City of Bayswater
Delegated Authority Register
- March 2021

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
Council	24 Nov 2020	Adopted by Council at the OCM on 24 November 2020. Item 10.2.6

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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 3 December 2019. 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

• CA-D01 Cat Act 2011General Powers and Duties
Proposed addition of "Power to cause a cat to be destroyed".
The powers sub delegated to the Director Community and Development and Manager Rangers and Security are limited to:
• Power to cause a cat to be destroyed.
By adding this condition it is seen as assisting in improved business practice within the Rangers and Security Branch. Currently this position has the authority to cause a dog to be destroyed but not a cat and this request is made for the same consistency and protection of the City if there is the need to destroy a seriously injured cat.
It is proposed that the position of Manager Parks and Gardens and Coordinator Tree Services be added to the following list of sub-delegations in relation to trees on private property in order to issue relevant work orders.

• EF-D03 Powers of Entry
• EF-D04 Notices Requiring Certain Things to be Done

It is also proposed to add the position of Manager Parks and Gardens to the following list of sub delegation to execute required works and as part of their programmed or reactive works, which may require the position to close or partially close roads:

• EF-D09 Temporary and Partial Closure of Roads

Some amendments have also been proposed specifically relating to:
• TP-D01 - Planning and Development Act 2005.
This includes amending the two million dollar limit so there is no limit within the Tonkin Highway Industrial Estate where an application is not a Development Assessment Panel application. This is due to the industrial nature of the area and the relative lot sizes which by their size involve significant buildings, that all new development is assessed against the specific provisions of the Special Control Area No.10 and the minimal impact on residential areas.

