

City of Busselton
Register of Delegated Authority

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INTRODUCTION

General

Delegations and authorisations are the means by which decision making bodies provide or refer powers to undertake certain statutory functions.

A delegation is a conferral of the ability to exercise a power or duty to a person or body from a person or a body that is vested with the responsibility to exercise that power or duty.

Delegations to the Chief Executive Officer

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, with the exception of limitations as listed under section 5.43 of the Act.

The following cannot be delegated to the Chief Executive Officer:

- Any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- Accepting a tender which exceeds an amount determined by the local government;
- Appointing an auditor;
- Acquiring or disposing of any property valued at an amount determined by the local government;
- Any of the local governments powers under Sections 5.98, 5.99 and 5.100 of the Act;
- Borrowing money on behalf of the local government;
- Hearing or determining an objection of a kind referred to in Section 9.5;
- The power under section 9.49 to authorise a person to sign documents on behalf of the local government;
- Any power of duty that requires the approval of the Minister or Governor; or
- Such other duties or powers that may be prescribed by the Act.

Delegations by the Chief Executive Officer to Employees

The Act allows for the Chief Executive officer to delegate any of his powers to another employee and this must be done in writing. The Act also allows for the Chief Executive Officer to place conditions on any delegations.

Standard Conditions of Delegations

All delegations provided to the Chief Executive Officer are subject to the following Standard Conditions:

- In exercising a delegation, the Chief Executive Officer is to comply with any and all laws and regulations in force in Western Australia and the requirements of any and all laws and policies of the City of Busselton;
- In exercising a delegation the Chief Executive Officer is to act in accordance with any budget authority where applicable;
- Delegated authority cannot be exercised where a financial interest or interest affecting impartiality is evident;
- Pursuant to section 5.46 of the Local Government Act 1995 and Regulation 19 of the Local Government (Administration) Regulations 1996, the Office of the Chief Executive Officer is to keep records of exercising the delegation on any and all occasions that the delegation is exercised.

Delegations provided from the Chief Executive Officer to Employees may be subject to supplementary conditions. These will be detailed within individual delegations.

Record keeping requirements for delegations in Local Government

Section 5.46 of the Act and Regulation 19 of the Local Government (Administration) Regulations 1996 requires a person who is delegated a power or duty to keep records in relation to the exercise of the power or discharge of the duty. The written record is to contain:

- How the person exercised the delegation;
- When the person exercised the delegation; and
- The persons or classes of persons, other than Council or Committee Members or employees of the local government directly affected by the exercise of the power of the discharge of the duty.

DELEGATIONS

Delegation	DA 1 - 01 Issuing Notices
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	Local Government Act 1995 s.3.25, s.3.26
Function	s.3.25(1) The power to give notices requiring certain things to be done by owner or occupier of land s.3.26(2) The power to do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given s.3.26(3) The power to recover the cost of anything from an action under subsection (2)
Delegates	CEO
Conditions	Nil
Record keeping	ECM - GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
2 Jun 2008	New delegation	Initial Council Resolution: C0806/188	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 - 02 Entry in an Emergency
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	Local Government Act 1995 s.3.34
Function	s.3.34(1) The power to lawfully enter s.3.34(3) The power to use reasonable force s.3.34(4) To exercise the power of entry
Delegates	CEO
Conditions	Nil
Record keeping	ECM - GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
4 Jun 2018	New delegation	Initial Council Resolution: C1806/188	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 - 03 Abandoned Vehicle Wreck
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	Local Government Act 1995 s.3.40A
Function	s.3.40A(4) The power to declare that the vehicle is an abandoned vehicle wreck
Delegates	CEO
Conditions	Disposal of a declared abandoned vehicle wreck is to be undertaken in accordance with Delegation DA1 – 04 Confiscated or Uncollected Goods
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
4 Jun 2018	New delegation	Initial Council Resolution: C1806/188	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 - 04 Confiscated or Uncollected Goods
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	Local Government Act 1995 s.3.46, s.3.47, s.3.48
Function	s.3.46(1) The power to refuse to allow impounded goods to be collected until costs are paid s.3.46(2) The power to refuse to allow removed goods to be collected until costs are paid s.3.47(1) The power to sell or otherwise dispose of goods under s.3.43 s.3.47(2) The power to sell or otherwise dispose of any vehicle s.3.47(2a) The power to sell or otherwise dispose of impounded goods s.3.48 The power to recover impounding expenses
Delegates	CEO
Conditions	Nil
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
2 Jun 2008	New delegation	Initial Council Resolution: C0806/188	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 – 05 Closure of Thoroughfares
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.50, s.3.50A
Function	s.3.50(1) The power to close any thoroughfare for a period not exceeding 4 weeks s.3.50(1a) The power to close any thoroughfare for a period exceeding 4 weeks s.3.50(6) The power to revoke an order s.3.50A The power to partially close a thoroughfare for repairs or maintenance
Delegates	CEO
Conditions	Nil
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
22 Oct 2018	Amended delegation	Previous Delegation Reference - 3H(S1) Closing Certain Thoroughfares to Vehicles and Partial Closure of Thoroughfares for Repairs or Maintenance	---
13 Oct 2021	Amended delegation	Initial Council Resolution C0806/188 Previous Delegation Reference - LG3H – Closing of Certain Thoroughfares to Vehicles and Partial Closure of Thoroughfare for Repairs or Maintenance	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 – 07 Inviting, Rejecting and Accepting Tenders
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.18, s.3.57 <i>Local Government (Functions and General) Regulations 1996</i> Regulations 11 , 13, 14, 18, 20, 21A
Function	<p>s.3.18 The power to perform executive functions</p> <p>s.3.57 Tenders for providing goods or services</p> <p>Regulation 11(1) The power to determine when tenders have to be publicly invited</p> <p>Regulation 11(2) The power to determine that a relevant exemption applies</p> <p>Regulation 13 Requirements when local government invites tenders when not required to do so</p> <p>Regulation 14(2a) The power to determine in writing, before tenders are called, the criteria for acceptance of tenders</p> <p>Regulation 14(4)(a) The power to determine the information that is to be disclosed</p> <p>Regulation 14(5) The power to vary tender information after public notice and provide notice of variation to information</p> <p>Regulation 18(4) The power to evaluate tenders, by written evaluation, and decide which is the most advantageous</p> <p>Regulation 18(4a) The power to seek clarification from tenderers in relation to information contained in their tender submission</p> <p>Regulation 18(5) The power to decline any tender</p> <p>Regulation 18(6), (7) The power to accept another tender where within 6 months of either accepting a tender, a contract has not been entered into or the successful tenderer agrees to terminate the contract.</p> <p>Regulation 20 The power to vary the requirements before entry into contract</p> <p>Regulation 21A The power to vary a contract for the supply of goods or services</p>
Delegates	CEO
Conditions	<p>This delegation is limited to the power to enter into a contract for the purchase of goods and services.</p> <p>This delegation is subject to:</p> <p>(a) Complying with the requirements of the City of Busselton’s Purchasing Policy as it relates to tendering;</p> <p>(b) Following any applicable staff management practices and operational procedures; and</p> <p>(c) Not accepting any tender or entering into any contract having a value exceeding \$500,000</p>
Statutory framework	Reference Documents - Tender Register
Policy	Council Policy: Purchasing
Record keeping	ECM – GOVN015 ‘Instrument of Council Delegation to CEO’
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
22 Oct 2018	Amended delegation	Previous Sub Delegation Reference LG3J(S1) Inviting Tenders and Rejecting and Accepting Tenders	---
13 Oct 2021	Amended delegation	Recent Changes: Amendments to Condition Initial Council Resolution C1103/179 Previous Delegation Reference - LG3J – Inviting Tenders and Rejecting and Accepting Tenders	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
28 Apr 2023	Amended delegation	Amended sub delegations: Functions and Conditions	Verification - Tony Nottle, CEO 28 April 2023

Delegation	DA 1 – 08 Expression of Interest for Goods and Services
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.57 <i>Local Government (Functions and General) Regulations 1996</i> Regulations 21, 23
Function	s.3.57 The power to call tenders for providing goods or services Regulation 21 The power to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services. Regulation 23(2) The power to determine when an Expression of Interest may be rejected Regulation 23(3) The power to consider an expression of interest that has not rejected
Delegates	CEO
Conditions	Expressions of interest for goods and services may only be called where there is an adopted budget for the proposed goods or services.
Policy	Council Policy: Purchasing
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
13 Oct 2021	Amended delegation	Initial Council Resolution C1606/139 Previous Delegation Reference - LG3K – Preliminary Selection of Tenderers	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 – 10 Panels of Pre-Qualified Suppliers
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government (Functions and General) Regulations 1996</i> Part 4, Division 3
Function	Regulation 24AB The power to establish panels of pre-qualified suppliers Regulation 24AC The power to set the requirements before establishing panels of pre-qualified suppliers Regulation 24AD The power to set the requirements when inviting persons to apply to join panel of pre-qualified suppliers Regulation 24AH The power to reject and accept applications to join panel of pre-qualified suppliers Regulation 24AJ The power to enter into contracts with pre-qualified suppliers
Delegates	CEO
Conditions	This delegation is subject to: (a) Compliance with the requirements of the City of Busselton’s Purchasing Policy as it relates to panels of pre-qualified suppliers; and (b) The contract value of any particular goods or services to be procured from a particular supplier or in connection with a particular project is not to exceed \$500,000.
Policy	Council Policy: Purchasing
Record keeping	ECM – GOVN015 ‘Instrument of Council Delegation to CEO’
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
13 Oct 2021	Amended delegation	Initial Council Resolution C1508/219 Previous Delegation Reference - LG3M – Establishment of Panels of Pre-Qualified Suppliers	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 – 12 Disposing of Property (Leases at the Busselton Margaret River Airport)
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.18, s.3.58
Function	s.3.18 The power to perform executive functions s.3.58 (2) The power to dispose of property at a public auction or by public tender s.3.58 (3) The power to dispose of property by private treaty
Delegates	CEO
Conditions	This delegation is subject to: 1. The property being located at the Busselton Margaret River Airport; 2. The means of disposal being a lease; 3. The term of the lease (including options) being up to a maximum of 42 years (21 years plus an option for a further 21 years) in accordance with the Western Australian Planning Commission approval for leasing arrangements at the General Aviation Precinct; 4. The initial annual market rental value of the lease being less than: a. \$10,000.00 per annum for a ground lease; and b. \$50,000.00 per annum for any other lease; 5. The disposition not being of a significant commercial and strategic nature; and 6. At least every six months City officers must provide Councillors a summary and update of leases entered into under this delegation.
Policy	Council Policy: Purchasing
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
13 Oct 2021	Amended delegation	Initial Council Resolution C1811/244 Previous Delegation Reference - LG30 – Disposing of Property (Leases at Busselton Margaret River Airport)	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
18 Oct 2023	Amended delegation	Amended delegation adopted by Council resolution C2310/130 on 18 October 2023, as part of annual review process	C2310/130

Delegation	DA 1 – 13 Dispose of sick or injured animals
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.47A
Function	s.3.47A The power to humanely destroy an animal and dispose of the carcass
Delegates	CEO
Conditions	This delegation is only to be used where the all reasonable efforts to identify and contact an owner have been exhausted.
Statutory framework	Cat Act 2011 Keeping and Control of Cats Local Law 2014 Dog Act 1976 Dogs Local Law 2014
Policy	Council Policy: Ranger and Emergency Services Approach to Regulatory Functions Council Policy: Rehoming of Impounded Dogs and Cats
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
12 Dec 2018	Amended delegation	Previous Sub Delegation Reference - 3Q(S1) – Authority to destroy an impounded sick or injured animal	---
13 Oct 2021	Amended delegation	Initial Council Resolution C1812/264 Previous Delegation Reference - LG3Q – Authority to destroy an impounded sick or injured animal	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 – 14 Power to Defer, Grant Discounts, Waive or Write-Off Debts
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.12
Function	s.6.12(1)(b) The power to waive or grant concessions in relation to any amount of money s.6.12(1)(c) The power to write off any amount of money s.6.12(3) The power to determine conditions imposed on the granting of a concession
Delegates	CEO
Conditions	<p>1. Any waiver or granting of concession shall only be up to \$5,000 and considered solely on its merits; and any debt write-off approved shall be less than \$5,000.</p> <p>2. Any waiver or granting of concession as it applies to any Financial Hardship application, shall only be up to \$10,000 and considered solely on its merits; and any Financial Hardship application approved for debt write-off shall be less than \$10,000 and will take into account the Financial Hardship Policy.</p> <p>3. Additional subsidies and waiver of hire fees under Council Policy: Community Hire of City Property are limited to \$10,000 per application in accordance with the endorsed City of Busselton Annual Budget and Fees and Charges.</p>
Policy	Council Policy: Financial Hardship City of Busselton Financial Hardship Brochure and FAQ's City of Busselton Financial Hardship Application Form
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
18 Dec 2018	Amended delegation	Corrections and amalgamation of 6B(S1) and 6B	---
18 Dec 2018	Amended delegation	Previous Sub Delegation Reference 6B(S1) Power to Defer, Grant Discounts, Waive or Write-Off Debts	---
30 Jul 2020	Amended delegation	Amended to include all Directors and amended monetary amounts due to the City's response to the COVID-19 Crisis	C2007/075
13 Oct 2021	Amended delegation	Initial Council Resolution C0806/188 Previous Delegation Reference LG6B – Power to Defer, Grant Discounts, Waive or Write-off Debts	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 – 15 Rates and Service Charges
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.45, s.6.49, s.6.50, s.6.56, s.6.60, s.6.64, s.6.71, s.6.74, s.6.76
Function	<p>s.6.45(3) The power to impose an additional charge for instalments</p> <p>s.6.49 The power to enter into an agreement for the payment of rates and service charges</p> <p>s.6.50 The power to set rates or service charges due and payable</p> <p>s.6.56 The power to recover, in court, rates or service charges due</p> <p>s.6.60(4) The power to recover the amount of the rate or service charge as a debt from the lessee if the rent is not paid in accordance with a notice</p> <p>s.6.64(1) The power to take possession of land and hold land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years</p> <p>s.6.69(2) The power to agree to the terms and conditions between parties and accept payment of the outstanding rates or service charges</p> <p>s.6.71 The power to transfer land to Crown or local government</p> <p>s.6.74 The power to have land vested in Crown if rate in arrears 3 years</p> <p>s.6.76(4) The power to extend the time for a person to make an objection to a rate records</p> <p>s.6.76(5) The power to consider any objection and disallow or allow it, wholly or in part</p>
Delegates	CEO
Conditions	Nil
Policy	Nil
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
15 Jun 2015	Amended delegation	Previous Sub Delegation Reference 6C(S1) Rates and Service Charges	---
13 Oct 2021	Amended delegation	Initial Council Resolution C0806/188 Previous Delegations Reference - LG6C – Rates and Service Charges	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 – 16 Investment of Surplus Funds
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.14
Function	s.6.14(1) The power to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose
Delegates	CEO
Conditions	Council approval is required for any investment in Managed Investments
Policy	Council Policy: Investment
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
13 Oct 2021	Amended delegation	Initial Council Resolution C0806/188 Previous Delegation Reference LG6D – Investment of Surplus Funds	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 – 19 Urgent Legal Representation
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	Council Policy: Legal Representation for Council Members and Employees
Function	To approve an application for urgent legal representation
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. The authority to approve applications for urgent legal representation for Council members and employees is limited to a maximum of \$10,000; 2. An application approved by the CEO is to be submitted at the next ordinary meeting of Council; 3. The determination must be made pursuant to Council Policy 'Legal Representation for Council Members and Employees'.
Policy	Council Policy: Legal Representation for Council Members and Employees Local Government Operational Guideline Number 14 April, 2016
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
13 Oct 2021	Amended delegation	Initial Council Resolution C0806/188 Previous Delegation Reference - LG5A – Provision of Urgent Legal Services	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
18 Oct 2023	Amended delegation	Amended delegation adopted by Council resolution C2310/130 on 18 October 2023, as part of annual review process	C2310/130

