



# City of Bayswater Delegated Authority Register

2020

## REVIEW

Reviewed by	Date approved	References
Council	11 Dec 2018	Adopted by Council at the OCM on 11 December 2018. item 10.3.1
Council	3 Dec 2019	Adopted by Council at the OCM on 3 December 2019. Item 10.2.2.

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## INTRODUCTION

### Background

This document is the new instrument of delegation, for the statutory powers and duties of Council formally delegated to the CEO and replaces the instrument endorsed by Council on 11 December 2018. It is noted that delegation of authority under the Planning and Development Act 2005, the Planning and Development (Local Planning Schemes) Regulations 2015 and the City of Bayswater's Town Planning Schemes are not contained in this document and are approved separately.

### Amendments to previous Delegated Authority

The following minor amendments have been made to powers under the Local Government Act 1995 delegated to the CEO:

- FM - D09 - Temporary and Partial Road Closures

It is proposed that the CEO can now sub-delegate EF- D09 - Temporary and Partial Closure of Roads to Manager Engineering Services.

Previously this delegation was only sub-delegated to the Director Works and Infrastructure and Manager Engineering Works and is seen as an important function for this role to undertake the required duties of this position.

- FM-D04A - Authority to incur expenses and apply money from the Municipal Fund Account

The position of Coordinator Customer Services has been proposed as a new delegated position with the delegation of FM-D04A - Authority to Incur Expenses and Apply Money from the Municipal Fund Account - \$2,000, which is seen as a benefit to improving business processes.

- TP - D02 - Planning and Development Act 2005

Some additional wording has been added to reflect the correct statutory framework in applying this delegation.

- FM - D07 - Community Funding Grants

An additional delegation is required to reflect the adoption of a Council Policy - Community Grants and specifically in relation to a Council resolution on 22 May 2018 as follows:

"Notes that Directors and Managers may make community funding contribution decisions under existing delegations, capped at \$5000 in line with the new Community Grants Policy".

- EF - D11 - Leasing Agreements

This review incorporates an additional delegation to delegate authority to the Chief Executive Officer to enter into leasing renewals in certain circumstances that do not exceed the amount of \$25,000. This amendment is included as part of the Council resolution from the Ordinary Council Meeting of 20 August 2019 as outlined below.

"Delegates authority to the Chief Executive Officer to enter into new leases/licences/user agreements, lease/licence/user agreement renewals and variations to existing leases/licences/user agreements for the City's buildings and facilities subject to the following conditions:

- (a) The delegation to enter into a new lease/licence/user agreement applies only to the continuation of the existing lessee/occupant of the premises. Where an Expression of Interest or new lessee/occupant is recommended, these matters must be determined by Council;
- (b) Compliance with the Community Facility Lease and Licence/User Agreement Policy;
- (c) The total rental income to be received during the lease/licence/user agreement term (including all options) does not exceed \$25,000; and
- (d) Minor negotiation of standard template terms by the Chief Executive Officer is acceptable to the extent not inconsistent with the Community Facility Lease and Licence/User Agreement Policy."

Other administrative amendments have also been undertaken in relation to the deletion of Council Policies that reference delegations as follows:

BA - D04 Building Act 2011 Commence a prosecution

COP-D01 Withdraw an Infringement Notice

- Legal Opinions Policy - has been revoked and is referenced in both these delegations.

- EF - D05 Disposing of Property

Disposal of Surplus Goods and Equipment (Minor Assets) - has been revoked and is referenced as part of this delegation.

- FA - D01 Food Act 2008 Appointment of Authorised Officers and Appointment of Designated Officers and;

FA - D02 Food Act 2008 General Administration.

- Food Samples - Offences Policy - has been revoked and is referenced in as part of these two delegations:

- FM - D05 Granting Concessions and Write-Offs
  - o No Reserve Hire Fees For Junior Clubs Policy;
  - o Community Bus Hire Policy; and
  - o School use of Council Facilities Policy

These three policies have been revoked and referenced in the above delegation.

It is noted that the Chief Executive Officer is authorised by Council to make administrative amendments, which do not alter the powers delegated in the Delegated Authority Register.

## Standard Conditions of all delegations

All delegations contained in this instrument are subject to the following standard conditions:

- All delegated authority shall be exercised -
  - In line with all laws and regulations in force in Western Australia.
  - In accordance with any budget authority where applicable.
  - In accordance with the City of Bayswater's relevant policies and local laws.
- Delegated authority cannot be exercised where a financial interest or interest affecting impartiality is evident.
- It is a statutory requirement to maintain a record of each decision made under delegated authority.