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

Delegation	**BA-D01 Building Act 2011 Authorised Persons**
Category	Building
Delegator	Council
Express power or duty delegated	Authority, under section 96(3) of the *Building Act 2011*, 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.
Delegates	CEO
Conditions	Only a person employed by the local government under the *Local Government Act 1995* section 5.36 can be designated an authorised person for the *Building Act 2011.* The designation of an authorised person must be in writing
Statutory framework	*Building Act 2011* s.96(3) Authorised persons s.127 Delegation: special permit authorities and local governments *Local Government Act 1995* s.5.36
Policy	Nil
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018 Review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**BA-D02 Building Act 2011 Applications for building or demolition permits and Applications for occupancy permits and other certificates**
Category	Building
Delegator	Council
Express power or duty delegated	Authority to approve or refuse to grant or modify building and demolition permit applications under Part 2- Division 2 of the Building Act 2011. 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.
Delegates	CEO
Conditions	Nil
Subdelegates	Coordinator Statutory Building Director Community and Development Manager Building Works
Statutory framework	*Building Act 2011* 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
Policy	Nil
Date adopted	12 September 2017
Adoption references	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. OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**BA-D03 Building Act 2011 Making, Revoking and Enforcing Building Orders**
Category	Building
Delegator	Council
Express power or duty delegated	Authority, under Part 8 Division 5 of the *Building Act 2011,* to make or revoke a building order and to give effect to a building order if non compliance occurs.
Delegates	CEO
Conditions	Nil
Subdelegates	Director Community and Development
Statutory framework	*Building Act 2011* Part 8- Division 5- Enforcement — Building orders Section 127 Delegation: special permit authorities and local governments
Policy	Nil
Date adopted	12 September 2017
Adoption references	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 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**BA-D04 Building Act 2011 Commence a prosecution**
Category	Building
Delegator	Council
Express power or duty delegated	Authority, under Part 12, Division 1, of the *Building Act 2011*, to commence a prosecution for an offence against this Act
Delegates	CEO
Conditions	Nil
Subdelegates	Coordinator Statutory Building Director Community and Development Manager Building Works
Statutory framework	*Building Act 2011* Part 12 - , Division 1- General provisions about legal proceedings Section 127 Delegation- special permit authorities and local governments
Policy	Nil
Date adopted	12 September 2017
Adoption references	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 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**BA-D05 Building Act 2011 -Extension of time for permit**
Category	Building
Delegator	Council
Express power or duty delegated	Authority, under regulation 24 of the *Building Regulations 2012 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.
Delegates	CEO
Conditions	Nil
Subdelegates	Coordinator Statutory Building Director Community and Development Manager Building Works
Statutory framework	*Building Act 2011* s32(3) Duration of building or demolition permit s.27 Conditions imposed by permit authority s.127 Delegation: special permit authorities and local governments *Building Regulations 2012* Regulation 24 - Extension of time during which permit has effect (s. 32(3))
Policy	Nil
Date adopted	12 September 2017
Adoption references	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 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**BFA-D01 Bush Fires Act 1954 General Powers and Duties**
Category	Miscellaneous
Delegator	Council
Express power or duty delegated	Authority to perform the functions of the local government under the *Bush Fires Act 1954*. These powers include, but are not necessarily limited to the prosecution of offences and the appointment of bush fire control officers.
Delegates	CEO
Conditions	There is no power under this Act for the CEO to further sub-delegate their powers.
Statutory framework	*Bush Fires Act 1954* Section 48(1) Delegation by Local Government
Policy	Nil
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**CA-D01 Cat Act 2011 General Powers and Duties**
Category	Cats
Delegator	Council
Express power or duty delegated	The CEO is delegated authority to exercise the powers or discharge the duties of the local government under the *Cat Act 2011*, 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
Delegates	CEO
Conditions	The powers sub-delegated to the Director Community and Development and Manager Rangers and Security are limited to • Power to give a cat control notice to a person who is the owner of a cat. • Power to cancel the registration of a cat . • Power to refuse an application for the grant or renewal of an approval to breed cats. • Power to cancel an approval to breed cats. • Power to issue a new certificate to an approved cat breeder if satisfied that a certificate has been stolen, lost, damaged or destroyed. • Power to withdraw an infringement notice. • Power to grant extension of time of infringement notice. • Power to cause a cat to be destroyed.
Subdelegates	Director Community and Development Manager Rangers and Security
Statutory framework	Cat Act 2011 section 44, Section 45, section 64
Policy	Disposal of Unclaimed Animals Policy
Date adopted	12 September 2017
Adoption references	OCM 12 September agenda item 11.3 ECM Ref: 3034906 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**COP-D01 Withdraw an infringement notice**
Category	Local Government Act 1995 -CEO Original Powers
Delegator	CEO
Express power or duty delegated	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.
Delegates	Director Community and Development Manager Rangers and Security
Conditions	Nil
Statutory framework	*Local Government Act 1995* section 9.20 section 5.44
Policy	Nil
Date adopted	6 November 2017
Adoption references	ECM Document Set ID 3042153 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**COP-D02 Power to certify that a document is a true copy**
Category	Local Government Act 1995 -CEO Original Powers
Delegator	CEO
Express power or duty delegated	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 *Local Government Act 1995.*
Delegates	Director Community and Development Director Corporate and Strategy Director Major Projects Director Works and Infrastructure