Delegation	DA 1 – 20 Administer Local Laws
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.18
Function	s.3.18 The power to perform executive functions
Delegates	CEO
Conditions	To perform the duties of the local government pursuant to the powers of each local law.
Statutory framework	City of Busselton Local Laws: <ul style="list-style-type: none"> • Activities in Thoroughfares and Public Places and Trading Local Law 2015 • Busselton Regional Airport Local Law 2012 • Keeping and Control of Cats Local Law 2014 • Cemeteries Local Law 2015 • Waste Local Law 2016 • Dogs Local Law 2014 • Dust and Building Waste Control Local Law 2010 • Health Local Law 1997 • Holiday Homes Local Law 2012 • Jetties Local Law 2014 • Local Government Property Local Law 2010 • Parking Local Law 2020 • Standing Orders Local Law 2018
Record keeping	ECM – GOVN015 'Instrument of Delegation from Council to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
1 Jun 2008	New delegation	Initial Council Resolution C0806/188 Recent Council Resolution C2101/010 Previous Delegation Reference - LG3A – Executive Function – Determining Applications Under Local Laws and Enforcement of Local Law Provisions	---
1 Jan 2021	Amended delegation	Previous Sub Delegation Reference: 3A(S1) Executive Function – All functions as provided for the local government pursuant to the Holiday Homes Local Law 2012 3A(S3) Executive Function – All functions as provided for the local government pursuant to the Activities in Thoroughfares and Public Places and Trading Local Law 2015 3A(S4) Executive Function – Determining Applications and Issuing Permits under the Jetties Local Law 3A(S5) Executive Function – All functions as provided for the local government pursuant to the Property Local Law 2010 LG3B(b)(S1) – Executive Function – Determining Applications for the Serving of Alcohol on City Property	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 – 21 Acquisition of Property
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.18
Function	s.3.18 The power to perform executive functions and acquire property
Delegates	CEO
Conditions	In accordance with s.5.43(d) of the <i>Local Government Act 1995</i> , the value of the property to be acquired shall not exceed \$100,000
Record keeping	ECM – GOVN015 'Instrument of Delegation from Council to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
1 Jun 2017	New delegation	Initial Council Resolution C1706/151 Recent Council Resolution C2101/010 Previous Delegation Reference - LG3B – Acquisition of Property	---
16 Mar 2018	Amended delegation	Previous Sub Delegation Reference LG3B(S1) Acquisition of Property	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
18 Oct 2023	Amended delegation	Amended delegation adopted by Council resolution C2310/130 on 18 October 2023, as part of annual review process	C2310/130

Delegation	DA 1 – 22A Disposition of Property: Other than by Lease
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.18, s.3.58 <i>Local Government (Functions and General) Regulations 1996</i> Regulations 30
Function	s.3.18 The power to perform executive functions s.3.58(2) The power to dispose of property at a public auction or by public tender s.3.58(3) The power to dispose of property by private treaty Regulation 30 (2)(a)(ii) The power to determine an insignificant benefit
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. The value of the land to be disposed of shall not exceed \$20,000 other than if paragraph (2) applies; or 2. Where the property is land valued at less than \$100,000 and has been put to public auction or put out to tender and not sold, the land may be disposed of in accordance with Regulation 30 (2)(a) of the <i>Local Government (Functions and General) Regulations 1996</i>; and 3. The value of property other than land to be disposed of shall not exceed \$100,000; and 4. Where the value of property other than land does not exceed \$20,000 the property may be disposed of in accordance with Regulation 30 (3)(a) of the <i>Local Government (Functions and General) Regulations 1996</i>.
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
30 Jun 2020	New delegation	Rescission of DA 1 -22: Adoption of DA 1 – 22A and DA 1 – 22B	---
13 Oct 2021	Amended delegation	Initial Council Resolution C2006/050 Previous Delegation Reference DA 1 – 22 – Disposing of Property LG3C – Disposing of Property	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 – 22B Disposition of Property: Leasing of Property
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.18, s.3.58
Function	s.3.18 The power to perform executive functions s.3.58(2) The power to dispose of property at a public auction or by public tender s.3.58(3) The power to dispose of property by private treaty
Delegates	CEO
Conditions	<p>1. Leasing or leasing and licensing of property, including assignments of existing leases and the renewal of a lease by a lessee, where –</p> <p>(a) The property is an established sporting or community facility (including on managed reserve land) and where any part of the property has been leased before by the City: or</p> <p>(b) The property is for the purpose of storage only and is an area of not more than 100 square metres.</p> <p>2. The permitted use of the property must be consistent with:</p> <p>(a) The designated purpose of the property; or</p> <p>(b) The general or ancillary use of the property immediately prior to the entering into of a lease; or</p> <p>(c) If the property has recently been acquired or a new or amended management order has been made in respect of a managed reserve, the purpose for which the property has been acquired or is to be managed.</p> <p>3. The value of the disposition (inclusive of all options or rights to renew or extend, but not including any provisions for holding over on a month by month basis) must not exceed \$25,000.</p> <p>4. The maximum term of the disposition, including any right by a lessee to assign the lease or to sublease the land and/or buildings shall not exceed 10 years (inclusive of all options or rights to renew or extend, but not including any provisions for holding over on a month by month basis).</p> <p>5. At least every six months City officers shall provide Councillors a summary and update of leases entered into under this delegation</p>
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
30 Jun 2020	New delegation	Rescission of DA 1 -22: Adoption of DA 1 – 22A and DA 1 – 22B	---
13 Oct 2021	Amended delegation	Initial Council Resolution C2006/050 Previous Delegation Reference - DA 1 – 22 – Disposing of Property LG3C – Disposing of Property	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
18 Oct 2023	Amended delegation	Amended delegation adopted by Council resolution C2310/130 on 18 October 2023, as part of annual review process	C2310/130

Delegation	DA 1 – 22C Disposition of Residential Property by Lease
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s. 5.42 Delegation of some powers or duties to CEO s 5.43 Limitation on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s. 3.18, s 3.58
Function	To dispose of residential property by lease to a person
Delegates	CEO
Conditions	The consideration under any residential property lease is not to exceed \$50,000 per annum
Policy	Leasing of City Premises
Record keeping	ECM - GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	16 August 2023
Adoption references	C2308/79

Amendments			
Date	Type	Amendment	References
16 Aug 2023	New delegation	New Delegation	C2308/79

Delegation	DA 1 – 23 Payments from Municipal Fund or Trust Fund
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.10 <i>Local Government (Financial Management) Regulations 1996</i> Regulation 12
Function	s.6.10 Financial management regulations Regulation 12(1) The power to make payments from municipal fund or trust fund
Delegates	CEO
Conditions	With respect to allocation of donations and sponsorship from the fund established for this purpose in accordance with the Council's tiered funding scheme, individual payments from this fund are not to exceed \$1,000 unless prior consultation with the Finance Committee has occurred.
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
13 Oct 2021	Amended delegation	Initial Council Resolution C0806/188 Previous Delegations Reference - LG6A – Payments from the Municipal Fund or Trust Fund	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 – 24 Affixing of the Common Seal
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.9.49A
Function	s.9.49A(2) The power to affix the common seal
Delegates	CEO
Conditions	The CEO is authorised to affix the Common Seal to all documents that require it to be legally effective and to carry out the functions of a CEO.
Policy	Council Policy: Execution of Documents
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
13 Oct 2021	Amended delegation	Initial Council Resolution C1005/169 Previous Delegation Reference - LG9B – Authorising the Affixing of the Common Seal to Documents	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 1 – 25 Complaints Officer - Code of Conduct
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	Council Resolution C2102/032 <i>Schedule 1, Clause 11(3) of the Local Government (Model Code of Conduct) Regulations 2021</i>
Function	cl.11(3) Appoint one or more persons to receive complaints and withdrawals of complaints
Delegates	CEO
Policy	Council Policy: Management of Complaints of Alleged Breaches of Behaviour City of Busselton Code of Conduct for Council Members, Committee Members and Candidates
Record keeping	GOVN15 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
1 Feb 2021	New delegation	Initial Council Resolution: C2102/032	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
18 Oct 2023	Amended delegation	Amended delegation adopted by Council resolution C2310/130 on 18 October 2023, as part of annual review process	C2310/130

Delegation	DA 1 – 26 Rate Exemptions
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	Local Government Act 1995 s.6.26
Function	s.6.26(2) Assessment of exemption applications for non-rateable land
Delegates	CEO
Conditions	Note: Officers will provide a listing of rate exemptions approved on a quarterly basis to Council in the Councillor Information Bulletin
Policy	Application for Rates Exemption Form
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
21 Dec 2022	New delegation	Initial Council Resolution: C2212/315	---
18 Oct 2023	Amended delegation	Amended delegation adopted by Council resolution C2310/130 on 18 October 2023, as part of annual review process	C2310/130

Delegation	DA 2 - 01 Grant a Building Permit
Head of power	02 Building Act 2011
Delegator	Local Government
Express power to delegate	Building Act 2011 Section 127
Express power or duty delegated	Building Act 2011 s.18, s.20, s.22, s.27 Building Regulations 2012 r.23, r.24, r.26
Function	s.18 Request for further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1), (3) Impose Conditions on Permit 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))
Delegates	CEO
Conditions	Nil
Subdelegate conditions	
Statutory framework	<i>Building Services (Registration Act) 2011</i> <i>Home Building Contracts Act 1991</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>
Record keeping	ECM – GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
25 Sep 2014	Amended delegation	Previous Sub Delegation Reference BA1(S1) Building Act 2011; Building Regulations 2012	---
13 Oct 2021	Amended delegation	Initial Council Resolution C1110/334 Previous Delegation Reference BA1 – Powers of the Local Government pursuant to the Building Act 2011	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
18 Oct 2023	Amended delegation	Amended delegation adopted by Council resolution C2310/130 on 18 October 2023, as part of annual review process	C2310/130

Delegation	DA 2 - 02 Demolition Permits
Head of power	02 Building Act 2011
Delegator	Local Government
Express power to delegate	Building Act 2011 Section 127
Express power or duty delegated	Building Act 2011 s.18, s.21, s.22, s.27 Building Regulations 2012 r.23, r.24, r.26
Function	s.18 Request for further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27 (1), (3) Impose Conditions on Permit 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))
Delegates	CEO
Statutory framework	<i>Building Services (Complaint Resolution and Administration) Act 2011 -- Building and Construction Industry Training Levy Act 1990 Heritage Act 2018</i>
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
3 Oct 2011	New delegation	Initial Council Resolution: C1110/334	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
18 Oct 2023	Amended delegation	Amended delegation adopted by Council resolution C2310/130 on 18 October 2023, as part of annual review process	C2310/130

Delegation	DA 2 - 03 Occupancy Permits and Building Approval Certificates
Head of power	02 Building Act 2011
Delegator	Local Government
Express power to delegate	Building Act 2011 Section 127
Express power or duty delegated	Building Act 2011 s.55, s.58, s.62, s.65 Building Regulations 2012 r.40
Function	s.55 Request for further information s.58 Grant of occupancy permit, building approval certificate s.62(1), (3) Conditions imposed by permit authority s.65(4) Extension of period of duration r.40 Extension of period of duration of time limited occupancy permit or building approval certification (s.65).
Delegates	CEO
Statutory framework	<i>Building Services (Complaint Resolution and Administration) Act 2011</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
3 Oct 2011	New delegation	Initial Council Resolution: C1110/334	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
18 Oct 2023	Amended delegation	Amended delegation adopted by Council resolution C2310/130 on 18 October 2023, as part of annual review process	C2310/130

Delegation	DA 2 - 04 Designate Employees as Authorised Persons
Head of power	02 Building Act 2011
Delegator	Local Government
Express power to delegate	Building Act 2011 Section 127
Express power or duty delegated	Building Act 2011 s.96, s.99
Function	s.96(3) Authorised persons s.99(3) Limitation on powers of authorised person
Delegates	CEO
Conditions	1. An authorised person for the purposes of section 96(3) and 99(3) is not an approved officer or authorised officer for the purposes of Building Regulation 70. 2. Decisions under this delegated authority should be in accordance with Regulation 5 of the Building Regulations 2012.
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
3 Oct 2011	New delegation	Initial Council Resolution: C1110/334	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 2 - 05 Building Orders
Head of power	02 Building Act 2011
Delegator	Local Government
Express power to delegate	Building Act 2011 Section 127
Express power or duty delegated	Building Act 2011 s.110, s.111, s.117, s.118, s.133
Function	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), (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2), (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
Delegates	CEO
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
3 Oct 2011	New delegation	Initial Council Resolution: C1110/334	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 2 - 06 Inspection and Copies of Building Records
Head of power	02 Building Act 2011
Delegator	Local Government
Express power to delegate	Building Act 2011 Section 127
Express power or duty delegated	Building Act 2011 s.131
Function	s.131(2) Inspection and / or provision of copies of building records
Delegates	CEO
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
3 Oct 2011	New delegation	Initial Council Resolution: C1110/334	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
18 Oct 2023	Amended delegation	Amended delegation adopted by Council resolution C2310/130 on 18 October 2023, as part of annual review process	C2310/130

Delegation	DA 2 - 07 Referrals and Issuing Certificates
Head of power	02 Building Act 2011
Delegator	Local Government
Express power to delegate	Building Act 2011 Section 127
Express power or duty delegated	Building Act 2011 s.145A
Function	s.145A(1), (2) Issuing of certificate by Local Government
Delegates	CEO
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
3 Oct 2011	New delegation	Initial Council Resolution: C1110/334	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
18 Oct 2023	Amended delegation	Amended delegation adopted by Council resolution C2310/130 on 18 October 2023, as part of annual review process	C2310/130

Delegation	DA 2 - 08 Private Pool Barriers - Alternative and Performance Solutions
Head of power	02 Building Act 2011
Delegator	Local Government
Express power to delegate	Building Act 2011 Section 127
Express power or duty delegated	Building Regulations 2012 r.51
Function	r.51(2), (3), (5) Private Pool Barrier – Approval of alternative requirements and performance solutions
Delegates	CEO
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
3 Oct 2011	New delegation	Initial Council Resolution: C1110/334	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
18 Oct 2023	Amended delegation	Amended delegation adopted by Council resolution C2310/130 on 18 October 2023, as part of annual review process	C2310/130

Delegation	DA 2 - 09 Smoke Alarms - Alternative Solutions
Head of power	02 Building Act 2011
Delegator	Local Government
Express power to delegate	Building Act 2011 Section 127
Express power or duty delegated	Building Regulations 2012 r.61
Function	r.61(1), (2) Local Government approval of battery powered smoke alarms
Delegates	CEO
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
3 Oct 2011	New delegation	Initial Council Resolution: C1110/334	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 2 - 10 Appoint Approved Officer and Authorised Officers
Head of power	02 Building Act 2011
Delegator	Local Government
Express power to delegate	Building Act 2011 Section 127
Express power or duty delegated	Building Regulations 2012 r.70
Function	r.70(1) Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i> r.70(2) Authority to appoint an approved officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>
Delegates	CEO
Conditions	Only employees appointed under s.9.10 of the Local Government Act 1995 and authorised for the purposes of performing functions under s9.16 of that Act may be appointed as authorised officers for the purposes of r.70(2).
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	18 October 2023
Adoption references	Adopted by Council resolution C2310/130 on 18 October 2023

Amendments			
Date	Type	Amendment	References
18 Oct 2023	New delegation	New delegation authorised by Council resolution C2310/130	C2310/130