## DELEGATIONS

<b>Delegation</b>	<b>BA-D01 Building Act 2011 Authorised Persons</b>
<b>Category</b>	Building
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority, under section 96(3) of the <i>Building Act 2011</i> , to designate a person employed by the local government as an authorised person for the purposes of the Building Act 2011 in relation to buildings and incidental structures located, or proposed to be located, in the district of the City of Bayswater.
<b>Delegates</b>	CEO
<b>Conditions</b>	Only a person employed by the local government under the <i>Local Government Act 1995</i> section 5.36 can be designated an authorised person for the <i>Building Act 2011</i> .  The designation of an authorised person must be in writing
<b>Statutory framework</b>	<i>Building Act 2011</i> s.96(3) Authorised persons s.127 Delegation: special permit authorities and local governments  <i>Local Government Act 1995</i> s.5.36
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018 Review OCM 03 December 2019 Agenda Item 10.2.2
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>BA-D02 Building Act 2011 Applications for building or demolition permits and Applications for occupancy permits and other certificates</b>
<b>Category</b>	Building
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>Authority to approve or refuse to grant or modify building and demolition permit applications under Part 2- Division 2 of the Building Act 2011.</p> <p>Authority to approve or refuse to grant or modify occupancy permits, building approval certificates, certificates of building compliance, certificates of construction compliance and certificates of design compliance under Part 4 of the Building Act 2011.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Subdelegates</b>	Coordinator Statutory Building Director Community and Development Manager Building Works
<b>Statutory framework</b>	<i>Building Act 2011</i> Part 2- Division 2 — Applications for building or demolition permits Part 4- Occupancy permits and building approval certificates  Section 127 -Delegation special permit authorities and local governments
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	OCM 12 Sep 2017 Agenda Item 11.3 Amended OCM 14 Nov 2018 ECM Reference 3053376 OCM 03 December 2019 Agenda Item 10.2.2.
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<b>Delegation</b>	<b>BA-D03 Building Act 2011 Making, Revoking and Enforcing Building Orders</b>
<b>Category</b>	Building
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority, under Part 8 Division 5 of the <i>Building Act 2011</i> , to make or revoke a building order and to give effect to a building order if non compliance occurs.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Subdelegates</b>	Director Community and Development
<b>Statutory framework</b>	<i>Building Act 2011</i>  Part 8- Division 5- Enforcement — Building orders  Section 127 Delegation: special permit authorities and local governments
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	OCM 12 Sep 2017 Agenda Item 11.3 Amended OCM 14 Nov 2017 ECM Reference 3053376 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2
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<b>Delegation</b>	<b>BA-D04 Building Act 2011 Commence a prosecution</b>
<b>Category</b>	Building
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority, under Part 12, Division 1, of the <i>Building Act 2011</i> , to commence a prosecution for an offence against this Act
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Subdelegates</b>	Coordinator Statutory Building Director Community and Development Manager Building Works
<b>Statutory framework</b>	<i>Building Act 2011</i>  Part 12 - , Division 1- General provisions about legal proceedings  Section 127 Delegation- special permit authorities and local governments
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	OCM 12 Sep 2017 Agenda Item 11.3 Amended OCM 14 Nov 2017 ECM Reference 3053376 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2
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<b>Delegation</b>	<b>BA-D05 Building Act 2011 -Extension of time for permit</b>
<b>Category</b>	Building
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority, under regulation 24 of the <i>Building Regulations 2012</i> to extend the time during which a building permit or a demolition permit has effect. Authority, if an extension of time is granted, to impose any condition on the building permit or a demolition permit that could have been imposed under section 27 of the Act.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Subdelegates</b>	Coordinator Statutory Building Director Community and Development Manager Building Works
<b>Statutory framework</b>	<i>Building Act 2011</i> s32(3) Duration of building or demolition permit s.27 Conditions imposed by permit authority s.127 Delegation: special permit authorities and local governments  <i>Building Regulations 2012</i> Regulation 24 - Extension of time during which permit has effect (s. 32(3))
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	OCM 12 Sep 2017 Agenda Item 11.3 Amended OCM 14 Nov 2017 ECM Reference 3053376 OCM 11 December 2018 OCM 03 December 2019 Agenda Item 10.2.2
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<b>Delegation</b>	<b>BFA-D01 Bush Fires Act 1954 General Powers and Duties</b>
<b>Category</b>	Miscellaneous
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority to perform the functions of the local government under the <i>Bush Fires Act 1954</i> . These powers include, but are not necessarily limited to the prosecution of offences and the appointment of bush fire control officers.
<b>Delegates</b>	CEO
<b>Conditions</b>	There is no power under this Act for the CEO to further sub-delegate their powers.
<b>Statutory framework</b>	<i>Bush Fires Act 1954</i> Section 48(1) Delegation by Local Government
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2
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<b>Delegation</b>	<b>CA-D01 Cat Act 2011 General Powers and Duties</b>
<b>Category</b>	Cats
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	The CEO is delegated authority to exercise the powers or discharge the duties of the local government under the <i>Cat Act 2011</i> , including the power to delegate to any employee the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Act
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>The powers sub-delegated to the Director Community and Development and Manager Rangers and Security are limited to</p> <ul style="list-style-type: none"> <li>• Power to give a cat control notice to a person who is the owner of a cat.</li> <li>• Power to cancel the registration of a cat</li> <li>• Power to refuse an application for the grant or renewal of an approval to breed cats</li> <li>• Power to cancel an approval to breed cats</li> <li>• Power to issue a new certificate to an approved cat breeder if satisfied that a certificate has been stolen, lost, damaged or destroyed.</li> <li>• Power to withdraw an infringement notice</li> <li>- Power to grant extension of Time of infringement notice.</li> </ul>
<b>Subdelegates</b>	Director Community and Development Manager Rangers and Security
<b>Statutory framework</b>	Cat Act 2011 section 44, Section 45, section 64
<b>Policy</b>	Disposal of Unclaimed Animals Policy
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	OCM 12 September agenda item 11.3 ECM Ref: 3034906 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>COP-D01 Withdraw an infringement notice</b>
<b>Category</b>	Local Government Act 1995 -CEO Original Powers
<b>Delegator</b>	CEO
<b>Express power or duty delegated</b>	Within one year after the notice was given the CEO of the local government may, whether or not the modified penalty has been paid, withdraw an infringement notice by sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn.
<b>Delegates</b>	Director Community and Development Manager Rangers and Security
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i> section 9.20 section 5.44
<b>Policy</b>	Nil
<b>Date adopted</b>	6 November 2017
<b>Adoption references</b>	ECM Document Set ID 3042153 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>COP-D02 Power to certify that a document is a true copy</b>
<b>Category</b>	Local Government Act 1995 -CEO Original Powers
<b>Delegator</b>	CEO
<b>Express power or duty delegated</b>	Authority to certify a copy of a local law of any other document of or adopted by the local government is a true copy, for the purposes of Part 9 -Division 2-Subdivision 4 (Evidence in legal proceedings) of the <i>Local Government Act 1995</i> .
<b>Delegates</b>	Director Community and Development Director Corporate and Strategy Director Works and Infrastructure
<b>Conditions</b>	Authorised employee, in the context of certifying a copy of a local law of a local government; or any other document of or adopted by it, to be a true copy, means an employee of the local government who is authorised to so certify either by the CEO, or a person acting with CEO's authority; certified copy means a copy that is certified by an authorised employee to be a true copy.
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 9.31 Section 5.44
<b>Policy</b>	Nil
<b>Date adopted</b>	6 November 2017
<b>Adoption references</b>	ECM Document Set ID 3042153 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>COP-D03 Proving ownership, occupancy, and other things by certificate</b>
<b>Category</b>	Local Government Act 1995 -CEO Original Powers
<b>Delegator</b>	CEO
<b>Express power or duty delegated</b>	Evidence as to whether anything — (a) is within a local government's district; or (b) belongs to a local government; or (c) is vested in, or is under the care, control, or management of, a local government, may be given by tendering a certificate signed by the CEO of the local government, or an employee of the local government who purports to be authorised by the CEO to so sign, and containing a statement as to the matter about which evidence is sought to be given.
<b>Delegates</b>	Director Community and Development Director Corporate and Strategy Director Works and Infrastructure
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 9.41 Section 5.44
<b>Policy</b>	Nil
<b>Date adopted</b>	6 November 2017
<b>Adoption references</b>	ECM Document Set ID 3042153 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2
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<b>Delegation</b>	<b>COVA-D01 Control of Vehicles (Off-road Areas) Act 1978 General powers and duties</b>
<b>Category</b>	Miscellaneous
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	The CEO is authorised, as a fit and proper person, to exercise the powers or discharge the duties of the local government under the <i>Control of Vehicles (Off- Road Areas) Act 1978</i> .
<b>Delegates</b>	CEO
<b>Conditions</b>	There is no capacity to sub-delegate under this Act.
<b>Statutory framework</b>	<i>Control of Vehicles (Off-road Areas) Act 1978</i> Section 5 - Local government's functions
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018 OCM 03 December 2019 Agenda Item 03 December 2019
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<b>Delegation</b>	<b>CPCGA-D01 Caravan Parks and Camping Grounds Act 1995 Temporary Accommodation</b>
<b>Category</b>	Miscellaneous
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority, under regulation 11, to grant approval to a person to camp on land other than at a caravan park or camping ground.
<b>Delegates</b>	CEO
<b>Conditions</b>	There is no capacity to sub delegate under the <i>Caravan Parks and Camping Grounds Act 1995</i> .  Approval to be for a maximum of 3 months in total.
<b>Statutory framework</b>	<i>Caravan Parks and Camping Grounds Act 1995</i> s.28  <i>Caravan Parks and Camping Grounds Regulations 1997</i> Regulation 6 and Regulation 11
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018 OCM 03 December 2019 Agenda Item 10.2.2
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<b>Delegation</b>	<b>DA-D01 Dog Act 1976 General Powers and Duties</b>
<b>Category</b>	Dogs
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	The CEO is delegated authority to exercise all powers and discharge all duties of the local government under the <i>Dog Act 1976</i> including the appointment of authorised persons. The CEO is authorised to further delegate these powers and duties in line with the Act.
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>The powers sub-delegated to the Director Community and Development and Manager Rangers and Security are limited to the following -</p> <ul style="list-style-type: none"> <li>• The power to grant an exemption to the local law limit on the number of dogs per premise.</li> <li>• Power under regulations 35(5) to withdraw an infringement notice</li> <li>• Power to direct the registration officer to refuse or cancel a registration if certain conditions listed in the act apply.</li> <li>• Power to give written notice to the owner that the dog cannot be registered, if no application for a registration is made, and if certain conditions listed in the act apply,</li> <li>• Power to cause a dog to be destroyed at the request of the owner of that dog, whether or not the dog has been seized or detained.</li> <li>• Power to grant a licence for an approved kennel establishment</li> <li>• Power to declare an individual dog to be a dangerous dog</li> <li>• Power to revoke a declaration that a dog is a dangerous dog</li> </ul>
<b>Subdelegates</b>	Director Community and Development Manager Rangers and Security
<b>Statutory framework</b>	Dog Act 1976 Section 10AA- Delegation of local government powers and duties Section 29-Power to seize dogs
<b>Policy</b>	Disposal of Unclaimed Animals Policy
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	OCM 12 Sept 2017 Agenda Item 11.3 ECM Ref: 3034906 OCM 11 December 2018 OCM 03 December 2019 Agenda Item 10.2.2
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<b>Delegation</b>	<b>EF-D01 Authorised People- Local Government Act 1995</b>
<b>Category</b>	Local Government Act 1995- Executive Functions
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>Authority, under section 9.10, to appoint persons or classes of persons as authorised persons for the purpose of exercising the powers and duties of an authorised person as set out in the Local Government Act 1995. The powers of an authorised person include, but are not necessarily limited to:</p> <ul style="list-style-type: none"> <li>• Entering property, as per section 3.31;</li> <li>Removing, impounding and disposing of goods as per sections 3.39 to 3.48;</li> <li>• Requiring the name, address and date of birth of a person breaching the Act as per section 9.11; and</li> <li>• Issuing infringement notices as per section 9.16.</li> </ul> <p>Authority, under section 3.24, to expressly authorise a person to exercise the powers of local government for certain provisions about land. The powers of a person so authorised include, but are not necessarily limited to:</p> <ul style="list-style-type: none"> <li>• Entering land to perform any function of the local government under the Act as per section 3.28;</li> <li>• Giving notice of entry as per section 3.32;</li> <li>• Seeking and executing an entry under warrant as per section 3.33;</li> <li>• Executing entry in an emergency as per section 3.34;</li> <li>• Giving notice and effecting entry by opening a fence as per section 3.36.</li> </ul>
<b>Delegates</b>	CEO
<b>Conditions</b>	In line with the requirements of the Act, a certificate of authorisation is to be issued to each authorised person stating the authority that has been granted.
<b>Statutory framework</b>	<p>Local Government Act 1995</p> <p>s3.24 Authorising persons Part 3, Division 3, Subdivision 2 - (certain provisions about land)</p> <p>s9.10 Appointment of authorised officers</p> <p>s.5.42. Delegation of some powers and duties to CEO</p>
<b>Policy</b>	TBA
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	<p>OCM 12 Sep 2017 Agenda Item 11.3</p> <p>OCM 11 December 2018 review</p> <p>OCM 03 December 2019 Agenda Item 10.2.2</p>
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<b>Delegation</b>	<b>EF-D02 Execution of Documents</b>
<b>Category</b>	Local Government Act 1995- Executive Functions
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>Authority, under section 9.49A(2), to authorised the affixing of the common seal to any document.</p> <p>Authority, under section 9.49A(4) for the chief executive officer, to sign any documents, on behalf of the local government, that are necessary or appropriate to be signed in carrying out the Chief Executive Officer's functions under the Local Government Act 1995.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>The common seal of the local government must be affixed to a document in the presence of —</p> <ul style="list-style-type: none"> <li>• the Mayor; and</li> <li>• the Chief Executive Officer or a senior employee authorised by the Chief Executive Officer.</li> </ul> <p>The Mayor and Chief Executive Officer are authorised to affix and sign all documents to be executed under the common seal; however, in the absence of the Mayor and Chief Executive Officer, as the case may be the Deputy Mayor and a Director as authorised in accordance with the provisions of the Local Government Act 1995 (WA).</p> <p>A document signed by the Chief Executive Officer, under section 9.49A(4) is not to be regarded as a deed.</p> <p>It is noted that a local government cannot delegate to a Chief Executive Officer the power, under section 9.49A(4), to authorise a person to sign documents. This instrument of authorisation only provides the CEO with authority to sign documents on behalf of the local government.</p> <p>As per the Execution of Documents and Application of Common Seal Policy the following conditions apply:</p> <ol style="list-style-type: none"> <li>1. Chief Executive Officer <ol style="list-style-type: none"> <li>a) Unlimited \$value; and/or</li> <li>b) Commitment period is specifically resolved by Council or in any other case, no greater than a 5 year period; and/or</li> <li>c) Moderate or lesser financial risk, legal complexity or political sensitivity, unless specifically resolved by Council.</li> </ol> </li> <li>2. Director <ol style="list-style-type: none"> <li>a) less than \$250,000p/a; and/or</li> <li>b) Commitment is no greater than 3 year period; and/or</li> <li>c) Moderate or lesser level of financial risk, legal complexity or political sensitivity.</li> </ol> </li> <li>3. Manager <ol style="list-style-type: none"> <li>a) less than \$100,000p/a; and/or</li> <li>b) Commitment is no greater than a 3 year period; and/or</li> <li>c) Minor or lesser level of financial risk, legal complexity or political sensitivity.</li> </ol> </li> </ol>