Conditions	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.
Statutory framework	*Local Government Act 1995* Section 9.31 Section 5.44
Policy	Nil
Date adopted	26 October 2020
Adoption references	ECM Document Set ID 3042153 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**COP-D03 Proving ownership, occupancy, and other things by certificate**
Category	Local Government Act 1995 -CEO Original Powers
Delegator	CEO
Express power or duty delegated	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.
Delegates	Director Community and Development Director Corporate and Strategy Director Major Projects Director Works and Infrastructure
Conditions	Nil
Statutory framework	*Local Government Act 1995* Section 9.41 Section 5.44
Policy	Nil
Date adopted	26 October 2020
Adoption references	ECM Document Set ID 3042153 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**COVA-D01 Control of Vehicles (Off-road Areas) Act 1978 General powers and duties**
Category	Miscellaneous
Delegator	Council
Express power or duty delegated	The CEO is authorised, as a fit and proper person, to exercise the powers or discharge the duties of the local government under the *Control of Vehicles (Off- Road Areas) Act 1978*.
Delegates	CEO
Conditions	There is no capacity to sub-delegate under this Act.
Statutory framework	*Control of Vehicles (Off-road Areas) Act 1978* Section 5 - Local government's functions
Policy	Nil
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018 OCM 03 December 2019 Agenda Item 03 December 2019 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**CPCGA-D01 Caravan Parks and Camping Grounds Act 1995 Temporary Accommodation**
Category	Miscellaneous
Delegator	Council
Express power or duty delegated	Authority, under regulation 11, to grant approval to a person to camp on land other than at a caravan park or camping ground.
Delegates	CEO
Conditions	There is no capacity to sub delegate under the *Caravan Parks and Camping Grounds Act 1995*. Approval to be for a maximum of 3 months in total.
Statutory framework	*Caravan Parks and Camping Grounds Act 1995* s.28 *Caravan Parks and Camping Grounds Regulations 1997* Regulation 6 and Regulation 11
Policy	Nil
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018 OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**DA-D01 Dog Act 1976 General Powers and Duties**
Category	Dogs
Delegator	Council
Express power or duty delegated	The CEO is delegated authority to exercise all powers and discharge all duties of the local government under the *Dog Act 1976* including the appointment of authorised persons. The CEO is authorised to further delegate these powers and duties in line with the Act.
Delegates	CEO
Conditions	The powers sub-delegated to the Director Community and Development and Manager Rangers and Security are limited to the following - • The power to grant an exemption to the local law limit on the number of dogs per premise. • Power under regulations 35(5) to withdraw an infringement notice • Power to direct the registration officer to refuse or cancel a registration if certain conditions listed in the act apply. • 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, • 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. • Power to grant a licence for an approved kennel establishment • Power to declare an individual dog to be a dangerous dog • Power to revoke a declaration that a dog is a dangerous dog
Subdelegates	Director Community and Development Manager Rangers and Security
Statutory framework	Dog Act 1976 Section 10AA- Delegation of local government powers and duties Section 29-Power to seize dogs
Policy	Disposal of Unclaimed Animals Policy
Date adopted	12 September 2017
Adoption references	OCM 12 Sept 2017 Agenda Item 11.3 ECM Ref: 3034906 OCM 11 December 2018 OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**EF-D01 Authorised People- Local Government Act 1995**
Category	Local Government Act 1995- Executive Functions
Delegator	Council
Express power or duty delegated	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: • Entering property, as per section 3.31; Removing, impounding and disposing of goods as per sections 3.39 to 3.48; • Requiring the name, address and date of birth of a person breaching the Act as per section 9.11; and • Issuing infringement notices as per section 9.16. 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: • Entering land to perform any function of the local government under the Act as per section 3.28; • Giving notice of entry as per section 3.32; • Seeking and executing an entry under warrant as per section 3.33; • Executing entry in an emergency as per section 3.34; • Giving notice and effecting entry by opening a fence as per section 3.36.
Delegates	CEO
Conditions	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.
Statutory framework	Local Government Act 1995 s3.24 Authorising persons Part 3, Division 3, Subdivision 2 - (certain provisions about land) s9.10 Appointment of authorised officers s.5.42. Delegation of some powers and duties to CEO
Policy	TBA
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**EF-D02 Execution of Documents**
Category	Local Government Act 1995- Executive Functions
Delegator	Council
Express power or duty delegated	Authority, under section 9.49A(2), to authorised the affixing of the common seal to any document. 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.
Delegates	CEO
Conditions	The common seal of the local government must be affixed to a document in the presence of — • the Mayor; and • the Chief Executive Officer or a senior employee authorised by the Chief Executive Officer. 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). A document signed by the Chief Executive Officer, under section 9.49A(4) is not to be regarded as a deed. 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. As per the Execution of Documents and Application of Common Seal Policy the following conditions apply: 1. Chief Executive Officer a) Unlimited $value; and/or b) Commitment period is specifically resolved by Council or in any other case, no greater than a 5 year period; and/or c) Moderate or lesser financial risk, legal complexity or political sensitivity, unless specifically resolved by Council. 2. Director a) less than $250,000p/a; and/or b) Commitment is no greater than 3 year period; and/or c) Moderate or lesser level of financial risk, legal complexity or political sensitivity. 3. Manager a) less than $100,000p/a; and/or b) Commitment is no greater than a 3 year period; and/or c) Minor or lesser level of financial risk, legal complexity or political sensitivity.