Delegation	DA 3 - 01 The Powers and Duties of the Local Government pursuant to the Bush Fires Act 1954
Head of power	03 Bushfires Act 1954
Delegator	Local Government
Express power to delegate	<i>Bush Fires Act 1954</i> Part V, Section 48.
Express power or duty delegated	The <i>Bush Fires Act 1954</i>
Function	All powers of the local government pursuant to the Bush Fires Act 1954
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Excludes the powers and duties that are subject to separate delegated authority within this Register as set out below: <ol style="list-style-type: none"> a. DA 3 – 02 Appointment of Bush Fire Control Officers; b. DA 3 – 03 Prosecutions and Infringements; c. DA 3 – 04 Variation of Prohibited and Restricted Burning Times 2. A delegation as per s.48 does not include the power to sub-delegate
Statutory framework	Annual Firebreak and Fuel Hazard Reduction Notice
Policy	Council Policy: Bush Fire Brigade Accounting Council Policy: Bush Fire Brigade Grievance Process Disciplinary Action Council Policy: Meetings of Bush Fire Brigades Council Policy: Membership of Bush Fire Brigades Council Policy: Qualifications of Bush Fire Brigades Officers Council Policy: Roles of Bush Fire Brigade Officers Council Policy: Code of Conduct, Bush Fire Brigade Objectives and Values
Record keeping	GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
13 Oct 2021	Amended delegation	Initial Council Resolution C969/0425 Previous Delegation Reference BF1 – The performance of any of the functions of the local government under the Act	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 3 - 02 Appointment of Bush Fire Control Officers
Head of power	03 Bushfires Act 1954
Delegator	Local Government
Express power to delegate	<i>Bush Fires Act 1954</i> Part V, Section 48
Express power or duty delegated	<i>Bush Fires Act 1954</i> Part IV, Section 38
Function	s.38 Local government may appoint bush fire control officer
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. This delegation is limited to the appointment of members of volunteer bush fire brigades and the City Ranger and Emergency Services Staff; 2. In the case of appointment of members of volunteer bush fire brigades, the delegation shall only be exercised where there is a recommendation to appoint from the Bush Fire Advisory Committee; and 3. This delegation does not extend to the appointment of Chief or Deputy Bush Fire Control Officers.
Statutory framework	Annual Firebreak and Fuel Hazard Reduction Notice
Policy	Council Policy: Membership of Bush Fire Brigades Council Policy: Qualifications of Bush Fire Brigades Officers Council Policy: Roles of Bush Fire Brigade Officers Council Policy: Code of Conduct, Bush Fire Brigade Objectives and Values
Record keeping	GOVN015 'Instrument of Council Delegation to CEO'
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
13 Oct 2021	Amended delegation	Initial Council Resolution C969/0425 Previous Delegation Reference BF2 – Appointment of Bush Fire Control Officers	Recent Council Resolution C2110/057
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 3 - 03 To Institute a Prosecution, or to Issue an Infringement
Head of power	03 Bushfires Act 1954
Delegator	Local Government
Express power to delegate	Bush Fires Act 1954 Section 59(3)
Express power or duty delegated	The Bush Fires Act 1954
Function	s.59 Prosecution of offences s.59A Alternative procedure – infringement notices
Delegates	Bush Fire Control Officer CEO Director Community Planning Manager Community Safety Ranger Ranger Coordinator Senior Ranger
Conditions	<ol style="list-style-type: none"> 1. Rangers and Senior Rangers are prohibited from commencing a prosecution for an offence against the Bush Fire Act 1954; 2. Rangers and Senior Rangers are prohibited from instituting legal proceedings pursuant to s.59A(3) of the Bush Fire Act 1954; and 3. A delegation as per s.48 of the Bush Fire Act 1954 does not include the power to sub-delegate
Statutory framework	Annual Firebreak and Fuel Hazard Reduction Notice
Policy	Council Policy: Ranger and Emergency Services Approach to Regulatory Functions
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
3 Dec 2018	New delegation	Initial Council Resolution: C1812/264	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
21 Feb 2024	Amended delegation	Delegates updated: new position and titles following organisational restructure. Director Planning and Development Services > Director Community Planning. Manager Regulatory Services > Manager Community Safety.	Adopted by Council Resolution 21 February 2024: C2402/33

Delegation	DA 3 - 04 Variation of Prohibited and Restricted Burning Times
Head of power	03 Bushfires Act 1954
Delegator	Local Government
Express power to delegate	Bush Fires Act 1954 Section 17(10)
Express power or duty delegated	<i>The Bush Fires Act 1954</i>
Function	s.17 (7) (8) Prohibited burning times may be declared by Minister s.18 (5) Restricted burning times may be declared by FES Commissioner
Delegates	Bush Fire Control Officer Mayor
Conditions	1. The powers and duties pursuant to sections 17 and 18 of the Bush Fires Act 1954 are jointly delegated to the Mayor and Chief Bush Fire Control Officer; and 2. Decisions under s.17 (7) must comply with the requirements of s.17(7B) and s.17(8). 3. Decisions under s.18(5) must comply with the requirements of s.18 (5B)
Statutory framework	Annual Firebreak and Fuel Hazard Reduction Notice
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
3 Dec 2018	New delegation	Initial Council Resolution: C1812/264	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
18 Oct 2023	Amended delegation	Amended delegation adopted by Council resolution C2310/130 on 18 October 2023, as part of annual review process	C2310/130

Delegation	DA 4 - 01 The Powers and Duties of the Local Government pursuant to the Cat Act 2011
Head of power	04 Cat Act 2011
Delegator	Local Government
Express power to delegate	Cat Act 2011 Part 4, Division 2, Section 44
Express power or duty delegated	The Cat Act 2011
Function	All powers and duties of a local government pursuant to the Cat Act 2011
Delegates	CEO
Statutory framework	Keeping and Control of Cats Local Law 2014
Policy	Council Policy: Rehoming of Impounded Dogs and Cats Council Policy: Ranger and Emergency Services Approach to Regulatory Functions
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
7 Oct 2013	New delegation	Initial Council Resolution: C1310/285	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 5 - 01 The Powers and Duties of the Local Government pursuant to Dog Act 1976
Head of power	05 Dog Act 1976
Delegator	Local Government
Express power to delegate	Dog Act 1976 Section 10AA
Express power or duty delegated	The Dog Act 1976
Function	All the powers and duties of the local government pursuant to the Dog Act 1976
Delegates	CEO
Statutory framework	Dogs Local Law 2014
Policy	Council Policy: Rehoming of Impounded Dogs and Cats Council Policy: Ranger and Emergency Services Approach to Regulatory Functions
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
7 Oct 2013	New delegation	Initial Council Resolution: C1310/285	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 6 - 01 The Powers and Duties of a Local Government pursuant to the Graffiti Vandalism Act 2016
Head of power	06 Graffiti Vandalism Act 2016
Delegator	Local Government
Express power to delegate	Graffiti Vandalism Act 2016 Section 16
Express power or duty delegated	The Graffiti Vandalism Act 2016
Function	All the powers and duties of a local government pursuant to the Graffiti Vandalism Act 2016
Delegates	CEO
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
5 Jun 2017	New delegation	Initial Council Resolution: C1706/131	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 7 - 01 Development Control
Head of power	07 Planning and Development Act 2005
Delegator	Local Government
Express power to delegate	Planning and Development Act 2005 s.162 Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	The Planning and Development (Local Planning Schemes) Regulations 2015
Function	The powers and duties of the local government able to be delegated under clause 82, Schedule 2 – Deemed Provisions for local planning schemes.
Delegates	CEO
Conditions	<p>1. 'Call-in' provisions Any two or more Councillors may consider an application or proposal to be of strategic significance and/or high community interest and request the CEO in writing, to present the application or proposal to the Council for consideration. If the request is supported, the application shall be presented to the first practicable Council meeting for consideration.</p> <p><i>Note: Any Councillor may also submit a notice of motion in relation to the withdrawal of delegation in relation to a particular application, but it would generally be expected that they would first seek to exercise the call-in provision outlined above.</i></p> <p>2. Applications in Special Character Areas</p> <p>a) All applications for development approval affecting land within the Special Character Areas, as identified in Schedule 4 of the Scheme, will be identified in a separate table within the summary of applications received and published on the City's website pursuant to Condition 7.</p> <p>b) Prior to determination of applications for development approval affecting land within the Special Character Areas, as identified in Schedule 4 of the Scheme, a summary of the application, outlining key areas of discretion and issues raised in any submissions received, shall be provided to Councillors, and a decision shall not be made to determine the application until at least seven full days has elapsed. This information shall generally be provided in the form of a weekly summary, including all relevant applications that have been assessed and which are considered ready for determination at the time the weekly summary is prepared.</p> <p>c) If a Councillor would like to be briefed on an application, they will contact the CEO or the CEO's nominee/s.</p> <p>d) Note, additionally officers shall pro-actively identify applications which may be of significant community interest, and bring those applications to the monthly development application briefing update required pursuant to Condition 7 and/or to the Council for determination.</p> <p>e) Further note that, if and when Amendment 56 to Local Planning Scheme 21 is Gazetted, the Council shall review whether conditions related to the exercise of delegations in Special Character Areas are necessary (in particular, that reflects the fact that Amendment 56 proposes that discretion would be able to be exercised in relation to development controls specifically contained within Schedule 4).</p>

Note: The CEO may nominate the Director, Community Planning, or Manager, Planning Development as their nominee for the purpose of parts c above.

3. Reconsideration of applications for development approval

Prior to the determination of an application for reconsideration of an application for development approval (other than where a reconsideration is occurring pursuant to section 31 of the State Administrative Tribunal Act 2004 – see below), the CEO shall ensure that a copy of the reconsideration request, together with a report assessing the application, is circulated to all Councillors, giving a period of not less than 14 days before a delegated decision is made.

“Reconsideration” is not a defined term in the City of Busselton Local Planning Scheme No. 21 or the Planning and Development (Local Planning Scheme) Regulations 2015, however for the purposes of this delegation, the term relates to applications to:

- a) amend or delete conditions of a development approval, where City officers are not supportive of that request and informal discussion with the applicant has not resolved the issue; and
- b) new development applications which are substantially the same as an earlier application refused under delegation.

4. Standard Structure Plans, and Precinct Structure Plans

Prior to making a recommendation to the Western Australian Planning Commission regarding adoption or amendment of a Structure Plan or Precinct Structure Plan, the CEO shall ensure that a copy of the respective plan, together with a report, setting out and explaining the recommendation proposed to be made under delegation, is circulated to all Councillors, giving a period of not less than 14 days before a recommendation is forwarded to the Commission.

5. Local Planning Policies, Local Heritage List, Heritage Precincts

Decisions relating to adoption, revocation or amendment of local Planning Policies, the Local Heritage List and/or Heritage Precincts are not delegated.

6. Applications for review by the State Administrative Tribunal (SAT)

Where the original decision was made under delegation, a reconsideration decision pursuant to section 31 of the State Administrative Tribunal Act 2004 may also be made under delegation.

Where the original decision was made by the Council, a reconsideration decision pursuant to section 31 of the State Administrative Tribunal Act 2004 shall be presented to the Council for consideration, unless officers have first briefed Councillors and Councillors have indicated a general willingness to allow the decision to be made under delegation, in which case a decision may be made under delegation, provided that the ‘call-in’ provisions set out at Condition 1 above have not been exercised before the decision is made.

Note that where the original decision was made by a Development Assessment Panel, the Panel is the respondent in relation to any application for review.

7. Briefing and Reporting

Generally on a monthly basis (as agreed/determined by the Mayor and CEO), officers shall provide Councillors with an informal briefing on planning matters of strategic significant and/or high community interest, and on issues raised by Councillors.

Each Friday, or in the case of Fridays which are public holidays, the next working day, a summary of applications received and determined in the preceding period (usually the preceding Friday to Thursday) shall be published on the City’s website.

	Generally on a monthly basis, and generally as part of the agenda for every second ordinary Council meeting in any given month, a summary and update of planning and development-related State Administrative Tribunal matters involving the City shall be presented to Councillors as part of the 'Councillors Information Bulletin'.
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
6 Mar 2017	New delegation	Initial Council Resolution: C1703/042	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---
16 Aug 2023	Amended delegation	Conditions Amended in relation to Special Character Areas	C2308/90
18 Oct 2023	Amended delegation	Amended delegation adopted by Council resolution C2310/130 on 18 October 2023, as part of annual review process	C2310/130

Delegation	DA 7 - 02 Unauthorised Development
Head of power	07 Planning and Development Act 2005
Delegator	Local Government
Express power to delegate	Planning and Development Act 2005 s.162 Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
Express power or duty delegated	The Planning and Development Act 2005 s.214
Function	s.2.14(2) The power to give written direction to stop or not recommence s.214(3) The power to give written direction to remove or restore s.214(5) The power to give written direction to execute the work
Delegates	CEO
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
6 Jun 2011	New delegation	Initial Council Resolution: C1106/199	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 10 - 01 Designated Authorised Officers
Head of power	10 Public Health Act 2016
Delegator	Local Government
Express power to delegate	Public Health Act 2016 Section 21
Express power or duty delegated	<i>Public Health Act 2016</i> Section 24
Function	s.24 Designation of authorised officers
Delegates	CEO
Conditions	<p>1. Subject to each person so appointed being:</p> <p>a. Appropriately qualified and experienced:</p> <p>b. Issued with a certificate, badge or identity card identifying the authorised officer.</p> <p>2. A register of authorised officers is to be maintained in accordance with s.27</p>
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
5 Jun 2017	New delegation	Initial Council Resolution: C1706/061	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 10 - 02 Appoint Authorised Officer or Approved Officer (Asbestos Regulations)
Head of power	10 Public Health Act 2016
Delegator	Local Government
Express power to delegate	Health (Asbestos) Regulations 1992 r.15D(7)
Express power or duty delegated	<i>Health (Asbestos) Regulations 1992</i> r.15D
Function	r.15D(5) Authority to appoint a person or classes of person as an authorised officer or approved officer for the purposes of the Criminal Procedure Act 2004 Part 2
Delegates	CEO
Conditions	Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
6 Mar 2017	New delegation	Initial Council Resolution: C1703/061	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 11 - 01 Meelup Regional Park Management Committee
Head of power	11 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.16 Delegation of some powers and duties to certain committees s.5.17 Limits on delegation of powers and duties to certain committees
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.18
Function	s.3.18 Performing executive functions
Delegates	Meelup Regional Park Management Committee
Conditions	The above power or duty is to adopt plans, policies or documents that relate to the management of the park other than where those plans, policies or documents require adoption pursuant to a particular statutory power. The Committee may not make any decision that would require expenditure of funds contrary to the adopted budget and any decisions shall not be actioned until the Committee meeting minutes have been formally received and noted by the Council.
Statutory framework	Meelup Regional Park Management Committee's Terms of Reference Working Group Terms of Reference
Policy	Council Policy: Governance of Meelup Regional Park
Record keeping	GOVN001-Authorised Delegation of Power/Authority
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
2 Jun 2008	New delegation	Initial Council Resolution: C0806/188	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 11 - 02 Audit and Risk Committee
Head of power	11 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.16 Delegation of some powers and duties to certain committees s.5.17 Limits on delegations of some powers and duties to certain committees s.7.1B Delegation of some powers and duties to audit committees
Express power or duty delegated	<i>Local Government Act 1995</i> s.7.12A
Function	s.7.12A(2) Authority to meet with the City's Auditor at least once every year on behalf of the Council s.7.12A(3) Authority to: a. Examine the report of the Auditor and determine matters that require action to be taken by the City; and b. Ensure that appropriate action is taken in respect of those matters. s.7.12A(4) Authority to review and endorse the City's report on any actions taken in response to the Auditor's report, prior to it being forwarded to the Minister.
Delegates	Audit and Risk Committee
Conditions	Delegation of s.7.12A(3) and s.7.12A(4) is not to be used where a Management Letter or Audit Report raises significant issues and the local governments meeting with the Auditor must be directed to the Council.
Statutory framework	Terms of Reference: Audit and Risk Committee
Record keeping	GOVN001-Authorised Delegation of Power/Authority
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
8 Oct 2001	New delegation	Initial Council Resolution: C1001/015	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 11 - 03 Behaviour Complaints Committee
Head of power	11 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s.5.16 Delegation of some powers and duties to certain committees s.5.17 Limits on delegations of some powers and duties to certain committees
Express power or duty delegated	<i>Local Government (Model Code of Conduct) Regulations 2021</i> Clause 12 Clause 13
Function	<p>Clause 12(1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.</p> <p>Clause 12(4) If the local government makes a finding that the alleged breach has occurred, the local government may –</p> <p>(a) Take no further action; or</p> <p>(b) Prepare and implement a plan to address the behaviour of the person to whom the complaint relates</p> <p>Clause 12(7)</p> <p>If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of –</p> <p>(a) Its findings and the reasons for its findings; and</p> <p>(b) If its finding is that the alleged breach has occurred – its decision under subclause (4)</p> <p>Clause 13 Dismissal of complaint</p>
Delegates	Behaviour Complaints Committee
Conditions	<ol style="list-style-type: none"> 1. The Committee will make decisions in accordance with Council Policy: Management of Complaints of Alleged Breaches of Behaviour and these Terms of Reference. 2. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act. 3. The Committee is prohibited from exercising its delegated power where a Committee Member in attendance at a Committee meeting is either the complainant or respondent to the Complaint under consideration by the Committee.
Statutory framework	City of Busselton Code of Conduct for Council Members, Committee Members and Candidates
Policy	Council policy: Management of Complaints of Alleged Breaches of Behaviour
Record keeping	GOVN001-Authorised Delegation of Power/Authority
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
10 Nov 2021	New delegation	Initial Council Resolution: C2111/087	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 11 - 04 Airport Advisory Committee
Head of power	11 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s 5.16 Delegation of some powers and duties to certain committees s 5.17 Limits of delegation of powers and duties to certain committees
Express power or duty delegated	Local Government Act 1995 s 3.18 Performing executive functions
Function	Pursuant to section 5.17 of the Act, the Committee is delegated the powers to note an item that does not require a recommendation to the Council or further action of the Council.
Delegates	Airport Advisory Committee
Conditions	Committee recommendations, other than those made in accordance with the delegated function above, are not binding on the Council and must be endorsed by the Council to take effect.
Statutory framework	Airport Advisory Committee Terms of Reference
Record keeping	GOVN001 - Authorised delegation of power / authority
Date adopted	26 July 2023
Adoption references	C2307/61