<b>Subdelegates</b>	Director Community and Development Director Corporate and Strategy Director Works and Infrastructure Manager Building Works Manager Communications and Marketing Manager Community Development Manager Development Approvals Manager Engineering Services Manager Engineering Works Manager Environmental Health Services Manager Financial Services Manager Governance and Organisational Strategy Manager Information Services Manager Infrastructure Assets And Mapping Services Manager Library and Customer Services Manager Parks and Gardens Manager People, Culture and Safety Manager Project Services Manager Rangers and Security Manager Recreation Manager Strategic Planning and Place Manager Strategic Projects Manager Sustainability and Environment
<b>Statutory framework</b>	Local Government Act 1995  s.9.49A Execution of Documents.  s.5.42. Delegation of some powers and duties to CEO
<b>Policy</b>	Execution of Documents and Application of Common Seal Policy
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	OCM 12 Sep 2017 Agenda Item 11.3 OCM 12 December 2018 Review OCM 03 December 2019 Agenda Item 10.2.2
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>EF-D03 Powers of Entry</b>
<b>Category</b>	Local Government Act 1995- Executive Functions
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>Authority, in line with section 3.28, to perform any function of local government under the <i>Local Government Act 1995</i> if entry on to land is required for the performance of the functions of local government or in any other case in which entry is authorised by the Act.</p> <p>This authority includes, but is not limited to, authority to seek and execute a warrant of entry, to enter land in an emergency and to give notice and effect of entry by opening a fence.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>In accordance with the conditions set out in the <i>Local Government Act 1995</i>:</p> <ul style="list-style-type: none"> <li>• s3.31(1)(a) Consent obtained from the owner or occupier;</li> <li>• s3.31(1)(b) Notice has been given under 3.32</li> <li>• s3.34(2) Entry in emergency</li> <li>• s3.36 Opening fences</li> </ul>
<b>Subdelegates</b>	<p>Director Community and Development</p> <p>Manager Building Works</p> <p>Manager Environmental Health Services</p> <p>Manager Rangers and Security</p>
<b>Statutory framework</b>	<p><i>Local Government Act 1995</i></p> <p>Part 3, Division 3, Subdivision 3 - Powers of Entry</p> <p>s.5.42. Delegation of some powers and duties to CEO.</p>
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	<p>OCM 12 Sep 2017 Agenda Item 11.3</p> <p>ECM Ref 3040404</p> <p>OCM 11 December 2018 review</p> <p>OCM 03 December 2019 Agenda Item 10.2.2</p>
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>EF-D04 Notices requiring certain things to be done</b>
<b>Category</b>	Local Government Act 1995- Executive Functions
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>Authority to inspect private land and issue notices to owners of land.</p> <p>Authority to do anything to achieve the purpose for which a notice has been given.</p> <p>Authority to recover costs associated with achieving the purpose for which a notice has been given.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	These powers must be exercised in accordance with <i>Local Government Act 1995</i> Schedule 3.1- powers under notices to owners or occupiers of land
<b>Subdelegates</b>	<p>Director Works and Infrastructure</p> <p>Manager Environmental Health Services</p>
<b>Statutory framework</b>	<p><i>Local Government Act 1995</i></p> <p>s3.25 Notice requiring certain things to be done by owner or occupier of land</p> <p>s3.26 Additional powers when notices given.</p> <p>s.5.42. Delegation of some powers and duties to CEO.</p>
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	<p>OCM 12 Sep 2017 Agenda Item 11.3</p> <p>OCM 11 December 2018 review</p> <p>OCM 03 December 2019 Agenda Item 10.2.2</p>
<b>Last reviewed</b>	3 December 2019