Subdelegates	Director Community and Development Director Corporate and Strategy Director Major Projects Director Works and Infrastructure Manager Assets And Mapping Services Manager Building Works Manager Communications and Marketing Manager Community Development Manager Development Approvals Manager Engineering Services Manager Engineering Works Manager Environmental Health Manager Financial Services Manager Governance and Organisational Strategy Manager Information 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 Planning Manager Major Projects
Statutory framework	Local Government Act 1995 s.9.49A Execution of Documents. s.5.42. Delegation of some powers and duties to CEO
Policy	Execution of Documents and Application of Common Seal Policy
Date adopted	26 October 2020
Adoption references	ECM Document Set ID 3042153 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**EF-D03 Powers of Entry**
Category	Local Government Act 1995- Executive Functions
Delegator	Council
Express power or duty delegated	Authority, in line with section 3.28, to perform any function of local government under the *Local Government Act 1995* 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. 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.
Delegates	CEO
Conditions	In accordance with the conditions set out in the *Local Government Act 1995*: • s3.31(1)(a) Consent obtained from the owner or occupier; • s3.31(1)(b) Notice has been given under 3.32 • s3.34(2) Entry in emergency • s3.36 Opening fences
Subdelegates	Coordinator Tree Services Director Community and Development Manager Building Works Manager Environmental Health Manager Parks and Gardens Manager Rangers and Security
Statutory framework	*Local Government Act 1995* Part 3, Division 3, Subdivision 3 - Powers of Entry s.5.42. Delegation of some powers and duties to CEO.
Policy	Nil
Date adopted	12 September 2017
Adoption references	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 OCM 24 November 2020 Agenda Item 10.2.6
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Delegation	**EF-D04 Notices requiring certain things to be done**
Category	Local Government Act 1995- Executive Functions
Delegator	Council
Express power or duty delegated	Authority to inspect private land and issue notices to owners of land. Authority to do anything to achieve the purpose for which a notice has been given. Authority to recover costs associated with achieving the purpose for which a notice has been given.
Delegates	CEO
Conditions	These powers must be exercised in accordance with *Local Government Act 1995* Schedule 3.1- powers under notices to owners or occupiers of land
Subdelegates	Coordinator Tree Services Director Major Projects Director Works and Infrastructure Manager Environmental Health Manager Parks and Gardens
Statutory framework	*Local Government Act 1995* s3.25 Notice requiring certain things to be done by owner or occupier of land s3.26 Additional powers when notices given. s.5.42. Delegation of some powers and duties to CEO.
Policy	Nil
Date adopted	26 October 2020
Adoption references	ECM Document Set ID 3042153 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
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Delegation	**EF-D05 Disposing of Property**
Category	Local Government Act 1995- Executive Functions
Delegator	Council
Express power or duty delegated	Authority, under section 3.47 of the Act, to sell or otherwise dispose of any goods that have been confiscated under the Act. 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. 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.
Delegates	CEO
Conditions	The disposal must be in accordance with: --the City's Annual Budget or by Council resolution; -s3.58 of the *Local Government Act 1995*; and -regulation 30 of the *Local Government (Functions and General) Regulations 1996*. In the case of land, the intended sale price must be greater than or equal to the valuation. 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.
Subdelegates	Director Community and Development Director Major Projects Director Works and Infrastructure Manager Engineering Works Manager Governance Manager Rangers and Security
Statutory framework	*Local Government Act 1995* -s3.47 Disposing of confiscated or uncollected goods -s3.58 Disposing of Property -s.5.42. Delegation of some powers and duties to CEO. *Local Government (Functions and General) Regulations 1996* -Regulation 30(3) Disposing of property to which section 3.58 does not apply
Policy	Nil
Date adopted	26 October 2020
Adoption references	OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**EF-D06 Recovery of Impounding Expenses**
Category	Local Government Act 1995- Executive Functions
Delegator	Council