Delegation	DA 11 - 05 Finance Committee
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s 5.16 Delegation of some powers and duties to certain committees s 5.17 Limits on delegation of powers and duties to certain committees
Express power or duty delegated	s 3.18 Performing executive functions
Function	Pursuant to section 5.17 of the Act, the Committee is delegated the powers to note an item that does not require a recommendation to the Council or further action of the Council.
Delegates	Finance Committee
Conditions	Committee recommendations, other than those made in accordance with the delegated function above, are not binding on the Council and must be endorsed by the Council to take effect.
Statutory framework	Finance Committee Terms of Reference
Record keeping	GOVN001 - Authorised Delegation of Power/Authority
Date adopted	21 June 2023
Adoption references	C2306/115

Delegation	DA 11 - 06 Policy and Legislation Committee
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 s 5.16 Delegation of some powers and duties to certain committees s 5.17 Limits on delegation of powers and duties to certain committees
Express power or duty delegated	s 3.18 Performing executive functions
Function	Pursuant to section 5.17 of the Act, the Committee is delegated the powers to refer a policy back to the Chief Executive Officer, or the Chief Executive Officer's nominee, with a request for further information or amendments to be made to the policy.
Delegates	Policy and Legislation Committee
Conditions	Committee recommendations, other than those made in accordance with the delegated function above, are not binding on the Council and must be endorsed by the Council to take effect.
Statutory framework	Policy and Legislation Committee terms of reference
Record keeping	GOVN001 - Authorised delegation of power / authority
Date adopted	16 August 2023
Adoption references	C2308/80

Delegation	DA 12 - 01 Prohibition Orders
Head of power	12 Food Act 2008
Delegator	Local Government
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.65, s.66, s.67
Function	s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Delegates	CEO
Conditions	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
13 Oct 2021	New delegation	Initial Council Resolution: C2110/057	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 12 - 02 Food Business Registration
Head of power	12 Food Act 2008
Delegator	Local Government
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, s.112
Function	s.110(1) and (5) Registration of a food business s.112 Variation of conditions or cancellation of registration of food businesses
Delegates	CEO
Conditions	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Statutory framework	1. Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA 2. Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 3. WA Priority Classification System 4. Verification of Food Safety Program Guideline
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
13 Oct 2021	New delegation	Initial Council Resolution: C2110/057	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	DA 12 - 03 Appoint Authorised Officers and Designated Officers
Head of power	12 Food Act 2008
Delegator	Local Government
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.122, s.126
Function	s.122(1) Appointment of authorised officers s.126(6), (7), (13) Infringement Officers
Delegates	CEO
Conditions	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Statutory framework	1. Appointment of Authorised Officers as Meat Inspectors 2. Appointment of Authorised Officers 3. Appointment of Authorised Officers – Designated Officers Only 4. Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties as an Authorised Officer
Record keeping	GOVN015 - Instrument of Council Delegation to CEO
Date adopted	21 December 2022
Adoption references	C2212/315

Amendments			
Date	Type	Amendment	References
13 Oct 2021	New delegation	Initial Council Resolution: C2110/057	---
21 Dec 2022	Amended delegation	Recent Council Resolution: C2212/315	---

Delegation	S 1 - 03 Abandoned vehicle wreck
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995 s.3.40A
Function	s.3.40A(4) The power to declare that the vehicle is an abandoned vehicle wreck
Delegates	Director Community Planning Manager Community Safety Ranger Coordinator
Conditions	Disposal of a declared abandoned vehicle wreck is to be undertaken in accordance with the Delegation DA1 - 04 Confiscated or Uncollected Goods
Statutory framework	HEAD DELEGATION: DA 1 – 03 Abandoned vehicle wreck
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	3 May 2023
Adoption references	Verification - Tony Nottle, Chief Executive Officer

Amendments			
Date	Type	Amendment	References
12 Dec 2018	New delegation	Initial verification - Mike Archer, Chief Executive Officer - 12 December 2018	---
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Director Planning and Development Services > Director Community Planning - Manager Regulatory Service > Manager Community Safety - Ranger and Emergency Services Coordinator > Ranger Coordinator	---
4 Dec 2023	Amended delegation	Delegates amended per CoB organisational restructure.	CEO approval: Doc Set ID 5277579

Delegation	S 1 - 04 Confiscated or uncollected goods
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995 s.3.46, s.3.47, s.3.48
Function	s.3.46(1) The power to refuse to allow impounded goods to be collected until costs are paid s.3.46(2) The power to refuse to allow removed goods to be collected until costs are paid s.3.47(1) The power to sell or otherwise dispose of goods under s.3.43 s.3.47(2) The power to sell or otherwise dispose of any vehicle s.3.47(2a) The power to sell or otherwise dispose of impounded goods s.3.48 The power to recover impounding expenses
Delegates	Director Community Planning Manager Community Safety Ranger Coordinator
Statutory framework	HEAD DELEGATION: DA 1 – 04 Confiscated or Uncollected Goods
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	3 May 2023
Adoption references	Verification - Tony Nottle, Chief Executive Officer

Amendments			
Date	Type	Amendment	References
22 Oct 2018	New delegation	Initial Verification - Mike Archer, Chief Executive Officer - 22 October 2018	---
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Director Planning and Development Services > Director Community Planning - Manager Regulatory Service > Manager Community Safety - Ranger and Emergency Services Coordinator > Ranger Coordinator	---
4 Dec 2023	Amended delegation	Delegates amended per CoB organisational restructure.	CEO approval: Doc Set ID 5277579

Delegation	S 1 - 05 Closure of thoroughfares
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995 s.3.50, s.3.50A
Function	s.3.50(1) The power to close any thoroughfare, for a period not exceeding 4 weeks s.3.50(1a) The power to close any thoroughfare for a period exceeding 4 weeks s.3.50(6) The power to revoke an order s.3.50A The power to partially close a thoroughfare for repairs or maintenance
Delegates	Director Infrastructure and Environment
Statutory framework	DA 1 – 05 Closure of Thoroughfares
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	30 June 2011
Adoption references	Initial Verification - 30 June 2011 Recent Amendment - 22 October 2018 Currently under review

Amendments			
Date	Type	Amendment	References
22 Oct 2018	New delegation	Initial Verification - Mike Archer, Chief Executive Officer - 22 October 2018	---
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Director Engineering and Works Services > Director Infrastructure and Environment	---
4 Dec 2023	Amended delegation	Delegates amended per CoB organisational restructure.	CEO approval: Doc Set ID 5277579

Delegation	S 1 - 07 Inviting Tenders
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995 s.3.57 Local Government (Functions and General) Regulations 1996 Regulations 11, 13, 14, 18
Function	s.3.57 Tenders for providing goods and services Regulation 11(1) The power to determine when tenders have to be publicly invited Regulation 11(2) The power to determine that a relevant exemption applies Regulation 13 Requirements when local government invites tender when not required to do so Regulation 14(2a) The power to determine in writing, before tenders are called, the criteria for acceptance of tenders Regulation 14(4)(a) The power to determine the information that is to be disclosed Regulation 14(5) The power to vary tender information after public notice and provide notice of variation to information Regulation 18(4) The power to evaluate tenders, by written evaluation, and decide which is most advantageous Regulation 18(4a) The power to seek clarification from tenders in relation to information contained in their tender submission
Delegates	Director Community Planning Director Corporate Strategy and Performance Director Economic and Business Development Director Infrastructure and Environment
Conditions	In addition to the conditions of DA1-07 'Inviting, Rejecting and Accepting Tenders', this delegation is subject to: (a) Legal Services having signed off on the procurement process aspects as compliant; (b) complying with the requirements of the City of Busselton's Purchasing Policy as it relates to tendering; (c) authority to invite a tender extends only to each Directors budgeted authority; and (d) following any applicable operational procedures.
Statutory framework	DA 1 – 07 Inviting, Rejecting and Accepting Tenders
Policy	Council Policy: Purchasing
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	28 April 2023
Adoption references	Verification - Tony Nottle, Chief Executive Officer – 28 April 2023

Amendments			
Date	Type	Amendment	References
22 Oct 2018	New delegation	Initial Verification - Mike Archer, Chief Executive Officer - 22 October 2018	---
28 Apr 2023	Amended delegation	Amended delegation	---
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Director Community and Commercial Services > Director Economic and Business Development - Director Engineering and Works Services > Director Infrastructure and Environment - Director Finance and Corporate Services > Director Corporate Strategy and Performance - Director Planning and Development Services > Director Community Planning	---
4 Dec 2023	Amended delegation	Delegates amended per CoB organisational restructure.	CEO approval: Doc Set ID 5277579

Delegation	S 1 - 13A Authority to destroy an impounded sick or injured animal
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995 s.3.47A
Function	s.3.47A The power to humanely destroy an animal and dispose of the carcass
Delegates	Director Community Planning Manager Community Safety Ranger Coordinator
Conditions	This delegation is only to be used where the all reasonable efforts to identify and contact an owner have been exhausted
Statutory framework	DA 1 – 13 Authority to destroy an impounded sick or injured animal
Policy	Council Policy: Ranger and Emergency Services Approach to Regulatory Functions Council Policy: Rehoming of Impounded Dogs and Cats
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	3 May 2023
Adoption references	Verification - Tony Nottle, Chief Executive Officer – 3 May 2023

Amendments			
Date	Type	Amendment	References
12 Dec 2018	New delegation	Initial Verification - Mike Archer, Chief Executive Officer - 12 December 2018	---
4 Oct 2023	Amended delegation	Organisation Restructure 4 October 2023 - Position Changes - Director Planning and Development Services > Director Community Planning - Manager Regulatory Services > Manager Community Safety - Ranger and Emergency Services Coordinator > Ranger Coordinator	---
4 Dec 2023	Amended delegation	Delegates amended per CoB organisational restructure.	CEO approval: Doc Set ID 5277579

Delegation	S 1 - 13B Authority to destroy an impounded sick or injured animal
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995 s.3.47A
Function	s.3.47A The power to humanely destroy an animal and dispose of the carcass
Delegates	Ranger Senior Ranger
Conditions	Rangers and Senior Rangers are authorised under this delegation only for the purposes of s.3.47A (2)(a) of the Local Government Act 1995.
Statutory framework	DA 1 – 13 Authority to destroy an impounded sick or injured animal
Policy	Council Policy: Ranger and Emergency Services Approach to Regulatory Functions Council Policy: Rehoming of Impounded Dogs and Cats
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	3 May 2023
Adoption references	Verification - Tony Nottle, Chief Executive Officer – 3 May 2023

Amendments			
Date	Type	Amendment	References
12 Dec 2018	New delegation	Initial Verification - Mike Archer, Chief Executive Officer - 12 December 2018	---

Delegation	S 1 - 14A Power to Defer, Grant Discounts, Waive or Write-Off Debts
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995 s.6.12
Function	s.6.12(1) (b) The power to waive or grant concessions in relation to any amount of money s.6.12(1)(c) The power to write off any amount of money s.6.12(3) The power to determine conditions imposed on the granting of a concession
Delegates	Director Community Planning Director Corporate Strategy and Performance Director Economic and Business Development Director Infrastructure and Environment
Conditions	<p>Delegate: Director Corporate Strategy and Performance Conditions: 1. Any waiver or granting of concession shall only be up to \$1,000 and considered solely on its merits; and any debt write-off approved shall be less than \$1,000; any waiver, granting of concessions or debt write-off must relate only to the Director Corporate Strategy and Performance's budgeted areas of responsibility.</p> <p>2. Any waiver or granting of concessions as it applies to any Financial Hardship application, shall only be up to \$2,000 and considered solely on its merits; and any Financial Hardship application for debt write-off shall be less than \$2,000 and will take into account the Financial Hardship Policy.</p> <p>Delegate: Director Economic and Business Development Conditions: 1. Any waiver or granting of concession shall only be up to \$1,000 and considered solely on its merits; and any debt write-off approved shall be less than \$1,000; any waiver, granting of concessions or debt write-off must relate only to the Director Economic and Business Development's budgeted areas of responsibility.</p> <p>2. Community Hire Policy: Additional subsidies and waiver of hire fees under Council Policy: Community Hire of City Property are limited to \$2000 per application in accordance with the endorsed City of Busselton Annual Budget and Fees and Charges</p> <p>Delegate: Director Community Planning Conditions: Any waiver or granting of concession shall only be up to \$1,000 and considered solely on its merits; and any debt write-off approved shall be less than \$1,000; any waiver, granting of concessions or debt write-off must relate only to the Director Community Planning's budgeted areas of responsibility.</p> <p>Delegate: Director Infrastructure and Environment Conditions: Any waiver or granting of concession shall only be up to \$1,000 and considered solely on its merits; and any debt write-off approved shall be less than \$1,000; any waiver, granting of concessions or debt write-off must relate only to the Director Infrastructure and Environment's budgeted areas of responsibility.</p>
Statutory framework	DA 1 -14 Power to Defer, Grant Discounts, Waive or Write-Off Debts

Policy	Council Policy: Financial Hardship
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	28 April 2023
Adoption references	Verification - Tony Nottle, Chief Executive Officer – 28 April 2023