<b>Delegation</b>	<b>EF-D05 Disposing of Property</b>
<b>Category</b>	Local Government Act 1995- Executive Functions
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>Authority, under section 3.47 of the Act, to sell or otherwise dispose of any goods that have been confiscated under the Act.</p> <p>Authority, under section 3.58, to dispose of property by public auction, public tender or in accordance with other methods deemed acceptable under the Local Government Act 1995.</p> <p>Authority to dispose of property for which an exemption applies under section 3.58(5) of the Local Government Act 1995, subject to regulation 30 of the Local Government (Functions and General) Regulations 1996.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>The disposal must be in accordance with:</p> <ul style="list-style-type: none"> <li>--the City's Annual Budget or by Council resolution;</li> <li>-s3.58 of the <i>Local Government Act 1995</i>; and</li> <li>-regulation 30 of the <i>Local Government (Functions and General) Regulations 1996</i>.</li> </ul> <p>In the case of land, the intended sale price must be greater than or equal to the valuation.</p> <p>The CEO may authorise the disposal of plant and equipment that has not been identified in the annual budget, provided it has a written down value of less than \$10,000 and is no longer used or serves no purpose.</p>
<b>Subdelegates</b>	<p>Director Community and Development</p> <p>Director Works and Infrastructure</p> <p>Manager Engineering Works</p> <p>Manager Governance</p> <p>Manager Rangers and Security</p>
<b>Statutory framework</b>	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> <li>-s3.47 Disposing of confiscated or uncollected goods</li> <li>-s3.58 Disposing of Property</li> <li>-s.5.42. Delegation of some powers and duties to CEO.</li> </ul> <p><i>Local Government (Functions and General) Regulations 1996</i></p> <ul style="list-style-type: none"> <li>-Regulation 30(3) Disposing of property to which section 3.58 does not apply</li> </ul>
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	<p>OCM 12 Sep 2017 Agenda Item 11.3</p> <p>ECM Ref Number: 3040404</p> <p>OCM 11 December 2018 review</p> <p>OCM 03 December 2019 Agenda Item 10.2.2</p>
<b>Last reviewed</b>	3 December 2019



<b>Delegation</b>	<b>EF-D06 Recovery of Impounding Expenses</b>
<b>Category</b>	Local Government Act 1995- Executive Functions
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority, under section 3.48, to recover impounding, expenses, by action in a court of competent jurisdiction.
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>In accordance with section 3.48 the goods must be impounded under section 3.39 of the Act and the offender must be convicted.</p> <p>If the impounded goods are not sold the amount recovered can only be for expenses incurred by the local government in removing and impounding the goods and in disposing of them.</p> <p>If the impounded goods are sold the amount recovered can only be the amount, if any, by which the money received from the sale, is insufficient to meet costs and expenses.</p>
<b>Subdelegates</b>	Director Community and Development Manager Rangers and Security
<b>Statutory framework</b>	<p><i>Local Government Act 1995</i></p> <p>s3.48 Recovery of Impounding Expenses</p>
<b>Policy</b>	Sundry Debt Collection And Recovery Policy
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	<p>OCM 12 Sept 2017</p> <p>ECM Ref Number: 3040404</p> <p>OCM 11 December 2018 review</p> <p>OCM 03 December 2019 Agenda Item 10.2.2</p>
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>EF-D07 Disposal of Sick or Injured Animals</b>
<b>Category</b>	Local Government Act 1995- Executive Functions
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority to humanely destroy and dispose of an impounded animal that is determined to be too sick or injured to treat.
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>The animal must be destroyed in a humane manner.</p> <p>A local government must not destroy an animal under this subsection unless —</p> <ul style="list-style-type: none"> <li>o because of the state of the animal, destroying it is urgent; or</li> <li>o the local government has — <ul style="list-style-type: none"> <li>□ taken reasonable steps to notify the owner; and</li> <li>□ allowed the owner a reasonable opportunity to collect the animal</li> </ul> </li> </ul>
<b>Subdelegates</b>	Director Community and Development Manager Rangers and Security
<b>Statutory framework</b>	<i>Local Government Act 1995</i> s3.47A(1) Disposing of sick or injured animals
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref 3040404 OCM 11 December 2018 OCM 03 December 2019 Agenda Item 10.2.2
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>EF-D08 Reserves under the Control of Local Government</b>
<b>Category</b>	Local Government Act 1995- Executive Functions
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority, under section 3.54 of the <i>Local Government Act 1995</i> , to do anything for the purposes of controlling the management of land that is vested in or under the management of the City.
<b>Delegates</b>	CEO
<b>Conditions</b>	Subject to any express provision to the contrary made by an order under the Land Administration Act 1997 in respect of the land.
<b>Subdelegates</b>	Director Works and Infrastructure Manager Parks and Gardens
<b>Statutory framework</b>	<i>Local Government Act 1995</i> -s3.54 Reserves under the control of a local government
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref 3040404 OCM 11 December 2018 OCM 03 December 2019 Agenda Item 10.2.2
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>EF-D09 Temporary and Partial Closure of Roads</b>
<b>Category</b>	Local Government Act 1995- Executive Functions
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority to undertake a temporary closure of roads and to do anything for the purposes of administering Part 3, Division 3 Subdivision 5 of the Act, which relates to certain provisions about thoroughfares.
<b>Delegates</b>	CEO
<b>Conditions</b>	Must be carried out in accordance with Part 3, Division 3, Subdivision 5 of the <i>Local Government Act 1995</i> .
<b>Subdelegates</b>	Director Works and Infrastructure Manager Engineering Services Manager Engineering Works
<b>Statutory framework</b>	<i>Local Government Act 1995</i> -s3.50 Closing certain thoroughfares to vehicles -s3.50A Partial closure of thoroughfares for repairs or maintenance -s3.51 Affected owners to be notified of certain proposals
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref 3040404 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>EF-D10 Activities Private Land</b>
<b>Category</b>	Local Government Act 1995- Executive Functions
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority to do any of the things prescribed in Schedule 3.2 of the Local Government Act 1995; even though the land on which it is done is not local government property and the local government does not have the consent to do it.
<b>Delegates</b>	CEO
<b>Conditions</b>	Limited to those activities as listed in Schedule 3.2 of the Local Government Act 1995.
<b>Subdelegates</b>	Director Works and Infrastructure
<b>Statutory framework</b>	<i>Local Government Act 1995</i> -s3.27(1) Particular things local governments can do on land that is not local government property -Schedule 3.2
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref Number: 3040404 OCM 11 December 2018 OCM 03 December 2019 Agenda Item 10.2.2
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>EF-D11 Leasing Agreements</b>
<b>Category</b>	Local Government Act 1995 -CEO Original Powers
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>Authority to the CEO to enter into leasing renewals in certain circumstances that does not exceed the amount of \$25,000</p> <p>(a) The delegation to enter into a new lease/licence/user agreement applies only to the continuation of the existing lessee/occupant of the premises. Where an expression of interest or new lessee/occupant is recommended, these matters must be determined by Council;</p> <p>(b) Compliance with the Community Facility Lease and Licence/User Agreement Policy;</p> <p>(c) The total rental income to be received during the lease/licence/user agreement term (including all options) does not exceed \$25,000; and</p> <p>(d) Minor negotiation of standard template terms by the Chief Executive Officer is acceptable to the extent not inconsistent with the Community Facility Lease and Licence/User Agreement Policy.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	Local Government Act 1995
<b>Policy</b>	Community Facility Lease and Licence User Agreement Policy
<b>Date adopted</b>	3 December 2019
<b>Adoption references</b>	OCM 03 December 2019
<b>Last reviewed</b>	3 December 2019

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
3 Dec 2019	New delegation	03 December 2019	OCM 03 2019