Express power or duty delegated	Authority, under section 3.48, to recover impounding, expenses, by action in a court of competent jurisdiction.
Delegates	CEO
Conditions	In accordance with section 3.48 the goods must be impounded under section 3.39 of the Act and the offender must be convicted. 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. 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.
Subdelegates	Director Community and Development Manager Rangers and Security
Statutory framework	*Local Government Act 1995* s3.48 Recovery of Impounding Expenses
Policy	Sundry Debt Collection And Recovery Policy
Date adopted	12 September 2017
Adoption references	OCM 12 Sept 2017 ECM Ref Number: 3040404 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
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Delegation	**EF-D07 Disposal of Sick or Injured Animals**
Category	Local Government Act 1995- Executive Functions
Delegator	Council
Express power or duty delegated	Authority to humanely destroy and dispose of an impounded animal that is determined to be too sick or injured to treat.
Delegates	CEO
Conditions	The animal must be destroyed in a humane manner. A local government must not destroy an animal under this subsection unless — o because of the state of the animal, destroying it is urgent; or o the local government has — taken reasonable steps to notify the owner; and allowed the owner a reasonable opportunity to collect the animal
Subdelegates	Director Community and Development Manager Rangers and Security
Statutory framework	*Local Government Act 1995* s3.47A(1) Disposing of sick or injured animals
Policy	Nil
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref 3040404 OCM 11 December 2018 OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
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Delegation	**EF-D08 Reserves under the Control of Local Government**
Category	Local Government Act 1995- Executive Functions
Delegator	Council
Express power or duty delegated	Authority, under section 3.54 of the *Local Government Act 1995*, to do anything for the purposes of controlling the management of land that is vested in or under the management of the City.
Delegates	CEO
Conditions	Subject to any express provision to the contrary made by an order under the Land Administration Act 1997 in respect of the land.
Subdelegates	Director Major Projects Director Works and Infrastructure Manager Parks and Gardens
Statutory framework	*Local Government Act 1995* -s3.54 Reserves under the control of a local government
Policy	Nil
Date adopted	26 October 2020
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Delegation	**EF-D09 Temporary and Partial Closure of Roads**
Category	Local Government Act 1995- Executive Functions
Delegator	Council
Express power or duty delegated	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.
Delegates	CEO
Conditions	Must be carried out in accordance with Part 3, Division 3, Subdivision 5 of the *Local Government Act 1995.*
Subdelegates	Director Major Projects Director Works and Infrastructure Manager Engineering Services Manager Engineering Works Manager Parks and Gardens
Statutory framework	*Local Government Act 1995* -s3.50Closing certain thoroughfares to vehicles -s3.50A Partial closure of thoroughfares for repairs or maintenance -s3.51 Affected owners to be notified of certain proposals
Policy	Nil
Date adopted	26 October 2020
Adoption references	ECM Document Set ID 3042153 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**EF-D10 Activities Private Land**
Category	Local Government Act 1995- Executive Functions
Delegator	Council
Express power or duty delegated	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.
Delegates	CEO
Conditions	Limited to those activities as listed in Schedule 3.2 of the Local Government Act 1995.
Subdelegates	Director Major Projects Director Works and Infrastructure
Statutory framework	*Local Government Act 1995* -s3.27(1) Particular things local governments can do on land that is not local government property -Schedule 3.2
Policy	Nil
Date adopted	26 October 2020
Adoption references	ECM Document Set ID 3042153 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**EF-D11 Leasing Agreements**
Category	Local Government Act 1995 -CEO Original Powers
Delegator	Council
Express power or duty delegated	Authority to the CEO to enter into leasing renewals in certain circumstances that does not exceed the amount of $25,000 (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.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Nil
Statutory framework	Local Government Act 1995
Policy	Community Facility Lease and Licence User Agreement Policy
Date adopted	3 December 2019
Adoption references	OCM 03 December 2019OCM OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