Amendments			
Date	Type	Amendment	References
18 Dec 2018	New delegation	Initial Verification - Mike Archer, Chief Executive Officer - 18 December 2018	6B(S1) Power to Defer, Grant Discounts, Waive or Write-Off Debts
22 Jul 2020	Amended delegation	Amended to include all Directors and amended monetary amounts due to the City's response to the COVID-19 Crisis	C2007/075
4 Oct 2023	Amended delegation	Organisation Restructure - Director Planning and Development Services > Director Community Planning - Director Engineering and Works Services > Director Infrastructure and Environment - Director Finance and Corporate Services > Director Corporate Strategy and Performance - Director Community and Commercial Services > Director Economic and Business Development	---
4 Dec 2023	Amended delegation	Delegates amended per CoB organisational restructure.	CEO approval: Doc Set ID 5277579

Delegation	S 1 - 14B Power to Defer, Grant Discounts, Waive or Write-Off Debts
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995 s.6.12 Power to defer, grant discounts, waive or write off debts
Function	s.6.12(1)(b) The power to waive or grant concessions in relation to any amount of money s.6.12(1)(c) The power to write off any amount of money s.6.12(3) The power to determine conditions imposed on the granting of a concession
Delegates	Manager Community Safety Ranger Coordinator
Conditions	<p>The powers are to be exercised in relation to the following types of fees only:</p> <ol style="list-style-type: none"> Impound and sustenance fees for dogs, cats and stock; Surrender fees for dogs and cats; Registration fees for sterilised dogs and cats; and Impound fees for vehicles. <p>Any waiver or granting of concession shall only be up to \$1,000 and considered solely on its merits; and any debt write-off approved shall be less than \$1,000.</p> <p>At the end of each month, a report is to be prepared and presented to the Director Community Safety containing the following details:</p> <ol style="list-style-type: none"> Details of owner; Payment and ownership details; Summary of owner write-off/ discount request, together with the reason why the write-off request was approved; and Any other pertinent information that is considered relevant.
Statutory framework	DA 1 – 14 Power to Defer, Grant Discounts, Waive or Write-Off Debts
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	3 May 2023
Adoption references	Verification - Tony Nottle, Chief Executive Officer – 3 May 2023

Amendments			
Date	Type	Amendment	References
18 Dec 2018	New delegation	Initial Verification - Mike Archer, Chief Executive Officer - 18 December 2018	6B(S1) Power to Defer, Grant Discounts, Waive or Write-Off Debts
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Director Planning and Development Services > Director Community Planning - Manager Regulatory Services > Manager Community Safety - Ranger and Emergency Services Coordinator > Ranger Coordinator	---
4 Dec 2023	Amended delegation	Delegates amended per CoB organisational restructure.	CEO approval: Doc Set ID 5277579
13 Jun 2024	Amended delegation	Director Community Planning removed. Function extended to include impound and sustenance fees for stock, and registration fees for sterilised dogs, and cats. New condition to provide monthly reporting on exercise of delegated authority.	CEO approval: Doc Set ID 5417424

Delegation	S 1 - 14C Power to Defer, Grant Discounts, Waive or Write-Off Debts
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995 s.6.12
Function	s.6.12(1)(b) The power to waive or grant concessions in relation to any amount of money s.6.12(1)(c) The power to write off any amount of money s.6.12(3) The power to determine conditions imposed on the granting of a concession
Delegates	Manager Financial Services Rates Coordinator
Conditions	<p>Delegate: Manager Financial Services Conditions: Any debt write-off approved shall be less than \$50; any debt write-off must relate only to Rates and Service Charges.</p> <p>Delegate: Rates Coordinator Conditions: Any debt write-off approved shall be less than \$50; any debt write-off must relate only to Rates and Service Charges.</p> <p>The use of this delegation is limited to the following conditions:</p> <ol style="list-style-type: none"> 1. The rates write-off request must be received from the property owner or their agent and provide acceptable reasoning as to why rates were not paid as required; 2. The rate payment history since ownership of the property needs to be good or better with rates being paid via the allowed options on, or within a month, of the due dates; 3. No prior rates write-off approvals are to have occurred since ownership of the property and any approved rate write-off approvals under the sub-delegation are to be a once-off only; and 4. Overdue rates paid in full or being paid via the latest payment options or under a special arrangement. 5. At the end of each month, a report is to be prepared and presented to the Director, Finance and Corporate Services for confirmation of the rates write-off approved. The report is to contain the following details: <ol style="list-style-type: none"> a. Property and ownership details; b. Payment history and overall ranking; c. Summary of the property owners/agents write-off request, together with the reason why the write-off request was approved and; d. Any other pertinent information that is considered relevant to the write-off request being approved.
Statutory framework	DA 1 -14 Power to Defer, Grant Discounts, Waive or Write-Off Debts
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	28 April 2023
Adoption references	Verification - Tony Nottle, Chief Executive Officer – 28 April 2023

Amendments			
Date	Type	Amendment	References
26 Nov 2020	New delegation	Verification - Mike Archer, Chief Executive Officer - 26 November 2020	6B(S1) Power to Defer, Grant Discounts, Waive or Write-Off Debts

Delegation	S 1 - 15 Rates and service charges
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995 s.6.49, s.6.56, s.6.60, s.6.64, s6.69 s.6.76
Function	s.6.49 The power to enter into an agreement for the payment of rates and service charges s.6.56 The power to recover, in court, rates or service charges due s.6.60(4) The power to recover the amount of the rate or service charge as a debt from the lessee if the rent is not paid in accordance with a notice s.6.69(2) The power to agree to the terms and conditions between parties and accept payment of the outstanding rates or service charges s.6.76(4) The power to extend the time for a person to make an objection to a rate records s.6.76(5) The power to consider any objection and disallow or allow it, wholly or in part
Delegates	Director Corporate Strategy and Performance Manager Financial Services Rates Coordinator
Statutory framework	DA 1 – 15 Rates and Service Charges
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	28 April 2023
Adoption references	Verification - Tony Nottle, Chief Executive Officer – 28 April 2023

Amendments			
Date	Type	Amendment	References
30 Jun 2011	New delegation	Initial Verification - Mike Archer, Chief Executive Officer - 30 June 2011	---
15 Jun 2015	Amended delegation	Amendment	6C(S1) Rates and Service Charges
4 Oct 2023	Amended delegation	Organisation Restructure - Position Change - Director Finance and Corporate Services > Director Corporate Strategy and Performance	---
4 Dec 2023	Amended delegation	Delegates amended per CoB organisational restructure.	CEO approval: Doc Set ID 5277579

Delegation	S 1 - 18 Appointment of Authorised Persons
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995 s.9.10 Appointment of Authorised Persons Building Regulations 2012 Regulation 70(2) Criminal Procedure Act 2004 s.6(b)
Function	<p>1. Authority to appoint persons or classes of persons as authorised persons for the purposes of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act:</p> <p>(a) Local Government Act 1995 and its subsidiary legislation, including Local Government Regulations, the Local Government (Miscellaneous Provisions) Act 1960 and Local Laws made under the Local Government Act 1995.</p> <p>(b) Caravan Parks and Camping Grounds Act 1995</p> <p>(c) Cat Act 2011;</p> <p>(d) Cemeteries Act 1986;</p> <p>(e) Control of Vehicles (Off-road Areas) Act 1978;</p> <p>(f) Dog Act 1976;</p> <p>(g) Graffiti Vandalism Act 2016 (s.15); and</p> <p>(h) Any other legislation prescribed for the purpose of s.9.10 of the Local Government Act 1995.</p> <p>2. Authority to appoint authorised persons for the purposes of section 9.16 of the Local Government Act 1995 as a precondition for appointment as authorised officers in accordance with Regulation 70(2) of the Building Regulations 2012 and section 6(b) of the Criminal Procedure Act 2004.</p>
Delegates	Director Community Planning Director Corporate Strategy and Performance Director Economic and Business Development Director Infrastructure and Environment
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	18 December 2018
Adoption references	Initial Verification - Mike Archer, Chief Executive Officer - 18 December 2018 Recent Amendment - November 2020 Currently under review

Amendments			
Date	Type	Amendment	References
18 Dec 2018	New delegation	Initial verification: Mike Archer, Chief Executive Officer, 18 December 2018	---
4 Oct 2023	Amended delegation	Organisation Restructure - Position Change - Director Planning and Development Services > Director Community Planning - Director Engineering and Works Services > Director Infrastructure and Environment - Director Finance and Corporate Services > Director Corporate Strategy and Performance - Director Community and Commercial Services > Director Economic and Business Development	---
4 Dec 2023	Amended delegation	Delegates amended per CoB organisational restructure.	CEO approval: Doc Set ID 5277579

Delegation	S 1 - 20 Administer Local Laws
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995 s.3.18
Function	s.3.18 The power to perform executive functions
Delegates	Building Coordinator Director Community Planning Director Corporate Strategy and Performance Director Economic and Business Development Director Infrastructure and Environment Environmental Health Coordinator Events Coordinator Manager Community and Recreation Manager Community Safety Manager Economic Development and Property Manager Planning and Development Manager Systems and Information

Conditions	<p>Local Law: Holiday Homes Local Law 2012 Delegate/s: Director Community Planning Manager Planning and Development Manager Community Safety Environmental Health Coordinator Conditions: Nil</p> <p>Local Law: Activities in Thoroughfares and Public Places and Trading Local Law 2015 Delegate/s: Director Community Planning Director Economic and Business Development Director Infrastructure and Environment Manager Planning and Development Manager Community Safety Manager Economic Development and Property Building Coordinator Events Coordinator Conditions: Nil</p> <p>Local Law: Jetties Local Law 2014 Delegate/s: Director Economic and Business Development Manager Economic Development and Property Conditions: Nil</p> <p>Local Law: Property Local Law 2010 Delegate/s: Director Corporate Strategy and Performance Director Economic and Business Development Director Infrastructure and Environment Director Community Planning Manager Community and Recreation Manager Systems and Information Conditions: Nil</p>
Statutory framework	DA 1 – 20 Administer Local Laws
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	28 April 2023
Adoption references	Verification - Tony Nottle, Chief Executive Officer – 28 April 2023

Amendments			
Date	Type	Amendment	References
18 Mar 2013	New delegation	Verification - Mike Archer, Chief Executive Officer - 18 March 2013	---
27 Jan 2021	Amended delegation	Amendments: 3A(S1) Executive Function – All functions as provided for the local government pursuant to the Holiday Homes Local Law 2012 3A(S3) Executive Function – All functions as provided for the local government pursuant to the Activities in Thoroughfares and Public Places and Trading Local Law 2015 3A(S4) Executive Function – Determining Applications and Issuing Permits under the Jetties Local Law 3A(S5) Executive Function – All functions as provided for the local government pursuant to the Property Local Law 2010 LG3B(b)(S1) – Executive Function – Determining Applications for the Serving of Alcohol on City Property	---
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Building Services Coordinator > Building Coordinator - Director Community and Commercial Services > Director Economic and Business Development - Director Engineering and Works Services > Director Infrastructure and Environment - Director Finance and Corporate Services > Director Corporate Strategy and Performance - Director Planning and Development Services > Director Community Planning - Manager Community and Recreation Services > Manager Community and Recreation - Manager Economic and Business Development > Manager Economic Development and Property - Manager Information Services > Manager Systems and Information - Manager Development Services > Manager Planning and Development - Manager Regulatory Services > Manager Community Safety	---
4 Dec 2023	Amended delegation	Delegates amended per CoB organisational restructure.	CEO approval: Doc Set ID 5277579

Delegation	S 1 - 21 Acquisition of Property
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995 s.3.18
Function	s.3.18 The power to perform executive functions and acquire property
Delegates	Director Corporate Strategy and Performance Director Infrastructure and Environment
Conditions	For property which is land, land be acquired it is required in relation to any approved works contained in the budget and the value up to \$20,000 and the purchase is approved by the Director Corporate Strategy and Performance, and Director Infrastructure and Environment. For all other property, either Director may acquire the property where the value of the property does not exceed \$100,000 and where funds have been provided for in the budget.
Statutory framework	DA 1 – 21 Acquisition of Property
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	28 April 2023
Adoption references	Verification - Tony Nottle, Chief Executive Officer – 28 April 2023

Amendments			
Date	Type	Amendment	References
16 Mar 2018	New delegation	Verification - Mike Archer, Chief Executive Officer - 16 March 2018	LG3B(a)(S1) Acquisition of Property
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Director Engineering and Works Services > Director Infrastructure and Environment - Director Finance and Corporate Services > Director Corporate Strategy and Performance	---
4 Dec 2023	Amended delegation	Delegates amended per CoB organisational restructure.	CEO approval: Doc Set ID 5277579
26 Mar 2024	Amended delegation	Function expanded to better describe the function being delegated	CEO approval: Doc Set ID 5387612

Delegation	S 1 - 22A Disposition of Property: Other than by Lease
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995 3.58 Disposing of property
Function	The power to dispose of land, other than by way of a lease, up to the value of \$100,000. The power to dispose of local government property other than land, other than by way of a lease, up to the value of \$100,000.
Delegates	Director Corporate Strategy and Performance Director Infrastructure and Environment Manager Financial Services
Conditions	<p>Disposition of property that is land</p> <ol style="list-style-type: none"> Any disposal must be in accordance with section 3.58 of the Local Government Act 1995 and associated regulations. The value of the land to be disposed of shall not exceed \$20,000, other than if paragraph (3) applies; or Where the property is land, valued at less than \$100,000 and has been put to public auction or put out to tender and not sold, the land may be disposed of in accordance with Regulation 30 (2a)(a) or (b) of the Local Government (Functions and General) Regulations 1996. Delegation of disposition of property that is land is limited to Director Corporate Strategy and Performance and Director Infrastructure and Environment. Manager Financial Services may not dispose of property that is land. <p>Disposition of property other than land</p> <ol style="list-style-type: none"> Any disposal must be in accordance with section 3.58 of the Local Government Act 1995 and associated regulations. The value of property other than land to be disposed of shall not exceed \$100,000.
Statutory framework	5.42 Delegation of some powers and duties to CEO 5.43 Limits on delegations to CEO 3.58(2) The power to dispose of property at a public auction or by public tender 3.58(3) The power to dispose of property by private treaty Regulation 30 Dispositions of property excluded from Act s. 3.58 DA 1 – 22A Disposition of Property: Other than by Lease
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	28 April 2023
Adoption references	Verification - Tony Nottle, Chief Executive Officer – 28 April 2023

Amendments			
Date	Type	Amendment	References
10 Jun 2020	New delegation	Verification - Mike Archer, Chief Executive Officer - 10 June 2010	Rescission of DA 1 -22: Adoption of DA 1 – 22A and DA 1 – 22B
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Director Engineering and Works > Director Infrastructure and Environment - Director Finance and Corporate Services > Director Corporate Strategy and Performance	---
4 Dec 2023	Amended delegation	Delegates amended per CoB organisational restructure.	CEO approval: Doc Set ID 5277579
17 Jun 2024	Amended delegation	New delegation to Manager Financial Services to dispose of property (other than land). Minor revisions to the description of the function being delegated, conditions and statutory references for improved clarity.	CEO approval: Doc Set ID 5423917

