; b. propose vacant air stratas in multi-tiered strata scheme developments; c. propose the creation or postponement of a leasehold scheme; d. propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the Strata Titles Act 1985);

	<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>2. Applications under sections 21 and 22 of the Strata Titles Act 1985 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>3. Reporting requirements 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>
Delegates	<p>Building Surveyor CEO Council Director Sustainable Development Manager Planning and Development Planning Officer(s) Principal Planner Major Projects Senior Planning Officer Team Leader Building and Compliance Team Leader City Planning</p>
Conditions	Nil
Policy	Nil
Record keeping	As per the City's Record Keeping Plan
Date adopted	20 January 2021
Adoption references	Resolution of WAPC 20/01/2021 - published 29/01/2021
Last reviewed	27 June 2023

Amendments			
Date	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

Delegation	11.3.1 Traffic Management – Events on Roads
Head of power	11 Statutory Delegations to Local Government from External Agencies
Delegator	Main Roads Western Australia
Express power or duty delegated	<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 www.mainroads.wa.gov.au 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> <ol style="list-style-type: none"> 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and 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>Dated:</p> <p>THE COMMON SEAL OF THE COMMISSIONER OF MAIN ROADS WAS AFFIXED BY</p>

	<p>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>
Delegates	---
Policy	Nil
Record keeping	As per the City's Record Keeping Plan
Date adopted	14 June 2018
Adoption references	Instrument of Authorisation executed by the Commissioner of Main Roads and received by City of Bunbury on 4 June 2018. EMDS Ref: DOC/359805
Last reviewed	27 June 2023

Amendments			
Date	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

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

<p>Express power or duty delegated</p>	<p>WESTERN AUSTRALIA ROAD TRAFFIC CODE 2000 REGULATION 297(2) INSTRUMENT OF AUTHORISATION</p> <p>RELATING TO TRAFFIC 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 www.mainroads.wa.gov.au;</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 this Instrument 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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Delegates	---
Policy	Nil
Record keeping	As per the City's Record Keeping Plan
Date adopted	9 March 2012
Adoption references	Advice Commission of Main Roads Approved Authorisation received on 09 March 2012. EMDS Ref. DOC/219494
Last reviewed	27 June 2023

Amendments			
Date	Type	Amendment	References
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	Date	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 DA02 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
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

Delegation	Date	Type	Amendment	References
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
1.1.4 Obstruction of Footpaths and Thoroughfares	30 Aug 2022	Amended delegation	Added the position of Cadet Building Surveyor/Compliance Officer	DOC/998949
1.1.4 Obstruction of Footpaths and Thoroughfares	12 Jan 2024	Amended delegation	Position of Building and Compliance Officer added to delegation	Nil

Delegation	Date	Type	Amendment	References
1.1.4 Obstruction of Footpaths and Thoroughfares	12 Jan 2024	Amended delegation	Building and Compliance Officer position added to Delegation	
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
1.1.6 Public Thoroughfare – Dangerous Excavations	26 Mar 2024	Amended delegation	2024 sub delegation review updated to include Development Engineer Record No 1285682	Nil
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	Date	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	2 Sep 2022	Repealed	Delegation created by administration error only	Senior Governance and Risk Officer
1.1.10 Tenders for Goods and Services - Call Tenders	3 Apr 2024	Amended delegation	New sub delegate Manager Economic Growth added due to CEO restructure March 2024	

Delegation	Date	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"> • 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. • 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) • 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. • The prescriptive conditions of authorising minor variations have been removed from the delegation and included within the revised Council purchasing policy. 	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
1.1.11 Tenders for Goods and Services - Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options	3 Apr 2024	Amended delegation	Manager Economic Growth position added to delegation due to CEO restructure 2024	

Delegation	Date	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"> • 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 • 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. 	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
1.1.12 Tenders for Goods and Services - Exempt Procurement	3 Apr 2024	Amended delegation	Manager Economic Growth added due to CEO restructure March 2024	
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	Date	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	Date	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
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

Delegation	Date	Type	Amendment	References
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
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

Delegation	Date	Type	Amendment	References
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
1.2.02 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare	12 Jan 2024	Amended delegation	Building and Compliance Officer added to delegation	DOC/1244506
1.2.02 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare	12 Jan 2024	Amended delegation	Building and Compliance Officer added to Delegation	DOC/1244506
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
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

Delegation	Date	Type	Amendment	References
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 DA06 - 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
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

Delegation	Date	Type	Amendment	References
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
1.2.06 Destruction of Electoral Papers	13 Mar 2024	Amended delegation	CEO Restructure Manager Information Services position created.	DOC/1283716
1.2.06 Destruction of Electoral Papers	13 Mar 2024	Amended delegation	CEO Restructure Manager Information Services appointed	DOC/1283716
2.1.1 Grant a Building Permit	12 Jan 2024	Amended delegation	Building and Compliance Officer added to delegation	DOC/1244506
2.1.2 Demolition Permits	12 Jan 2024	Amended delegation	Building and Compliance Officer added to Delegation	DOC/1244506
2.1.3 Occupancy Permits or Building Approval Certificates	12 Jan 2024	Amended delegation	Building and Compliance Officer added to Delegation	DOC/1244506
2.1.5 Building Orders	12 Jan 2024	Amended delegation	Building and Compliance Officer added to Delegation	DOC/1244506
2.1.6 Referrals and Issuing Certificates	12 Jan 2024	Amended delegation	Building and Compliance Officer added to Delegation	DOC/1244506
2.1.7 Private Pool Barrier – Alternative Solutions	12 Jan 2024	Amended delegation	Building and Compliance Officer added to Delegation	DOC/1244506
2.1.8 Smoke Alarms – Alternative Solutions	12 Jan 2024	Amended delegation	Building and Compliance Officer added to Delegation	DOC/1244506
2.1.9 Inspection and Copies of Building Records	12 Jan 2024	Amended delegation	Building and Compliance Officer added to Delegation	DOC/1244506
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

Delegation	Date	Type	Amendment	References
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 (BVVFB) 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 DA05 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 (BVVFB) 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
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

Delegation	Date	Type	Amendment	References
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
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

Delegation	Date	Type	Amendment	References
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
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

Delegation	Date	Type	Amendment	References
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
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

Delegation	Date	Type	Amendment	References
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
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

Delegation	Date	Type	Amendment	References
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
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

Delegation	Date	Type	Amendment	References
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
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	12 Jan 2024	Amended delegation	Building and Compliance Officer added to Delegation	DOC/1244506
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

Delegation	Date	Type	Amendment	References
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
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

Delegation	Date	Type	Amendment	References
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
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

Delegation	Date	Type	Amendment	References
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
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

Delegation	Date	Type	Amendment	References
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

9. Questions from Members

9.1 Response to Previous Questions from Members taken on Notice

Nil

9.2 Questions from Members

10. Urgent Business

11. Date of Next Meeting

The next PRDC meeting is schedule for Wednesday, 26 June 2024.

12. Close of Meeting

The Presiding Member closed the meeting at _____.