<b>Delegation</b>	<b>EO-D15 Public Health Act 2016 Authorised Officers</b>
<b>Category</b>	Health
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority to appoint persons or classes of persons as authorised officers for the purpose of fulfilling prescribed functions within the relevant legislation.
<b>Delegates</b>	CEO
<b>Conditions</b>	Must appoint authorised officers in writing and issue certificates of authorisation in accordance with the <i>Public Health Act 2016</i> and require appointed officers to produce such certificate on being asked to do so by a person in respect of whom they exercise, have exercised, or are about to exercise any such power
<b>Statutory framework</b>	<i>Public Health Act 2016</i> s21. Enforcement agency may delegate
<b>Policy</b>	Nil
<b>Date adopted</b>	13 September 2016
<b>Adoption references</b>	OCM 13 Sept 2016 Agenda Item 12.4 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>FA-D01 Food Act 2008 Appointment of Authorised Officers and Appointment of Designated Officers</b>
<b>Category</b>	Health
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i>.</p> <p>Authority to appoint officers to be Designated Officers for the purposes of the <i>Food Act 2008</i> for either issuing infringements or extending, withdrawing or accepting payment for infringements.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p><b>Appointment of Authorised Officers:</b> A certificate of authority must be issued in accordance with section 123 of the <i>Food Act 2008</i>.</p> <p><b>Appointment of Designated Officers:</b> -Infringement Notices must be issued in accordance with section 126 of the <i>Food Act 2008</i>.</p> <p>Each enforcement agency must prepare and maintain a list of authorised officers appointed by the agency in accordance with section 122 of the <i>Food Act 2008</i>.</p> <p>Note: this delegation cannot be sub delegated</p>
<b>Statutory framework</b>	<p><i>Food Act 2008</i> s122(1)(a)&amp;(b) Appointment of Authorised Officers S126(13) Infringements - Appointment of Designated Officers</p>
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	<p>OCM 12 Sept 2017 Agenda Item 11.3 OCM 11 December 2018 OCM 03 December 2019 Agenda Item 10.2.2</p>
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>FA-D02 Food Act 2008 General Administration</b>
<b>Category</b>	Health
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority to exercise the powers or discharge the duties of the local government, as an enforcement agency, under the Food Act 2008.
<b>Delegates</b>	CEO
<b>Conditions</b>	Note this delegation cannot be sub delegated
<b>Statutory framework</b>	<i>Food Act 2008</i> Section 118(2)(b)
<b>Policy</b>	Food Samples - Offences Policy
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	OCM 12 Sept 2017 Agenda Item 11.3 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>FM-D01 Power to Invest</b>
<b>Category</b>	Local Government Act 1995- Financial Management
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority to invest money held in the municipal or trust fund that is not, for the time being, required for any other purpose.
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>Must establish, document and adhere to internal control procedures and relevant Council policies to ensure control of investments.</p> <p>Authority must be exercised in accordance with Regulation 19 of the <i>Local Government (Financial Management) Regulations 1996</i>.</p> <p>Authority must be exercised in accordance with Part III of the Trustees Act 1962.</p>
<b>Subdelegates</b>	Director Corporate and Strategy Manager Financial Services
<b>Statutory framework</b>	<i>Local Government Act 1995</i> -s6.14(1) Power to invest
<b>Policy</b>	<p>Authorised Signatories for Bank Accounts Ref Agenda Item 7.3 SCM 28 June 2017 Agenda Item 7.3</p> <p>Investment Policy</p>
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	<p>OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref 3023120 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2</p>
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>FM-D02 Acceptance of Tenders</b>
<b>Category</b>	Local Government Act 1995- Financial Management
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority to accept tenders and approve payment claims in line with section 3.57 of the Act
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>Delegated authority is subject to a provision in the Annual Budget and limited to:</p> <ul style="list-style-type: none"> <li>-Annual tenders (operation and supplies) - \$250,000</li> <li>-All other tenders and contracts resulting from tenders - \$250,000</li> <li>-Payment claims for contracts within the limits approved by Council (including variations and extensions) - Contracts awarded by a prescribed organisation under the Local Government (Functions and General) Regulations 1996.</li> </ul> <p>It is a condition of this delegation that the City maintains a Tender Register and records in it the details of any decisions under this delegation.</p>
<b>Statutory framework</b>	<p><i>Local Government Act 1995</i> s3.57 Tenders for providing goods and services</p> <p><i>Local Government (Functions and General) Regulations 1996</i> Part 4 Regulations 11 to 24</p>
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	<p>OCM 12 Sep 2017 Agenda Item 11.3</p> <p>OCM 11 December 2018 review</p> <p>OCM 03 December 2019 Agenda Item 10.2.2</p>
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>FM-D03 Calling of Tenders</b>
<b>Category</b>	Local Government Act 1995- Financial Management
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority to publicly invite tenders for purchase of goods and services or seek expressions of interest over \$250,000
<b>Delegates</b>	CEO
<b>Conditions</b>	A note of the details of the decision must be included in the Tender Register, in the same way that Council decisions in relation to Tenders are captured.
<b>Subdelegates</b>	Director Community and Development Director Corporate and Strategy Director Works and Infrastructure
<b>Statutory framework</b>	<i>Local Government Act 1995</i> -s3.57 Tenders for providing goods and services  <i>Local Government (Functions and General) Regulations 1996</i> -regulation 11 to regulation 24
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018 review
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>FM-D04 Payments from the Municipal and Trust Funds</b>
<b>Category</b>	Local Government Act 1995- Financial Management
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority to make payment from the Municipal Fund and from the Trust Fund, in line with section 6.7 and section 6.9 of the <i>Local Government Act 1995</i> .
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>This delegation is subject to the requirements of regulation 13 of the <i>Local Government (Financial Management) Regulations 1996</i>.</p> <p>In line with regulation 11 of the <i>Local Government (Financial Management) Regulations 1996</i> Council has authorised (SCM 28 June 2017 Item 7.1) as signatories for payments and transfers from:</p> <ol style="list-style-type: none"> <li><b>1. Municipal Fund Account:</b> Any two of the Chief Executive Officer, the Director Corporate and Strategy, the Director Works and Infrastructure, the Director Community and Development, and the Manager Financial Services; and the Manager Governance.</li> <li><b>2. Trust Fund Account:</b> Any two of the Chief Executive Officer, the Director Corporate and Strategy, the Director Works and Infrastructure, the Director Community and Development and the Manager Financial Services; and the Manager Governance.</li> </ol> <p>It is also a requirement that the City:</p> <ul style="list-style-type: none"> <li>- Retain Cheque Vouchers, including electronic transfer records as evidence of decisions to make payments.</li> <li>- Retain computer encryption devices and other controls for effective scrutiny of account payments.</li> </ul>
<b>Subdelegates</b>	Director Community and Development Director Corporate and Strategy Director Works and Infrastructure Manager Financial Services Manager Governance and Organisational Strategy Manager Strategic Projects
<b>Statutory framework</b>	<p><i>Local Government Act 1995:-</i>            s6.7 Municipal Fund            s6.9 Trust Fund</p> <p><i>Local Government (Financial Management) Regulations 1996:-</i>            Regulation 11 -Payments, procedures for making etc.            Regulation 12 - Payments from municipal fund or trust fund, restrictions on making            Regulation 13- Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.</p>
<b>Policy</b>	Authorised Signatories for Bank Accounts-Ref Agenda Item 7.3 SCM 28 June 2017 The City of Bayswater's Procurement Policy
<b>Date adopted</b>	1 October 2019

<b>Adoption references</b>	Reviewed internally and amended OCM 03 December 2019 Agenda Item 10.2.2
<b>Last reviewed</b>	3 December 2019



<b>Delegation</b>	<b>FM-D04A Authority to incur expenses and apply money from the Municipal Fund Account</b>
<b>Category</b>	Local Government Act 1995- Financial Management
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority to incur expenses and apply money from the Municipal Fund Account
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>Such expenditure can only be incurred where an expenditure estimate is included in the City of Bayswater's annual budget. It is noted that this delegation only relates to the power to incur expenses and apply money. This power is limited by Resolution 7.3 at OCM 28 June 2017 under which only certain approved senior executive officers may be signatories for payments and transfers from the Municipal Fund Account.</p> <p>Sub-delegated authority is limited to the maximum individual amounts as set out in the following categories.</p> <p><b>Category A \$150,000</b>  Director Corporate and Strategy  Director Community and Development  Director Works and Infrastructure</p> <p><b>Category B \$50,000</b>  Manager Building Works  Manager Engineering Works  Manager Parks and Gardens</p> <p><b>Category C \$20,000</b>  Coordinator Engineering Works  Coordinator Fleet and Depot  Coordinator Parks and Gardens  Coordinator Turf and Irrigation  Manager Communications and Marketing  Manager Community Development  Manager Development Approvals  Manager Environmental Health  Manager Infrastructure Assets and Mapping Services  Manager Library and Customer Services  Manager Governance and Organisational Strategy  Manager Project Services  Manager Rangers and Security  Manager Recreation  Manager Strategic Planning and Place</p> <p><b>Category D \$15,000</b>  Manager Financial Services  Manager Strategic Projects  Manager Information Services  Manager People, Culture and Safety</p> <p><b>Category E \$10,000</b>  Assistant Manager Recreation Facilities  Consulting Arborist</p>