Delegation	S 1 - 22B Disposition of Property: Leasing of Property
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995 s.3.18, s.3.58
Function	s.3.18 The power to perform executive functions s.3.58(2) The power to dispose of property at a public auction or by public tender 3.58(3) The power to dispose of property by private treaty
Delegates	Director Corporate Strategy and Performance Director Economic and Business Development Manager Community and Recreation Manager Economic Development and Property
Conditions	<p>1. Leasing and licensing of property, including assignments of existing leases and the renewal of a lease by a lessee, where –</p> <p>(a) The property is an established sporting or community facility (including on managed reserve land) and where any part of the property has been leased before by the City: or</p> <p>(b) The property is for the purpose of storage only and are of an area of not more than 100 square metres.</p> <p>2. The permitted use of the property must be consistent with:</p> <p>(a) The designated purpose of the property; or</p> <p>(b) The general or ancillary use of the property immediately prior to the entering into of a lease; or</p> <p>(c) If the property has recently been acquired or a new or amended management order has been made in respect of a managed reserve, the purpose for which the property has been acquired or is to be managed.</p> <p>3. The value of the disposition (inclusive of all options or rights to renew or extend, but not including any provisions for holding over on a month by month basis) must not exceed \$25,000).</p> <p>4. The maximum term of the disposition, including any right by a lessee to assign the lease or licence or to sublease or sublicense the land and/or buildings shall not exceed 10 years (inclusive of all options or rights to renew or extend, but not including any provisions for holding over on a month by month basis).</p> <p>5. At least every six months City officers shall provide Councillors a summary and update of leases entered into under this delegation.</p>
Statutory framework	DA 1 – 22B Disposition of Property: Leasing of Property
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	28 April 2023

Adoption references	Verification - Tony Nottle, Chief Executive Officer - 28 April 2023
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Amendments			
Date	Type	Amendment	References
10 Jun 2020	New delegation	Verification - Mike Archer, Chief Executive Officer - 10 June 2020	Rescission of DA 1 -22: Adoption of DA 1 – 22A and DA 1 – 22B
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Director Community and Commercial Services > Director Economic and Business Development - Director Finance and Corporate Services > Director Corporate Strategy and Performance - Manager Community and Recreation Services > Manager Community and Recreation - Manager Legal and Property > Manager Legal and Governance - Manager Economic and Business Development Services > Manager Economic Development and Property	---
4 Dec 2023	Amended delegation	Delegates amended per CoB organisational restructure.	CEO approval: Doc Set ID 5277579
26 Mar 2024	Amended delegation	No change to duties delegated or conditions: Title and conditions amended to remove reference to licence (unless issued in conjunction with a lease), reflecting that a licence is not a disposition of property. Additionally, terminology amended to better align with the Act.	CEO approval: Doc Set ID 5387612

Delegation	S 1 - 22C Disposition of Residential Property by Lease
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 s. 5.42 Delegation of some powers or duties to CEO s. 5.43 Limitation on delegations to CEO
Express power or duty delegated	Local Government Act 1995 s. 3.18 Performing Executive Functions s. 3.58 Disposing of Property Local Government (Functions and General) Regulations 1996 Regulation 30(2)(g) Dispositions of Property Excluded from Act s. 3.58
Function	To dispose of residential property by lease to a person
Delegates	Director Economic and Business Development Land and Property Leasing Coordinator Manager Economic Development and Property
Conditions	The consideration under any residential property lease is not to exceed \$50,000 per annum
Statutory framework	DA 1 – 22C
Policy	Leasing of City Premises
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers Action taken must be recorded in ECM under the appropriate file structure to meet legislation requirements.
Date adopted	8 December 2023
Adoption references	CEO approval: Doc Set ID 5281670

Delegation	S1 - 25 Extension of Time; Withdrawal of Notice
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995 s.9.19 s.9.20
Function	s.9.19 Extension on time s.9.20 Withdrawal of notice
Delegates	Director Community Planning Manager Community Safety Ranger Coordinator
Conditions	The determination to withdraw an infringement notice is to be made in accordance with: 1. Council Policy – Rangers and Emergency Services Approach to Regulatory Functions; and 2. Operational Practice – Approach to Enforcement, Reviews and Appeals.
Record keeping	GOVN016 - Instrument of Sub Delegation from CEO to Officer
Date adopted	12 December 2018
Adoption references	Initial Verification: Mike Archer, CEO 12 December 2018

Amendments			
Date	Type	Amendment	References
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Director Planning and Development Services > Director Community Planning - Manager Regulatory Services > Manager Community Safety - Ranger and Emergency Services Coordinator > Ranger Coordinator	---
4 Dec 2023	Amended delegation	Delegates amended per CoB organisational restructure.	CEO approval: Doc Set ID 5277579

Delegation	S1 - 26 Committee Elections
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act - s5.12: Presiding members and deputies, election of - Schedule 2.3, Division 1: When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council; Mayors and presidents - Schedule 2.3, Division 2: When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council; Deputy mayors and deputy presidents
Function	- s5.12 : Presiding members and deputies, election of - Schedule 2.3 , Division 1: When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council; Mayors and presidents - Schedule 2.3 , Division 2: When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council; Deputy mayors and deputy presidents
Delegates	Director Community Planning Director Corporate Strategy and Performance Director Economic and Business Development Director Infrastructure and Environment Manager Legal and Governance
Conditions	This delegation is qualified by the notation that it does not extend to Council Meetings and can only be exercised at Committee Meetings.
Record keeping	GOVN016 - Instrument of Sub Delegation from CEO to Officers
Date adopted	28 April 2023
Adoption references	Verification - Tony Nottle, Chief Executive Officer

Amendments			
Date	Type	Amendment	References
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Director Community and Commercial Services > Director Economic and Business Development - Director Engineering and Works Services > Director Infrastructure and Environment - Director Finance and Corporate Services > Director Corporate Strategy and Performance - Director Planning and Development Services > Director Community Planning - Role ceased: Manager Governance and Corporate Services - New role created: Manager Legal and Governance	---
31 Oct 2023	Amended delegation	Delegates updated in line with organisational restructure.	Approval: Doc Set ID 5250260

Delegation	S1 - 27 Waiver of Purchasing Policy Requirements
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Local Government (Functions and General) Regulations 1996 Clause 11A
Function	Clause 11A – Purchasing policies for local governments
Delegates	Commerical and Contracts Advisor Director Corporate Strategy and Performance Manager Legal and Governance
Conditions	Waiver of Purchasing Policy form to be completed documenting justification for department from Policy.
Policy	Council Policy: Purchasing
Record keeping	GOVN016 - Instrument of Sub Delegation from CEO to Officers
Date adopted	28 April 2023
Adoption references	Verification - Tony Nottle, Chief Executive Officer

Amendments			
Date	Type	Amendment	References
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Director Finance and Corporate Services > Director Corporate Strategy and Performance - Manager Legal and Property > Manager Legal and Governance	---
4 Dec 2023	Amended delegation	Delegates amended per CoB organisational restructure.	CEO approval: Doc Set ID 5277579

Delegation	S1 - 28 Electoral Rolls and Eligibility for Enrolment
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995 s.4.41, s.4.32
Function	s.4.41 – Owners and occupiers roll s.4.32 – Eligibility to enrol under s.4.30, how to claim
Delegates	Director Corporate Strategy and Performance Manager Legal and Governance
Record keeping	GOVN016 - Instrument of Sub Delegation from CEO to Officers
Date adopted	28 April 2023
Adoption references	Verification - Tony Nottle, Chief Executive Officer

Amendments			
Date	Type	Amendment	References
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Role ceased: Director Finance and Corporate Services. - Role created: Director Corporate Strategy and Performance - Role ceased: Manager Governance and Corporate Services. - Role created: Manager Legal and Governance.	---
11 Oct 2023	Amended delegation	Delegates updated in line with organisational restructure.	Approval: Doc Set ID 5235102

Delegation	S1 - 29 Destruction of Records of Elections
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Local Government (Elections) Regulations 1997 Regulation 82(4)
Function	Regulation 82(4) – Keeping election papers (s4.84(a))
Delegates	Director Corporate Strategy and Performance Manager Systems and Information
Conditions	1. There having passed the necessary statutory timeframe before the destruction is undertaken; and 2. The authority only being exercise in the presence of two other City of Busselton employees.
Record keeping	GOVN016 - Instrument of Sub Delegation from CEO to Officers
Date adopted	28 April 2023
Adoption references	Verification - Tony Nottle, Chief Executive Officer

Amendments			
Date	Type	Amendment	References
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Director Finance and Corporate Services > Director Corporate Strategy and Performance - Manager Information Services > Manager Systems and Information	---
4 Dec 2023	Amended delegation	Delegates amended per CoB organisational restructure.	CEO approval: Doc Set ID 5277579

Delegation	S 1 - 30 Complaints Officer – Code of Conduct for Council Members, Committee Members and Candidates
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 s5.44 CEO may delegate powers and duties to other employees
Express power or duty delegated	Council Resolution C2102/032
Function	1. The Chief Executive Officer is authorised for the purposes of receiving complaints and withdrawal of complaints in accordance with Schedule 1, Clause 11(3) of the Local Government (Model Code of Conduct) Regulations 2021. 2. Delegate to the Chief Executive Officer the power to appoint one or more persons to receive complaints and withdrawals of complaints in accordance with Schedule 1, Clause 11(3) of the Local Government (Model Code of Conduct) Regulations 2021.
Delegates	Director Corporate Strategy and Performance
Conditions	In accordance with Council Policy: Investigation of Complaints of Alleged Breaches of Behaviour, the City's complaints officer must inform, and keep informed, the Chief Executive Officer regarding any complaints lodged in relation to Part 3 (Behaviours) of the City's Code of Conduct for Council Members, Committee Members and Candidates.
Statutory framework	DA 1 – 25 Complaints Officer – Code of Conduct Council Resolution C2102/032 City of Busselton Code of Conduct for Council Members, Committee Members and Candidates
Policy	Council Policy: Management of Complaints of Alleged Breaches of Behaviour
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	28 April 2023
Adoption references	Verification - Tony Nottle, Chief Executive Officer – 28 April 2023

Amendments			
Date	Type	Amendment	References
24 Feb 2021	New delegation	Implementation	---
27 Apr 2021	Amended delegation	Amended	---
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Director Finance and Corporate Services > Director Corporate Strategy and Performance	---
4 Dec 2023	Amended delegation	Delegates amended per CoB organisational restructure.	CEO approval: Doc Set ID 5277579
26 Mar 2024	Amended delegation	No change to duties delegated or conditions: Express power or duty delegated refined to the relevant statutory power. Policy references updated to current.	CEO approval: Doc Set ID 5387612

Delegation	S2 - 01 Building Act 2011, Powers of
Head of power	02 Building Act 2011
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Building Act 2011 s.19, s.20, s.21, s.24, s.25, s.27, s.39, s.56, s.57, s.58, s.60, s.62, s.65, s.133, s.138, s.140
Function	s.19 Determine a certificate of design compliance is in an approved form s.20 Granting of a building permit s.21 Granting of a demolition permit s.24 Notice of decision to not grant a building or demolition permit s.25 Form and content of building or demolition permit s.27 Conditions imposed by permit authority s.39 Non-application, modification of, building standards s.56 Certificate of construction compliance s.57 Certificate of building compliance s.58 Grant of occupancy permit, building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate s.62 Conditions imposed by permit authority s.65 Extension of period of duration s.133 Prosecutions s.138 Allegations in prosecution notices s.140 Proof of permits, declarations, obtained records
Delegates	Building Coordinator Building Officer Building Surveyor Compliance Coordinator Compliance Officer Director Community Planning Manager Community Safety Manager Planning and Development Planning and Building Assistant Senior Building Surveyor
Conditions	s.19 - Determine a Certificate of Design Compliance is in an approved form Delegates: Building Coordinator Senior Building Surveyor Building Surveyor Conditions: Nil s.20, s.25 - Determine - Granting of a Building or Demolition Permit, including conditions, on satisfaction of items in s.20 of the Act Delegates: Building Coordinator Senior Building Surveyor Building Surveyor Building Officer Planning and Building Assistant Conditions: Nil

s.21, s.25, s.27 - Determine – Granting of a Demolition Permit, including conditions, on satisfaction of items in s.21

Delegates:

Building Coordinator
Senior Building Surveyor
Building Surveyor

Conditions:

An item of significance or public interest should be referred to the Director Community Planning before determination.

A demolition permit, to relocate a building within the City, should be referred back to the Director Community Planning before determination

s.22, s.24, s.27 - Determine – decline to grant a Building or Demolition Permit

Delegates:

Director Community Planning
Manager Planning and Development
Building Coordinator
Senior Building Surveyor

Conditions:

An item of significance or public interest should be referred to the Director Community Planning before determination.

s.25(3(h)), s.25(4(f)) - Determine inspection requirements

Delegates:

Director Community Planning
Manager Planning and Development
Building Coordinator
Senior Building Surveyor
Building Surveyor
Building Officer

Conditions:

Nil

s.39 - Make an application to the Building Commissioner to vary standards

Delegates:

Director Community Planning
Manager Planning and Development
Building Coordinator
Senior Building Surveyor

Conditions:

Nil

s.56 - Determine a Certificate of Construction Compliance

Delegates:

Building Coordinator
Senior Building Surveyor
Building Surveyor

Conditions:

An item of significance or public interest should be referred to the Director Community Planning before determination.

s.57 - Determine a Certificate of Building Compliance

Delegates:

Building Coordinator
Senior Building Surveyor
Building Surveyor

Conditions:

An item of significance or public interest should be referred to the Director Community Planning before determination.

	<p>s.58, s.60, s.62, s.65 - Determine – grant, or with condition, Occupancy Permit, Building Approval Certificate or extend approval Delegates: Director Community Planning Manager Planning and Development Building Coordinator Senior Building Surveyor Building Surveyor Building Officer Conditions: An item of significance or public interest should be referred to the Director Community Planning before determination.</p> <p>s.58, s.60, s.62, s.65 - Determine – decline Occupancy Permit, Building Approval Certificate or extend approval Delegates: Director Community Planning Manager Planning and Development Building Coordinator Senior Building Surveyor Conditions: An item of significance or public interest should be referred to the Director Community Planning before determination.</p> <p>s.133 - Commence prosecution for an offence against this Act Delegates: Director Community Planning Manager Planning and Development Manager Community Safety Building Coordinator Compliance Coordinator Conditions: An item of significance or public interest should be referred to the Director Community Planning before determination.</p> <p>s.138, s.140 - The serving of forms and the collection of evidence Delegates: Director Community Planning Manager Planning and Development Manager Community Safety Building Coordinator Compliance Coordinator Compliance Officer Conditions: An item of significance or public interest should be referred to the Director Community Planning before determination.</p>
<p>Statutory framework</p>	<p>DA 2 – 01 The Powers and Duties of the Local Government pursuant to the Building Act 2011</p> <p>Building Services (Registration Act) 2011 Building Services (Complaint Resolution and Administration) Act 2011 Home Building Contracts Act 1991 Building and Construction Industry Training Levy Act 1990 Heritage Act 2018</p>
<p>Record keeping</p>	<p>GOVN16 – Instrument of Sub-Delegation from CEO to Officers</p>

Date adopted	25 September 2014
Adoption references	Initial Verification - Mike Archer, Chief Executive Officer - 25 September 2014 Recent Amendment - 12 May 2021 Currently under review

Amendments			
Date	Type	Amendment	References
25 Sep 2014	New delegation	Initial verification: Mike Archer, Chief Executive Officer – 25 September 2014	---
12 May 2021	Amended delegation	12 May 2021 – Inclusion of Planning and Building Assistant	---
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Building Services Coordinator > Building Coordinator - Director Planning and Development Services > Director Community Planning - Manager Development Services > Manager Planning and Development	---
4 Dec 2023	Amended delegation	Delegates amended per CoB organisational restructure.	CEO approval: Doc Set ID 5277579
15 Dec 2023	Amended delegation	New delegation to Manager Community Safety and Compliance Coordinator.	Approval: Doc Set ID 5287790