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

Delegation	**EO-D15 Public Health Act 2016 Authorised Officers**
Category	Health
Delegator	Council
Express power or duty delegated	Authority to appoint persons or classes of persons as authorised officers for the purpose of fulfilling prescribed functions within the relevant legislation.
Delegates	CEO
Conditions	Must appoint authorised officers in writing and issue certificates of authorisation in accordance with the *Public Health Act 2016* 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
Statutory framework	*Public Health Act 2016* s21. Enforcement agency may delegate
Policy	Nil
Date adopted	13 September 2016
Adoption references	OCM 13 Sept 2016 Agenda Item 12.4 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**FA-D01 Food Act 2008 Appointment of Authorised Officers and Appointment of Designated Officers**
Category	Health
Delegator	Council
Express power or duty delegated	Authority to appoint a person to be an authorised officer for the purposes of the *Food Act 2008*. Authority to appoint officers to be Designated Officers for the purposes of the *Food Act* 2008 for either issuing infringements or extending, withdrawing or accepting payment for infringements.
Delegates	CEO
Conditions	**Appointment of Authorised Officers:** A certificate of authority must be issued in accordance with section 123 of the *Food Act 2008*. **Appointment of Designated Officers**: -Infringement Notices must be issued in accordance with section 126 of the*Food Act 2008*. Each enforcement agency must prepare and maintain a list of authorised officers appointed by the agency in accordance with section 122 of the *Food Act 2008*. Note: this delegation cannot be sub delegated
Statutory framework	*Food Act 2008* s122(1)(a)&(b) Appointment of Authorised Officers S126(13) Infringements - Appointment of Designated Officers
Policy	Nil
Date adopted	12 September 2017
Adoption references	OCM 12 Sept 2017 Agenda Item 11.3 OCM 11 December 2018 OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**FA-D02 Food Act 2008 General Administration**
Category	Health
Delegator	Council
Express power or duty delegated	Authority to exercise the powers or discharge the duties of the local government, as an enforcement agency, under the Food Act 2008.
Delegates	CEO
Conditions	Note this delegation cannot be sub delegated
Statutory framework	*Food Act 2008* Section 118(2)(b)
Policy	Food Samples - Offences Policy
Date adopted	12 September 2017
Adoption references	OCM 12 Sept 2017 Agenda Item 11.3 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**FM-D01 Power to Invest**
Category	Local Government Act 1995- Financial Management
Delegator	Council
Express power or duty delegated	Authority to invest money held in the municipal or trust fund that is not, for the time being, required for any other purpose.
Delegates	CEO
Conditions	Must establish, document and adhere to internal control procedures and relevant Council policies to ensure control of investments. Authority must be exercised in accordance with Regulation 19 of the *Local Government (Financial Management) Regulations 1996.* Authority must be exercised in accordance with Part III of the Trustees Act 1962.
Subdelegates	Director Corporate and Strategy Manager Financial Services
Statutory framework	*Local Government Act 1995* -s6.14(1) Power to invest
Policy	Authorised Signatories for Bank Accounts Investment Policy
Date adopted	12 September 2017
Adoption references	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
Last reviewed	24 November 2020

Delegation	**FM-D02 Acceptance of Tenders**
Category	Local Government Act 1995- Financial Management
Delegator	Council
Express power or duty delegated	Authority to accept tenders and approve payment claims in line with section 3.57 of the Act
Delegates	CEO
Conditions	Delegated authority is subject to a provision in the Annual Budget and limited to: -Annual tenders (operation and supplies) - $250,000 -All other tenders and contracts resulting from tenders - $250,000 -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. 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.
Statutory framework	*Local Government Act 1995* s3.57 Tenders for providing goods and services *Local Government (Functions and General) Regulations 1996* Part 4 Regulations 11 to 24
Policy	Nil
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**FM-D03 Calling of Tenders**
Category	Local Government Act 1995- Financial Management
Delegator	Council
Express power or duty delegated	Authority to publicly invite tenders for purchase of goods and services or seek expressions of interest over $250,000
Delegates	CEO
Conditions	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.
Subdelegates	Director Community and Development Director Corporate and Strategy Director Major Projects Director Works and Infrastructure
Statutory framework	*Local Government Act 1995* -s3.57 Tenders for providing goods and services *Local Government (Functions and General) Regulations 1996* -regulation 11 to regulation 24
Policy	Nil
Date adopted	26 October 2020
Adoption references	ECM Document Set ID 3042153 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**FM-D04 Payments from the Municipal and Trust Funds**
Category	Local Government Act 1995- Financial Management
Delegator	Council
Express power or duty delegated	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 *Local Government Act 1995*.
Delegates	CEO
Conditions	This delegation is subject to the requirements of regulation 13 of the *Local Government (Financial Management) Regulations 1996.* In line with regulation 11 of the *Local Government (Financial Management) Regulations 1996* Council has authorised (SCM 28 June 2017 Item 7.1) as signatories for payments and transfers from: 1. **Municipal Fund Account:** 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. 2. **Trust Fund Account:** 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. It is also a requirement that the City: - Retain Cheque Vouchers, including electronic transfer records as evidence of decisions to make payments. - Retain computer encryption devices and other controls for effective scrutiny of account payments.
Subdelegates	Director Community and Development Director Corporate and Strategy Director Major Projects Director Works and Infrastructure Manager Financial Services Manager Governance and Organisational Strategy Manager Strategic Projects
Statutory framework	*Local Government Act 1995:-* s6.7 Municipal Fund s6.9 Trust Fund *Local Government (Financial Management) Regulations 1996:-* 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.
Policy	Nil
Date adopted	26 October 2020