	<p>Coordinator Environmental Health Coordinator Statutory Building Manager Engineering Services Manager Sustainability and Environment</p> <p><b>Category F \$5000</b> Business Development Officer Catchment Management Officer Coordinator Active Ageing and Volunteers Coordinator Building Projects Maintenance Coordinator Information Management Coordinator Project Services Coordinator Information Technology Coordinator Community Development Coordinator Security and Crime Prevention Community Engagement Advisor Depot Supervisor Events Coordinator Executive Support / Research Officer Natural Area Officer Projects and Construction Supervisor Project Management Coordinator Senior Accountant Senior Projects Officer (Building) Supervisor Parks and Gardens Supervisor Street Trees Sustainable Environment Strategy Officer Works Coordinator</p> <p><b>Category G \$2000</b> Branch Librarian Rating Services Coordinator Coordinator Customer Services Coordinator Revenue</p> <p><b>Category H \$1,500</b> Children and Youth Services Librarian</p> <p><b>Category I \$1000</b> Coordinator Organisational Development Coordinator Business Services (Rangers and Security Division) HR Coordinator Personal Assistant Project Support Officer</p>
<b>Subdelegates</b>	<p>Assistant Manager Branch Librarian Catchment Management Officer Children and Youth Services Librarian Community Engagement Advisor Consulting Arborist Coordinator Active Ageing and Volunteers Coordinator Building Projects Maintenance Coordinator Business Services Coordinator Community Development Coordinator Customer Services Coordinator Engineering Works Coordinator Environmental Health Coordinator Events</p>

	<p> Coordinator Fleet and Depot  Coordinator Human Resources  Coordinator Information Management  Coordinator Information Technology  Coordinator Organisational Development  Coordinator Project Services  Coordinator Rating Services  Coordinator Revenue  Coordinator Security and Crime Prevention  Coordinator Statutory Building  Coordinator Trees and Gardens  Depot Supervisor  Director Community and Development  Director Corporate and Strategy  Director Works and Infrastructure  Executive Support / Research Officer  Manager Building Works  Manager Communications and Marketing  Manager Community Development  Manager Development Approvals  Manager Engineering Services  Manager Engineering Works  Manager Environmental Health Services  Manager Financial Services  Manager Governance and Organisational Strategy  Manager Information Services  Manager Infrastructure Assets And Mapping Services  Manager Library and Customer Services  Manager Parks and Gardens  Manager People, Culture and Safety  Manager Project Services  Manager Rangers and Security  Manager Recreation  Manager Strategic Planning and Place  Manager Strategic Projects  Manager Sustainability and Environment  Natural Area Management Officer  Parks Supervisor  Personal Assistant  Project Management Coordinator  Project Support Officer  Senior Accountant  Senior Project Officer (Building)  Supervisor Parks and Gardens  Supervisor Projects and Construction  Supervisor Street Trees  Sustainable Environment Strategy Officer  Works Supervisor </p>
<b>Statutory framework</b>	<p> <i>Local Government Act 1995:-</i>  s6.7 Municipal Fund  s6.8 Expenditure from municipal fund not included in annual budget </p> <p> <i>Local Government (Financial Management) Regulations 1996:-</i>  Regulation 12 - Payments from municipal fund or trust fund, restrictions on making </p>

<b>Policy</b>	<p>In line with SCM 28 June 2017 Resolution 7.3 authorised signatories for payments and transfers from the Municipal fund are any two of the following: Chief Executive Officer, the Director Corporate and Strategy, the Director Works and Infrastructure, the Director Community and Development and the Manager Financial Services; and the Manager Governance in the absence of the Director Corporate and Strategy.</p> <p>Decision undertaken using this delegated authority must comply with the City's Procurement Policy.</p>
<b>Date adopted</b>	4 September 2019
<b>Adoption references</b>	<p>OCM 12 Sept 2017  Sub delegation ECM Ref 3034709  Amendment ECM Ref 3042540  Amendment ECM Ref 3055008  Amendment ECM Ref 3090819  Amendment ECM Ref 3112070  OCM 03 December Agenda Item 10.2.2</p>
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>FM-D05 Granting Concessions and Write-Offs</b>
<b>Category</b>	Local Government Act 1995- Financial Management
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>Authority, in line with section 6.12(b), to waive or grant concessions in relation to any amount of money which is owed to the local government.</p> <p>Authority, in line with section 6.12(c), to write off of any debts (not including rates or other charges) considered irrecoverable.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>The CEO may:</p> <ul style="list-style-type: none"> <li>• - Authorise a waiver or grant a concession to a maximum value of \$500.</li> <li>• -Authorise a write off of any debts (not including rates or other charges) considered irrecoverable to a maximum value of \$1,000.</li> </ul> <p>The Director Corporate and Strategy may:</p> <ul style="list-style-type: none"> <li>• Authorise a waiver or grant a concession to a maximum value of \$500</li> <li>• -Authorise a write off of any debts (not including rates or other charges) considered irrecoverable to a maximum value of \$100.</li> </ul> <p>The Manager Community Development, Manager Library and Customer Services, Manager Recreation and the Manager Project Services are only authorised to waive a fee or grant a concession to a maximum value of \$500, in line with section 6.12(1)(b) of the Local Government Act 1995.</p> <p>All write offs, concessions or waivers are to be recorded appropriately and a report is to be presented to elected members regularly for noting.</p>
<b>Subdelegates</b>	Director Corporate and Strategy Manager Community Development Manager Library and Customer Services Manager Project Services Manager Recreation
<b>Statutory framework</b>	<p>Local Government Act 1995:</p> <p>s6.12(1)(b) -Waive a fee or grant a concession in relation to any amount of money owed to the local government</p> <p>s6.12(1)(c) -Write off a debt which is owed to the local government</p> <p>s6.12(3) -The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government</p>
<b>Policy</b>	Sundry Debt Collection and Recovery Policy
<b>Date adopted</b>	12 September 2017

<b>Adoption references</b>	OCM 12 Sep 2017 Agenda Item 11.3 Sub-delegation amended 19 March 2018 ECM ID 3124222 Sub-delegation amended 20 April 2018 ECM 3144438 OCM 11 December 2018 OCM 03 December 2019 Agenda Item 10.2.2
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>FM-D06 Recovery of Unpaid Rates or Service Charge</b>
<b>Category</b>	Local Government Act 1995- Financial Management
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>Authority to determine that notice be given to the lessee requiring payment of the rates or service charges.</p> <p>Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid.</p> <p>Authority to recover rates or service charges, as well as the costs of proceedings, in a court of competent jurisdiction.</p> <p>Authority to enter into negotiations and reach agreement to accept payment of outstanding rates or service charge and stay prosecution.</p> <p>Authority to apply in the form and manner prescribed, to the Minister to have vacant land re-vested in the Crown.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>Authority must be exercised in accordance with:</p> <ul style="list-style-type: none"> <li>-Schedule 6.2(1)[1] Provisions relating to lease of land where rates or service charges unpaid [Section 6.65]</li> <li>-Schedule 6.3(1)[4] and (4)[1] Provisions relating to sale or transfer of land where rates or service charges unpaid [Section 6.68(3)]</li> </ul>
<b>Subdelegates</b>	Director Corporate and Strategy
<b>Statutory framework</b>	<p><i>Local Government Act 1995:-</i></p> <ul style="list-style-type: none"> <li>-s6.56 Rates or service charges recoverable in court</li> <li>-s6.60(2)(3)(4) Local government may require lessee to pay rent</li> <li>-s6.69(2)(3) Right to pay rates, service charges and costs, and stay proceedings</li> <li>-s6.74(1) Power to have vacant land re-vested in the Crown if rates in arrears 3 years</li> </ul>
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	<p>OCM 12 Sep 2017 Agenda Item 11.3</p> <p>OCM 11 December 2018 review</p> <p>OCM 03 December Agenda Item 10.2.2</p>
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>FM-D07 Community Funding Grants</b>
<b>Category</b>	Local Government Act 1995 -CEO Original Powers
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority to directors and Managers to Make Community Funding Contribution Decisions
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Subdelegate conditions</b>	Director Community and Development Director Corporate and Strategy Director Works and Infrastructure Manager Building Works Manager Communications and Marketing Manager Community Development Manager Development Approvals Manager Engineering Services Manager Engineering Works Manager Environmental Health Services Manager Financial Services Manager Governance and Organisational Strategy Manager Information Services Manager Infrastructure Assets And Mapping Services Manager Library and Customer Services Manager Strategic Projects Manager Parks and Gardens Manager People, Culture and Safety Manager Project Services Manager Rangers and Security Manager Recreation Manager Strategic Planning and Place Manager Sustainability and Environment
<b>Statutory framework</b>	Local Government Act 1995
<b>Policy</b>	Community Grants Policy
<b>Date adopted</b>	3 December 2019
<b>Adoption references</b>	OCM 03 December 2019
<b>Last reviewed</b>	3 December 2019