Delegation	S 2 - 02 Building Regulations 2012, Powers of the
Head of power	02 Building Act 2011
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees
Express power or duty delegated	Building Regulations 2012 r.6, r.31, r.53, r.61
Function	r.6 - Assign building classification r.31 - Determine – applicable building standard r.53 - Inspection of pool enclosures r.61 - Approve battery powered smoke alarms
Delegates	Building Coordinator Director Community Planning Manager Planning and Development
Statutory framework	DA 2 – 01 The Powers and Duties of the Local Government pursuant to the Building Act 2011
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	25 September 2014
Adoption references	Initial Verification - Mike Archer, Chief Executive Officer - 25 September 2014 Currently under review

Amendments			
Date	Type	Amendment	References
25 Sep 2014	New delegation	Implementation	---
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Building Services Coordinator > Building Coordinator - Director Planning and Development Services > Director Community Planning - Manager Development Services > Manager Planning and Development	---
4 Dec 2023	Amended delegation	Delegates amended per CoB organisational restructure.	CEO approval: Doc Set ID 5277579

Delegation	S 4 - 01 Approve a cat management facility
Head of power	04 Cat Act 2011
Delegator	CEO
Express power to delegate	Cat Act 2011_ s. 45 Delegation by CEO of local government
Express power or duty delegated	Cat Act 2011 s3(1)(c) Approve a cat management facility
Function	Approve, in writing, a cat management facility that is operated by a person or body.
Delegates	Director Community Planning Manager Community Safety Ranger Coordinator
Statutory framework	s. 3 Terms Used s. 44 Delegation by local government s. 45 Delegation by CEO of local government DA 4 - 01 The Powers and Duties of the Local Government Pursuant to the Cat Act 2011 City of Busselton Keeping and Control of Cats Local Law 2014
Policy	Council Policy: Rehoming of Impounded Dogs and Cats
Record keeping	GOVN16 - Instrument of Sub-Delegation from CEO to Officers
Date adopted	5 July 2024
Adoption references	Acting CEO approval: Doc Set ID 5435944

Delegation	S 4 - 02 Cat registration
Head of power	04 Cat Act 2011
Delegator	CEO
Express power to delegate	Cat Act 2011 s. 45 Delegation by CEO of local government
Express power or duty delegated	Cat Act 2011 s9 Registration s10 Cancellation of registration s13 Notice to be given of certain decisions made under this subdivision
Function	<ol style="list-style-type: none"> 1. Grant the registration of a cat. 2. Renew the registration of a cat. 3. Refuse to grant the registration of a cat and give notice of the reasons for the decision. 4. Refuse to renew the registration of a cat and give notice of the reasons for the decision. 5. Cancel the registration of a cat and give notice of the reasons for the decision. 6. Request an applicant to provide, within no more that 21 days, any document or information required to determine the application to grant or renew the registration of a cat, and may require the information to be verified by statutory declaration.
Delegates	Cemeteries Administration Officer Customer Information Officer Customer Service Coordinator Director Community Planning Manager Community Safety Ranger and Emergency Services Administration Officer Ranger and Emergency Services Senior Administrator Ranger Coordinator Ranger Services Administration Officer Senior Customer Information Officer
Statutory framework	s9 Registration s10 Cancellation of registration s13 Notice to be given of certain decisions made under this subdivision s. 44 Delegation by local government s. 45 Delegation by CEO of local government DA 4 - 01 The Powers and Duties of the Local Government Pursuant to the Cat Act 2011 City of Busselton Keeping and Control of Cats Local Law 2014
Policy	Council Policy: Rehoming of Impounded Dogs and Cats
Record keeping	GOVN16 - Instrument of Sub-Delegation from CEO to Officers
Date adopted	5 July 2024
Adoption references	Acting CEO approval: Doc Set ID 5435944

Delegation	S 4 - 03 Issue a cat control notice
Head of power	04 Cat Act 2011
Delegator	CEO
Express power to delegate	Cat Act 2011 s. 45 Delegation by CEO of local government
Express power or duty delegated	s. 26 Cat control notice may be given to cat owner
Function	Issue a cat control notice to a person who is the owner of a cat which is ordinarily kept within the district.
Delegates	Director Community Planning Manager Community Safety Ranger Coordinator Senior Ranger
Statutory framework	s. 26 Cat control notice may be given to cat owner s. 44 Delegation by local government s. 45 Delegation by CEO of local government DA 4 - 01 The Powers and Duties of the Local Government Pursuant to the Cat Act 2011 City of Busselton Keeping and Control of Cats Local Law 2014
Policy	Council Policy: Rehoming of Impounded Dogs and Cats
Record keeping	GOVN16 - Instrument of Sub-Delegation from CEO to Officers
Date adopted	5 July 2024
Adoption references	Acting CEO approval: Doc Set ID 5435944

Delegation	S 4 - 04 Cat management facility cost recovery
Head of power	04 Cat Act 2011
Delegator	CEO
Express power to delegate	Cat Act 2011 s. 45 Delegation by CEO of a local government
Express power or duty delegated	s. 31 Cat owner liable to pay costs to cat management facility
Function	The operator of a cat management facility may recover the amounts of the costs referred to in section 31(1) of the Cat Act 2011 from the owner of the cat in a court of competent jurisdiction.
Delegates	Director Community Planning Manager Community Safety Ranger Coordinator
Statutory framework	s. 31 Cat owner liable to pay costs to cat management facility s. 44 Delegation by local government s. 45 Delegation by CEO of local government DA 4 - 01 The Powers and Duties of the Local Government Pursuant to the Cat Act 2011 City of Busselton Keeping and Control of Cats Local Law 2014
Policy	Council Policy: Rehoming of Impounded Dogs and Cats
Record keeping	GOVN - Instrument of Sub-Delegation from CEO to Officers
Date adopted	5 July 2024
Adoption references	Acting CEO approval: Doc Set ID 5435944

Delegation	S 4 - 05 Cat management facility power to microchip or sterilise
Head of power	04 Cat Act 2011
Delegator	CEO
Express power to delegate	Cat Act 2011 s. 45 Delegation by CEO of local government
Express power or duty delegated	s. 33 Operator of cat management facility may have cat microchipped and sterilised
Function	The operator of a cat management facility may do anything necessary to ensure that the cat is microchipped and/or sterilised before the cat is reclaimed or transferred from the facility.
Delegates	Animal Care Facilitator Director Community Planning Manager Community Safety Ranger Coordinator Senior Ranger
Statutory framework	s. 33 Operator of cat management facility may have cat microchipped and sterilised s. 44 Delegation by local government s. 45 Delegation by CEO of local government DA 4 - 01 The Powers and Duties of the Local Government Pursuant to the Cat Act 2011 City of Busselton Keeping and Control of Cats Local Law 2014
Policy	Council Policy: Rehoming of Impounded Dogs and Cats
Record keeping	GOVN16 - Instrument of Sub-Delegation from CEO to Officers
Date adopted	5 July 2024
Adoption references	Acting CEO approval: Doc Set ID 5435944

Delegation	S 4 - 06 Approval to breed cats
Head of power	04 Cat Act 2011
Delegator	CEO
Express power to delegate	Cat Act 2011 s. 45 Delegation by CEO of a local government
Express power or duty delegated	s. 37 Approval to breed cats s. 38 Cancellation of approval to breed cats s. 39 Certificate to be given to approved cat breeder s. 40 Notice to be given of certain decisions made under this subsection
Function	<ol style="list-style-type: none"> 1. Grant an approval to breed cats and give a certificate to the applicant. 2. Renew an approval to breed cats and give a certificate to the applicant. 3. Give a replacement certificate to an approved cat breeder, if satisfied that a certificate has been stolen, lost, damaged or destroyed. 4. Refuse to grant an approval to breed cats and give notice of the reasons for the decision. 5. Refuse to renew an approval to breed cats and give notice of the reasons for the decision. 6. Cancel an approval to breed cats and give notice of the reasons for the decision. 7. Request an applicant to provide, within no more that 21 days, any document or information required to determine the application, and may require the information to be verified by statutory declaration.
Delegates	Director Community Planning Manager Community Safety Ranger Coordinator Senior Ranger
Statutory framework	s. 37 Approval to breed cats s. 38 Cancellation of approval to breed cats s. 39 Certificate to be given to approved cat breeder s. 40 Notice to be given of certain decisions made under this subsection s. 44 Delegation by local government s. 45 Delegation by CEO of local government Cat Regulations 2012 DA 4 - 01 The Powers and Duties of the Local Government Pursuant to the Cat Act 2011 City of Busselton Keeping and Control of Cats Local Law 2014
Policy	Council Policy: Rehoming of Impounded Dogs and Cats
Record keeping	GOVN16 - Instrument of Sub-Delegation from CEO to Officers
Date adopted	5 July 2024
Adoption references	Acting CEO approval: Doc Set ID 5435944

Delegation	S 4 - 07 Infringements
Head of power	04 Cat Act 2011
Delegator	CEO
Express power to delegate	s45 Delegation by CEO of local government
Express power or duty delegated	s. 63(1)(b) Receive payment of infringement notices under the Cat Act 2011 s. 64 Extension of time s. 65 Withdrawal of notice
Function	1. Receive payments of infringement notices under the Cat Act 2011. 2. Extend the period of 28 days within which the modified penalty may be paid whether or not the period of 28 days has elapsed. 3. Withdraw an infringement notice within one year after the notice was issued whether or not the modified penalty has been paid.
Delegates	Director Community Planning Manager Community Safety Ranger Coordinator
Statutory framework	s. 44 Delegation by local government s. 45 Delegation by CEO of local government s. 63 Content of infringement notice s. 64 Extension of time s. 65 Withdrawal of notice DA 4 - 01 The Powers and Duties of the Local Government Pursuant to the Cat Act 2011 City of Busselton Keeping and Control of Cats Local Law 2014
Policy	Council Policy: Rehoming of Impounded Dogs and Cats
Record keeping	GOVN16 - Instrument of Sub-Delegation from CEO to Officers
Date adopted	5 July 2024
Adoption references	Acting CEO approval: Doc Set ID 5435944

Delegation	S 7 - 01B PDR1 Local Planning Scheme Regulations 2015 – Schedule 2
Head of power	07 Planning and Development Act 2005
Delegator	CEO
Express power to delegate	Planning and Development Act 2005: s.162 Planning and Development (Local Planning Schemes) Regulations 2015: Schedule 2
Express power or duty delegated	The Planning and Development (Local Planning Schemes) Regulations 2015
Function	<p>The powers and duties of the local government able to be delegated by a local government to the CEO under clause 82, Schedule 2 – Deemed Provisions for local planning schemes, and hereby delegated by the CEO to an employee of the local government under clause 83, Schedule 2 – <i>Deemed Provisions for local planning schemes</i>.</p> <p>Specifically, to decide on matters* pursuant to the Scheme:</p> <ol style="list-style-type: none"> 1. Determine an application, having regard to listed matters in cl.67 of the Regulations and cl.4.1 of the Scheme, to approve or approve with conditions. 2. Pursuant to cl.77 of the Regulations, determine an application to amend or cancel development approval, having regard to listed matters in cl.67 of the Regulations and cl.4.1 of the Scheme, to approve or approve with conditions. <p>*Pursuant to clause 84C, Schedule 2 – <i>Deemed provisions for local planning schemes</i>, prescribed development approval functions in relation to prescribed single house development must be performed for and on behalf of the local government by the local government CEO or an authorised employee, and are not a function of this delegation.</p>
Delegates	Planning Officer
Conditions	<p>All conditions applicable to delegation DA 7 – 01 (Local Government delegations to the CEO) apply.</p> <p>This delegation further excludes the following matters:</p> <ol style="list-style-type: none"> 1. An application which the CEO considers should be referred to Council for its decision. 2. Applications assessed as warranting a refusal. 3. Applications for reconsideration as defined in Delegation DA 7 – 01 or pursuant to s.31 of the State Administrative Tribunal Act 2004. 4. Any Non-conforming Use or Use not Listed. 5. Multiple Dwellings. 6. Industry - Extractive. 7. Mining Operations. 8. Any development application that receives an objection in response to advertising.

	<p>9. Development involving a building/place listed on the State Heritage Register.</p> <p>10. Development involving a Category 1 or 2 building/place on the City of Busselton Heritage List.</p> <p>11. Any development where the car parking provision is not consistent with the Scheme or local planning policy.</p> <p>12. Development that incorporates a shipping container, Repurposed Dwelling, Second-Hand Dwelling or railway carriage.</p> <p>13. Any development on Scheme Reserves and Crown land.</p> <p>14. Development greater than 800m² Gross Floor Area.</p> <p>15. Development greater than \$1million estimated cost of development, excluding Single Houses.</p> <p>16. Development of an Outbuilding, subject to the R-Codes, where the wall height, ridge height and/or total area is not consistent with the Scheme or local planning policy.</p> <p>17. Development of an Outbuilding, not subject to the R-Codes, where the wall height, ridge height and/or total area is more than 20% greater than prescribed in the Scheme or local planning policy.</p> <p>18. Development other than an Outbuilding where the height is not consistent with the Scheme or local planning policy.</p> <p>19. Development in the Coastal Management Special Control Area that is not Infill Development as described in State Planning Policy 2.6.</p> <p>20. Development in a Floodway or Wetland Special Control Area.</p> <p>21. Development within a declared Bushfire Prone Area where the building construction requirement would be greater than BAL-29.</p> <p>22. Change of use to a Vulnerable Land Use (including, but not limited to Holiday Homes and Bed and Breakfast) in a declared Bushfire Prone Area, that:</p> <ol style="list-style-type: none"> does not comply with the Acceptable Solutions of the Guidelines for Planning in Bushfire Prone Areas; or has a BAL-rating of BAL-40 or above. <p>23. Development, including change of use, within Special Character Areas under Schedule 4 of the Scheme.</p>
Statutory framework	DA 7 – 01 Development Control
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	8 November 2021
Adoption references	Initial Verification - Mike Archer, Chief Executive Officer - 8 November 2021 Currently under review

Amendments			
Date	Type	Amendment	References
8 Nov 2021	Amended delegation	Verification - Mike Archer, Chief Executive Officer - 8 November 2021	PDR1 (S1.1) – Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2; City of Busselton Local (Town) Planning Scheme 21
20 Oct 2023	Amended delegation	Clarify power, scope and function, and update per Community Planning operational req'ts.	Approval: Doc Set ID 5242677
15 Dec 2023	Amended delegation	New delegations to approve amendments to development applications (cl.77). Clarified existing exclusions to determine applications for reconsideration.	Approval: Doc Set ID 5287790
28 Jun 2024	Amended delegation	Explanatory note: determining applications for prescribed single house development is no longer a function able to be delegated by the local government (to be performed under authorisation from the CEO from 1 July 2024).	CEO approval: Doc Set ID 5431752

Delegation	S 7 - 01C PDR2 Local Planning Schemes Regulations 2015 – Schedule 2
Head of power	07 Planning and Development Act 2005
Delegator	CEO
Express power to delegate	Planning and Development Act 2005: s.162 Planning and Development (Local Planning Schemes) Regulations 2015: Schedule 2
Express power or duty delegated	The Planning and Development (Local Planning Schemes) Regulations 2015
Function	<p>The powers and duties of the local government able to be delegated by a local government to the CEO under clause 82, Schedule 2 – <i>Deemed Provisions for local planning schemes</i>, and hereby delegated by the CEO to an employee of the local government under clause 83, Schedule 2 – <i>Deemed Provisions for local planning schemes</i>.</p> <p>Specifically, to decide on matters* pursuant to the Scheme:</p> <ol style="list-style-type: none"> 1. Determine an application, having regard to listed matters in cl.67 of the Regulations and cl.4.1 of the Scheme, to approve or approve with conditions. 2. Pursuant to cl.77 of the Regulations, determine an application to amend or cancel development approval, having regard to listed matters in cl.67 of the Regulations and cl.4.1 of the Scheme, to approve or approve with conditions. <p>* Pursuant to clause 84C, Schedule 2 – <i>Deemed provisions for local planning schemes</i>, prescribed development approval functions in relation to prescribed single house development must be performed for and on behalf of the local government by the local government CEO or an authorised employee, and are not a function of this delegation.</p>
Delegates	Senior Development Planner Senior Planner (Major Developments)