Amendments			
Approved	Type	Amendment	References
3 Dec 2019	New delegation	03 December 2019	OCM 03 December 2019

<b>Delegation</b>	<b>FS-D13 Rateable Land</b>
<b>Category</b>	Local Government Act 1995- Financial Management
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority to approve rate exemptions.
<b>Delegates</b>	CEO
<b>Conditions</b>	Any applications requesting exemption under s6.26(2)(g) are still to be referred to Council for consideration.
<b>Statutory framework</b>	s6.26 Rateable Land
<b>Policy</b>	Rates Exemptions Policy
<b>Date adopted</b>	28 February 2017
<b>Adoption references</b>	OCM 28 Feb 2017 Agenda Item 13.4 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>HA-D01 Health (Miscellaneous Provisions) Act 1911 Powers and Duties of Deputy</b>
<b>Category</b>	Health
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Appointment as the local government's deputy. In this capacity the CEO is authorised to exercise all powers exercisable by the local government under the <i>Health (Miscellaneous Provisions) Act 1911</i> and Regulations made there under.
<b>Delegates</b>	CEO
<b>Conditions</b>	This power cannot be sub-delegated.
<b>Statutory framework</b>	Health (Miscellaneous Provisions) Act 1911 Section 26
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	OCM 12 Sept 2017 Agenda Item 11.3 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>LGMPA-D01 Local Government (Miscellaneous Provisions) Act 1960 - Appointment of Pound Keepers and Rangers</b>
<b>Category</b>	Miscellaneous
<b>Delegator</b>	Councillor
<b>Express power or duty delegated</b>	Authority to establish pounds and appoint fit and proper persons to be pound keepers and Rangers of the City of Bayswater.
<b>Delegates</b>	CEO
<b>Conditions</b>	Local Public Notice of the appointment or removal of pound keepers and rangers and the establishment of pounds is required by the <i>Local Government (Miscellaneous Provisions) Act 1960</i> .
<b>Statutory framework</b>	<p><i>Local Government (Miscellaneous Provisions) Act 1960</i></p> <p>Section 449- Local government may establish pounds, appoint pound keepers and rangers.</p> <p>Section 2 -Act to be read as part of Local Government Act 1995</p> <p><i>Local Government Act 1995</i></p> <p>Section 5.42. Delegation of some powers and duties to CEO.</p>
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	<p>OCM 12 Sep 2017 Agenda Item 11.3</p> <p>OCM 11 December 2018</p> <p>OCM 03 December 2019 Agenda Item 10.2.2</p>
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>LGR-D01 Local Government Act 1995 Obstruction of public thoroughfare</b>
<b>Category</b>	Local Government Act 1995 Regulations
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority, under Regulation 6 of the <i>Local Government (Uniform Local Provisions) Regulations</i> , to grant permission to place on a specified part of public thoroughfare one or more specified things that may obstruct the public thoroughfare.
<b>Delegates</b>	CEO
<b>Conditions</b>	Permission granted under this regulation — - must be in writing; and - must specify the period for which it is granted; and - must specify any condition imposed
<b>Subdelegates</b>	Coordinator Statutory Building Director Community and Development Manager Building Works Manager Development Approvals Manager Strategic Planning and Place
<b>Statutory framework</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> Regulation 6  <i>Local Government Act 1995</i> s.5.42. Delegation of some powers and duties to CEO s9.59.General regulations
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref 3042541 OCM 11 December 2018 OCM 03 December 2019 Agenda Item 10.2.2
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>LL-D01 Local Laws -General Administration</b>
<b>Category</b>	Local Laws
<b>Delegator</b>	Councillor
<b>Express power or duty delegated</b>	Authority to administer the City's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the City under the City's local laws.
<b>Delegates</b>	CEO

<b>Conditions</b>	<p>Controversial applications made under any local law are to be referred to Council for consideration.</p> <p>The sub delegated power to the position of <b>Manager Rangers and Security</b> is to do all things that are necessary or convenient to be done for, or in connection with, performing the functions of the local government under the City's local laws made under the Local Government Act 1995, the Cat Act 2011 and the Dog Act 1976. Note this sub-delegation does not cover the Health Local Law 2001.</p> <p>The sub delegated powers to the <b>Director Works and Infrastructure</b> are limited to:</p> <ul style="list-style-type: none"> <li>-authority to approve the keeping of bees under the Health Local Law 2001</li> <li>-authority under the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2008 to approve Infrastructure Deposits</li> </ul> <p>The sub delegated powers to the <b>Manager Environmental Health</b> are limited to:</p> <ul style="list-style-type: none"> <li>-authority to approve the keeping of bees under the Health Local Law 2001</li> </ul> <p>The sub delegated powers to the <b>Director of Community and Development</b> are limited to:</p> <ul style="list-style-type: none"> <li>-authority under the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2008 to approve Infrastructure Deposits</li> <li>-authority under the Thoroughfares and Trading in Thoroughfares and Public Places Local Law to approve a stallholder permit and a trader permit.</li> <li>-the power under the Keeping and Control of Cats Local Law to grant a permit to keep a maximum of 6 cats at a premises and to impose conditions on that permit.</li> <li>-authority under the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2008 to approve a stallholder permit and a traders permit.</li> <li>-authority to approve residential private parking agreements under the Parking and Parking Facilities Local Law 2015</li> <li>-authority under the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2008 to approve the display of temporary advertising signs</li> </ul> <p>The sub delegated powers to the <b>Manager Building Works</b> are limited to:</p> <ul style="list-style-type: none"> <li>-authority under the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2008 to approve Infrastructure Deposits</li> </ul> <p>The sub delegated powers to the <b>Manager Engineering Works</b> are limited to:</p> <ul style="list-style-type: none"> <li>-authority under the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2008 to approve Infrastructure Deposits</li> </ul> <p>The sub delegated powers to the <b>Manager Strategic Planning and Place</b> are limited to:</p> <ul style="list-style-type: none"> <li>-authority under the Thoroughfares and Trading in Thoroughfares and Public Places Local Law to approve a stallholder permit and a trader permit.</li> </ul> <p>The sub delegated powers to the <b>Manager Development Approvals</b> are limited to:</p> <ul style="list-style-type: none"> <li>-authority under the Thoroughfares and Trading in Thoroughfares and Public Places Local Law to approve a stallholder permit and a trader permit.</li> </ul>
<b>Subdelegates</b>	<p>Director Community and Development          Director Works and Infrastructure          Manager Building Works          Manager Development Approvals          Manager Engineering Works          Manager Environmental Health Services          Manager Rangers and Security          Manager Strategic Planning and Place</p>

<b>Statutory framework</b>	<p>Health Local Law</p> <p>Fencing and Floodlighting Local Law</p> <p>Local Government Property Local Law</p> <p>Parking and Parking Facilities Local Law</p> <p>Keeping and Control of Cats Local Law</p> <p>Dogs Local Law</p> <p>Standing Orders Local Law</p> <p>Activities On Thoroughfares And Trading In Thoroughfares And Public Places Local Law</p>
<b>Policy</b>	<p>Mobile Food Vehicles Policy</p> <p>Street Verges Policy</p>
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	<p>OCM 12 Sept 2017 Agenda Item 11.3</p> <p>ECM Ref 3040404</p> <p>Amendment ECM Ref 3042540</p> <p>Amendment ECM Ref 3182150</p> <p>OCM 11 December 2018</p> <p>OCM 03 December 2019 Agenda Item 10.2.2</p>
<b>Last reviewed</b>	3 December 2019