Conditions	<p>All conditions applicable to delegation DA 7 – 01 (Local Government delegations to the CEO) apply.</p> <p>This delegation further excludes the following matters:</p> <ol style="list-style-type: none"> 1. An application which the CEO considers should be referred to Council for its decision. 2. Applications assessed as warranting a refusal. 3. Applications for reconsideration as defined in Delegation DA 7 – 01 or pursuant to s.31 of the State Administrative Tribunal Act 2004. 4. Development involving a building/place listed on the State Heritage Register. 5. Development involving a Category 1 building/place on the City of Busselton Heritage List. 6. Development that incorporates a shipping container, Repurposed Dwelling, Second-Hand Dwelling or railway carriage. 7. Any development on Scheme Reserves and Crown Land. 8. Development in the Service Commercial and Centre zones where parking provision is not consistent with the Scheme or local planning policy. 9. Development greater than 2000m² Gross Floor Area. 10. Development greater than \$2million estimated cost of development, excluding Single Houses. 11. Development in the Coastal Management Special Control Area that is not Infill Development as described in State Planning Policy 2.6. 12. Development in a Floodway or Wetland Special Control Area. 13. Development outside a Residential Built Out Area within a declared Bushfire Prone Area, where the building construction requirement would be BAL-FZ. 14. Change of use to a Vulnerable Land Use outside a Residential Built Out Area in a declared Bushfire Prone Area, which has a final BAL-rating of BAL-FZ.
Statutory framework	DA 7 – 01 Development Control
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	8 November 2021
Adoption references	Initial Verification - Mike Archer, Chief Executive Officer - 8 November 2021 Currently under review

Amendments			
Date	Type	Amendment	References
8 Nov 2021	Amended delegation	Verification - Mike Archer, Chief Executive Officer - 8 November 2021	PDR1 (S1.2) – Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2; City of Busselton Local (Town) Planning Scheme 21
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Building Services Coordinator > Building Coordinator	---
20 Oct 2023	Amended delegation	Clarify power, scope and function, and update per Community Planning operational req'ts. Remove delegation to Building Coordinator. New delegation to Senior Planner (Major Developments) and Senior Development Planner.	Approval: Doc Set ID 5242677
15 Dec 2023	Amended delegation	New delegations to approve amendments to development applications (cl.77). Clarified existing exclusion to determine applications for reconsideration.	Approval: Doc Set ID 5287790
28 Jun 2024	Amended delegation	Explanatory note: determining applications for prescribed single house development is no longer a function able to be delegated by the local government (to be performed under authorisation from the CEO from 1 July 2024).	CEO approval: Doc Set ID 5431752

Delegation	S 7 - 01D PDR3 Local Planning Schemes Regulations 2015 – Schedule 2
Head of power	07 Planning and Development Act 2005
Delegator	CEO
Express power to delegate	Planning and Development Act 2005: s.162 Planning and Development (Local Planning Schemes) Regulations 2015: Schedule 2
Express power or duty delegated	The Planning and Development (Local Planning Schemes) Regulations 2015
Function	<p>The powers and duties of the local government able to be delegated by a local government to the CEO under clause 82, Schedule 2 – <i>Deemed Provisions for local planning schemes</i>, and hereby delegated by the CEO to an employee of the local government under clause 83, Schedule 2 – <i>Deemed Provisions for local planning schemes</i>.</p> <p>Specifically, to decide on matters* pursuant to the Scheme:</p> <ol style="list-style-type: none"> 1. Determine an application, having regard to listed matters in cl.67 of the Regulations and cl.4.1 of the Scheme, to approve or approve with conditions. 2. Pursuant to cl.77 of the Regulations, determine an application to amend or cancel development approval, having regard to listed matters in cl.67 of the Regulations and cl.4.1 of the Scheme, to approve or approve with conditions. 3. Determine an application for development on a Reserve or Crown Land. <p>*Pursuant to clause 84C, Schedule 2 – <i>Deemed provisions for local planning schemes</i>, prescribed development approval functions in relation to prescribed single house development must be performed for and on behalf of the local government by the local government CEO or an authorised employee, and are not a function of this delegation.</p>
Delegates	Major Development and Subdivision Coordinator Planning Development and Policy Coordinator

Conditions	<p>All conditions applicable to delegation DA 7 – 01 (Local Government delegations to the CEO) apply.</p> <p>This delegation further excludes the following matters:</p> <ol style="list-style-type: none"> 1. An application which the CEO considers should be referred to Council for its decision. 2. Applications assessed as warranting a refusal. 3. Applications for reconsideration as defined in Delegation DA 7 – 01 or pursuant to s.31 of the State Administrative Tribunal Act 2004. 4. Development involving a building/place listed on the State Heritage Register which is not consistent with referral comments from the Heritage Council. 5. Development in the Service Commercial and Centre zones with a parking shortfall greater than 25% of the standard prescribed in the local planning policy. 6. Development in the Coastal Management Special Control Area that is not Infill Development as described in State Planning Policy 2.6. 7. Change of use to a Vulnerable Land Use outside a Residential Built Out Area in a declared Bushfire Prone Area, which has a final BAL-rating of BAL-FZ.
Statutory framework	DA 7 – 01 Development Control
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	8 November 2021
Adoption references	Initial Verification - Mike Archer, Chief Executive Officer - 8 November 2021 Currently under review

Amendments			
Date	Type	Amendment	References
8 Nov 2021	Amended delegation	Verification - Mike Archer, Chief Executive Officer - 8 November 2021	PDR1 (S1.3) – Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2; City of Busselton Local (Town) Planning Scheme 21
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Statutory Planning Coordinator > Position Terminated	---
20 Oct 2023	Amended delegation	Clarify power, scope and function, and update per Community Planning operational req'ts. Remove delegation to Senior Development Planner (delegation now under S7 – 01C) and Statutory Planning Coordinator (role eliminated). New delegation to Planning Development and Policy Coordinator and Major Development and Subdivision Coordinator.	Approval: Doc Set ID 5242677
15 Dec 2023	Amended delegation	New delegations to approve amendments to development applications (cl.77). Clarified existing exclusion to determine applications for reconsideration.	Approval: Doc Set ID 5287790
28 Jun 2024	Amended delegation	Explanatory note: determining applications for prescribed single house development is no longer a function able to be delegated by the local government (to be performed under authorisation from the CEO from 1 July 2024).	CEO approval: Doc Set ID 5431752

Delegation	S 7 - 01E PDR4 Local Planning Schemes Regulations 2015 – Schedule 2
Head of power	07 Planning and Development Act 2005
Delegator	CEO
Express power to delegate	Planning and Development Act 2005: s.162 Planning and Development (Local Planning Schemes) Regulations 2015: Schedule 2
Express power or duty delegated	The Planning and Development (Local Planning Schemes) Regulations 2015

Function	<p>The powers and duties of the local government able to be delegated by a local government to the CEO under clause 82, Schedule 2 – <i>Deemed Provisions for local planning schemes</i>, and hereby delegated by the CEO to an employee of the local government under clause 83, Schedule 2 – <i>Deemed Provisions for local planning schemes</i>.</p> <p>To decide on matters* pursuant to the Scheme:</p> <ol style="list-style-type: none"> 1. Determine an application, having regard to listed matters in cl.67 of the Regulations and cl.4.1 of the Scheme, to approve or approve with conditions. 2. Pursuant to cl.77 of the Regulations, determine an application to amend or cancel development approval, having regard to listed matters in cl.67 of the Regulations and cl.4.1 of the Scheme, to approve or approve with conditions. 3. Determine an application for development on a Reserve or Crown Land. 4. Applications for reconsideration as defined in Delegation DA 7 – 01. 5. Determine to approve or amend a Local Development Plan. 6. Determine an application, having regard to listed matters in cl.68 (2) (c) to refuse to grant approval. 7. Pursuant to cl.71 of the Regulations, determine to extend the term of commencement approval. 8. Determine to extend time for assessment. 9. Pursuant to s.31 of the State Administrative Tribunal Act 2004, review upon being invited by the Tribunal (SAT), to determine either to affirm, vary or substitute a new decision; but only where the decision was made under delegation. 10. Determine routine agreements with an owner affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme (refer note below). 11. Determine to require the repair of an advertisement in accordance with clause 80 Schedule 2 of the Regulations. <p>*Pursuant to clause 84C, Schedule 2 – <i>Deemed provisions for local planning schemes</i>, prescribed development approval functions in relation to prescribed single house development must be performed for and on behalf of the local government by the local government CEO or an authorised employee, and are not a function of this delegation.</p> <p>Notes:</p> <p>Routine agreements are only those that are contemplated within normal operations and do not adversely affect the annual budget or the long term financial plan and present a Low Risk (Risk Management Framework). Examples of routine agreements include but are not limited to the furtherance of conditions of subdivision approval or strata subdivision approval issued by the Western Australian Planning Commission (which may include easements, restrictive covenants, or section 70A notification) or in furtherance of any condition of planning approval of an application determined by the City.</p>
Delegates	Manager Planning and Development
Conditions	All conditions applicable to delegation DA 7 – 01 (Local Government delegations to the CEO) apply.

Statutory framework	DA 7 – 01 Development Control
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	8 November 2021
Adoption references	Initial Verification - Mike Archer, Chief Executive Officer - 8 November 2021 Currently under review

Amendments			
Date	Type	Amendment	References
8 Nov 2021	Amended delegation	Verification - Mike Archer, Chief Executive Officer - 8 November 2021	PDR1 (S1.4) – Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2; City of Busselton Local (Town) Planning Scheme 21
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Manager Development Services > Manager Planning and Development	---
20 Oct 2023	Amended delegation	Clarify power, scope and function.	Approval: Doc Set ID 5242677
15 Dec 2023	Amended delegation	No change to delegated authority. Clarified existing delegations to amend or cancel a development approval, and determine applications for reconsideration.	Approval: Doc Set ID 5287790
28 Jun 2024	Amended delegation	Explanatory note: determining applications for prescribed single house development is no longer a function able to be delegated by the local government (to be performed under authorisation from the CEO from 1 July 2024).	CEO approval: Doc Set ID 5431752

Delegation	S 7 - 01F PDR5 Local Planning Schemes Regulations 2015 – Schedule 2
Head of power	07 Planning and Development Act 2005
Delegator	CEO
Express power to delegate	Planning and Development Act 2005: s.162 Planning and Development (Local Planning Schemes) Regulations 2015: Schedule 2
Express power or duty delegated	The Planning and Development (Local Planning Schemes) Regulations 2015

<p>Function</p>	<p>The powers and duties of the local government able to be delegated by a local government to the CEO under clause 82, Schedule 2 – <i>Deemed Provisions for local planning schemes</i>, and hereby delegated by the CEO to an employee of the local government under clause 83, Schedule 2 – <i>Deemed Provisions for local planning schemes</i>.</p> <p>To decide on matters* pursuant to the Scheme, including but not limited to:</p> <ol style="list-style-type: none"> 1. Determine an application, having regard to listed matters in cl.67 of the Regulations and cl.4.1 of the Scheme, to approve or approve with conditions. 2. Pursuant to cl.77 of the Regulations, determine an application to amend or cancel development approval, having regard to listed matters in cl.67 of the Regulations and cl.4.1 of the Scheme, to approve or approve with conditions. 3. Determine an application for development on a Reserve or Crown Land. 4. Determine to amend and provide a recommendation to the Commission on a Structure Plan. 5. Determine to amend and provide a recommendation to the Commission on an Activity Centre Plan. 6. Determine to approve or amend a Local Development Plan. 7. Determine an application, having regard to listed matters in cl.68 (2) (c) to refuse to grant approval. 8. Applications for reconsideration as defined in Delegation DA 7 – 01. 9. Pursuant to cl.71 of the Regulations, determine to extend the term of commencement of an approval. 10. Pursuant to s.31 of the State Administrative Tribunal Act 2004, review upon being invited by the Tribunal (SAT), to determine either to affirm, vary or substitute a new decision; but only where the decision was made under delegation. 11. Determine routine agreements with an owner affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme (refer note below). 12. Determine to require the repair of an advertisement in accordance with clause 80 Schedule 2 of the Regulations. <p>* Pursuant to clause 84C, Schedule 2 – <i>Deemed provisions for local planning schemes</i>, prescribed development approval functions in relation to prescribed single house development must be performed for and on behalf of the local government by the local government CEO or an authorised employee, and are not a function of this delegation.</p> <p>Notes:</p> <p>Routine agreements are only those that are contemplated within normal operations and do not adversely affect the annual budget or the long term financial plan and present a Low Risk (Risk Management Framework). Examples of routine agreements include but are not limited to the furtherance of conditions of subdivision approval or strata subdivision approval issued by the Western Australian Planning Commission (which may include easements, restrictive covenants, or section 70A notification) or in furtherance of any condition of planning approval of an application determined by the City.</p>
<p>Delegates</p>	<p>Director Community Planning</p>

Conditions	All conditions applicable to delegation DA 7 – 01 (Local Government delegations to the CEO) apply.
Statutory framework	DA 7 – 01 Development Control
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	8 November 2021
Adoption references	Initial Verification - Mike Archer, Chief Executive Officer - 8 November 2021 Currently under review

Amendments			
Date	Type	Amendment	References
8 Nov 2021	Amended delegation	Verification - Mike Archer, Chief Executive Officer - 8 November 2021	PDR1 (S1.5) – Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2; City of Busselton Local (Town) Planning Scheme 21
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Director Planning and Development Services > Director Community Planning	---
20 Oct 2023	Amended delegation	Clarify power, scope and function. Remove delegation to Director Planning and Development Services (role ceased), new delegation to Director Community Planning (new role).	Approval: Doc Set ID 5242677
15 Dec 2023	Amended delegation	No change to delegated authority. Clarified existing delegations to amend or cancel a development approval, and determine applications for reconsideration.	Approval: Doc Set ID 5287790
28 Jun 2024	Amended delegation	Explanatory note: determining applications for prescribed single house development is no longer a function able to be delegated by the local government (to be performed under authorisation from the CEO from 1 July 2024).	CEO approval: Doc Set ID 5431752

Delegation	S 7 - 02 Unauthorised Development
Head of power	07 Planning and Development Act 2005
Delegator	CEO
Express power to delegate	Local Government Act 1995 s.5.44 Chief Executive Officer may delegate some powers and duties to other employees Planning and Development Act 2005 s.214(2), s.214(3) and s.214(5)
Express power or duty delegated	The Planning and Development Act 2005 s.214
Function	s.214(2) The power to give written direction to stop or not recommence s.2.14(3) The power to give written direction to remove or restore s.2.14(5) The power to given written direction to execute the work
Delegates	Director Community Planning
Conditions	To be undertaken in consultation with the City of Busselton Legal Services Business Unit
Statutory framework	DA 7 – 02 Unauthorised Development
Record keeping	GOVN16 – Instrument of Sub-Delegation from CEO to Officers
Date adopted	30 June 2011
Adoption references	Initial Verification - Mike Archer, Chief Executive Officer - 30 June 2011 Recent Amendment - 15 June 2015 (5b(S1)) Currently under review

Amendments			
Date	Type	Amendment	References
30 Jun 2011	New delegation	Initial Verification - Mike Archer, Chief Executive Officer - 30 June 2011	---
15 Jun 2015	Amended delegation	Amendment - addition of condition	5B(S1)
4 Oct 2023	Amended delegation	Organisation Restructure - Position Changes - Director Planning and Community Services > Director Community Planning	---
4 Dec 2023	Amended delegation	Delegates amended per CoB organisational restructure.	CEO approval: Doc Set ID 5277579