<b>Delegation</b>	<b>LL-D02 Local Laws Appointment of an Authorised Officer</b>
<b>Category</b>	Local Laws
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>Authority to appoint authorised officers and authorised persons for the following local laws -</p> <p>Local Government Property Local Law</p> <p>Parking and Parking Facilities Local Law</p> <p>Keeping and Control of Cats Local Law</p> <p>Activities On Thoroughfares And Trading In Thoroughfares and Public Places Local Law</p> <p>-for the purposes of 9.10 of the Local Government Act 1995.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	Officers must be appointed as authorised officers or authorised persons for the purposes of the local laws and certified as per the requirements of the Local Government Act 1995.
<b>Statutory framework</b>	<p>Sections 9.10 of the Local Government Act 1995.</p> <p>Section 5.42. delegation of some powers and duties to CEO</p>
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	<p>OCM 12 Sep 2017 Agenda Item 11.3</p> <p>OCM 11 December 2018</p> <p>OCM 03 December 2019 Agenda Item 10.2.2</p>
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>LL-D03 Local Laws Appointment of an Authorised Officer Dog Act</b>
<b>Category</b>	Local Laws
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority to appoint authorised officers, for the Dogs Local Law, for the purposes of section 29 of the <i>Dog Act 1976</i> .
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Statutory framework</b>	Section 29 of Dog Act 1976.
<b>Policy</b>	Nil
<b>Date adopted</b>	12 September 2017
<b>Adoption references</b>	OCM 12 Sep 2018 OCM 11 December 2018
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>LL-D04 Bee Keeping Health Local Laws 2001</b>
<b>Category</b>	Local Laws
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Delegates authority to the Chief Executive Officer to approve the keeping of bees in accordance with Part 6, Division 7 - Bee Keeping, of the City of Bayswater Health Local Laws 2001.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Statutory framework</b>	City of Bayswater Health Local Laws 2001
<b>Policy</b>	Nil
<b>Date adopted</b>	15 November 2016
<b>Adoption references</b>	OCM 15 Nov 2016 Agenda Item 13.7 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>TP-D01 Local Planning Schemes</b>
<b>Category</b>	Planning
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>Authority to exercise all powers and duties under all Local Planning Schemes in operation within the City of Bayswater with exception of the following:</p> <ul style="list-style-type: none"> <li>• adopt, amend or refuse local planning policies;</li> <li>• enter, modify or remove a place from the heritage list;</li> <li>• adopt, modify or revoke a heritage area;</li> <li>• recommend approval, modification or refusal of a structure plan to the Western Australian Planning Commission;</li> <li>• recommend approval, modification or refusal of an activity centre plan to the Western Australian Planning Commission;</li> <li>• approve, modify or refuse a local development plan;</li> <li>• determine development applications involving the following: <ul style="list-style-type: none"> <li>o An estimated cost of \$2 million or more and is not a Development Assessment Panel application;</li> <li>o Building height variation equal to or greater than 2.0m, or where building height requirements refer only to the number of storeys, one or more additional storeys;</li> <li>o Car bay variation in excess of 10% of the total car bays required;</li> <li>o Development located in a place that is entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990, or is included on a heritage list prepared in accordance with a local planning scheme; or</li> <li>o Receipt of: <ul style="list-style-type: none"> <li>• Three or more planning based written submissions of objection from properties adjoining the development site; or</li> <li>• Five or more planning based written submissions of objection from properties adjacent to the development site. These submissions are any submissions from the adjoining properties, and properties directly diagonally opposite a road or right of way or pedestrian access way; and</li> <li>• enter into an agreement in respect of a matter relating to the scheme with any person having an interest in land affected by the scheme, and deal with or dispose of any land acquired in accordance with Part 11, Division 4 of the Planning and Development Act 2005.</li> </ul> </li> </ul> </li> </ul> <p>This delegation excludes any powers or duties limited under Section 5.43 of the Local Government Act 1995, including a power or duty that requires a decision of an absolute majority or a 75% majority of the local government.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Subdelegates</b>	<p>Coordinator Statutory Building  Director Community and Development  Manager Development Approvals  Manager Strategic Planning and Place</p>

<b>Statutory framework</b>	<p>All powers and duties under all Local Planning Schemes in operation within the City of Bayswater, with exception of the following:</p> <ul style="list-style-type: none"> <li>• Schedule 2, Clause 4(3)(b) of the Planning and Development (Local Planning Scheme) Regulations 2015 (Local Planning Policies);</li> <li>• Schedule 2, Clause 8(3)(d) of the Planning and Development (Local Planning Scheme) Regulations 2015 (Heritage Lists);</li> <li>• Schedule 2, Clause 9(6)(b) and Clause 9(8) of the Planning and Development (Local Planning Scheme) Regulations 2015 (Heritage Areas);</li> <li>• Schedule 2, Clause 20(2)(e) of the Planning and Development (Local Planning Scheme) Regulations 2015 (Structure Plans);</li> <li>• Schedule 2, Clause 36(2)(e) of the Planning and Development (Local Planning Scheme) Regulations 2015 (Activity Centre Plans);</li> <li>• Schedule 2, Clause 52(1) of the Planning and Development (Local Planning Scheme) Regulations 2015 (Local Development Plans);</li> <li>• Determination of development applications in accordance with Schedule 2, Clause 68(2) of the Planning and Development (Local Planning Scheme) Regulations 2015 involving the following: <ul style="list-style-type: none"> <li>o An estimated cost of \$2 million or more and is not a Development Assessment Panel application;</li> <li>o Building height variation equal to or greater than 2.0m, or where building height requirements refer only to the number of storeys, one or more additional storeys;</li> <li>o Car bay variation in excess of 10% of the total car bays required;</li> <li>o Development located in a place that is entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990, or is included on a heritage list prepared in accordance with a local planning scheme; or</li> <li>o Receipt of: <ul style="list-style-type: none"> <li>□ Three or more planning based written submissions of objection from properties adjoining the development site; or</li> <li>□ Five or more planning based written submissions of objection from properties adjacent to the development site. These submissions are any submissions from the adjoining properties, and properties directly diagonally opposite a road or right of way or pedestrian access way; and</li> <li>□ Schedule 2, Clause 78 of the Planning and Development (Local Planning Scheme) Regulations 2015 (Enter into Agreements).</li> </ul> </li> </ul> </li> </ul>
<b>Policy</b>	Nil
<b>Date adopted</b>	19 September 2017
<b>Adoption references</b>	<p>ECM ref number 3025245  See for signed delegation  OCM 11 December 2018 2018 Review  OCM 03 December 2019 Agenda Item 10.2.2</p>
<b>Last reviewed</b>	3 December 2019

<b>Delegation</b>	<b>TP-D02 Planning and Development Act 2005</b>
<b>Category</b>	Planning
<b>Delegator</b>	Councillor
<b>Express power or duty delegated</b>	<p>Authority to give a written direction:</p> <ul style="list-style-type: none"> <li>• to the owner or any other person undertaking development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;</li> <li>• to the owner or any other person who undertook the development <ul style="list-style-type: none"> <li>o to remove, pull down, take up, or alter the development; and</li> <li>o to restore the land as nearly as practicable to its condition immediately before the development started; and</li> </ul> </li> <li>• if it appears that delay in the execution of any work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order, a written direction may be given to the person whose duty it is to execute the work to execute that work.</li> </ul> <p>Authority is given to the Director Community and Development under section 231 and 230:</p> <ul style="list-style-type: none"> <li>- Withdrawal of infringement notice</li> <li>- extending time to pay modified penalty.</li> </ul> <p>Authority is given to the Manager Development Approvals under section 228:</p> <ul style="list-style-type: none"> <li>- power for giving of infringement notice.</li> </ul>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Subdelegates</b>	Director Community and Development Manager Development Approvals
<b>Statutory framework</b>	<p>All powers and duties under Section 214(2), (3) and (5) of the Planning and Development Act 2005.</p> <p>section 230, 231 and 228 of the Planning and Development Act 2005.</p> <p>Existing delegation of section 228, 230 and 231 are not valid, there is no power to delegate these under the Local Government Act 1995.</p>
<b>Policy</b>	Nil
<b>Date adopted</b>	19 September 2017
<b>Adoption references</b>	<p>ECM ref number 3025245</p> <p>See for signed delegation</p> <p>OCM 11 December 2018 review</p> <p>OCM 03 December 2019 Agenda Item 10.2.2</p>
<b>Last reviewed</b>	3 December 2019

## AMENDMENTS

<b>Delegation</b>	<b>Approved or adopted</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
EF-D11 Leasing Agreements	3 Dec 2019	New delegation	03 December 2019	OCM 03 2019
FM-D07 Community Funding Grants	3 Dec 2019	New delegation	03 December 2019	OCM 03 December 2019