Adoption references	ECM Document Set ID 3042153 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**FM-D04A Authority to incur expenses and apply money from the Municipal Fund Account**
Category	Local Government Act 1995- Financial Management
Delegator	Council
Express power or duty delegated	Authority to incur expenses and apply money from the Municipal Fund Account
Delegates	CEO
Conditions	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. Sub-delegated authority is limited to the maximum individual amounts as set out in the following categories. **Category A $150,000** Director Corporate and Strategy (position number: 60866) Director Community and Development (60864) Director Works and Infrastructure (60868) Director Major Projects (60914) **Category B $50,000** Manager Building Works (60870) Manager Engineering Works (60557) Manager Parks and Gardens (60564) Manager Communications and Marketing (60007) Manager Community Development (60874) Manager Development Approvals (60875) Manager Environmental Health (60873) Manager Asset and Mapping Services (60676) Manager Library and Customer Services (60872) Manager Governance and Organisational Strategy (60894) Manager Project Services (60871) Manager Rangers and Security (60436) Manager Recreation (60877) Manager Strategic Planning and Place (60876) Manager Engineering Services (60809) Manager Sustainability and Environment (60670) Manager Financial Services (60478) Manager Strategic Projects (60869) Manager Information Services (60464) Manager People, Culture and Safety (60009) Planning Manager, Major Projects (60913) **Category C $25,000** Coordinator Tree Services (60805) Coordinator Parks Services (60594) Coordinator Depot Services (60911) Coordinator Turf Services (60608)

Category D $20,000
Coordinator Fleet Services (60587)
Coordinator Parks Services (60594)
Coordinator Engineering Works (60568)
Coordinator Natural Area Management (60904)
Coordinator Active Ageing and Volunteers (60857)
Coordinator Building Projects Maintenance (60509)
Coordinator Business Services (60800)
Coordinator Community Development (60044)
Coordinator Customer Services (60486)
Coordinator Environmental Health (60548)
Coordinator Human Resources (60010)
Coordinator Information Management (60133)
Coordinator Information Technology (60858)
Coordinator Organisational Development (60846)
Coordinator Project Services (60032)
Coordinator Events (60035)
Coordinator Rating Services (60473)
Coordinator Security and Crime Prevention (60446)
Coordinator Statutory Building (60514)
Coordinator Project Management (60032)
Coordinator Sustainability and Environment (60905)
FOGO Project Coordinator (60917)

Category E $15,000

Category F $10,000
Assistant Manager Recreation Facilities (60766)
Technical Officer - Tree Services (60863)

Category G $5000
Business Development Officer (60862)
Catchment Management Officer (60673)
Community Engagement Advisor (60796)
Executive Support / Research Officer (60847)
Senior Accountant (60480)
Senior Projects Officer (Building) (60498)
Sustainable Environment Strategy Officer
Supervisor Irrigation Services (60640)
Supervisor Parks and Gardens (60910)
Supervisor Street Trees (60598)
Supervisor Streetscape Services (60666)
Workshop Supervisor (60588)
Works Supervisor (60578)

Category H $2000
Branch Librarian (60111)
Engineer (verge refunds) (60841)
Engineering Technical Officer (verge refunds) (60592)

Category I $1,500
Children and Youth Services Librarian

Category J $1000
Personal Assistant (60463)
Project Support Officer (60500)
Administrative Assistant Building Works (60499)

Category K $500

	Depot Administration Officer
Subdelegates	Administrative Assistant Building Works Assistant Manager Branch Librarian Catchment Management Officer Children and Youth Services Librarian Community Engagement Advisor Coordinator Active Ageing and Volunteers Coordinator Building Projects Maintenance Coordinator Business Services Coordinator Community Development Coordinator Customer Services Coordinator Depot Services Coordinator Engineering Works Coordinator Environmental Health Coordinator Events Coordinator Fleet Services Coordinator Human Resources Coordinator Information Management Coordinator Information Technology Coordinator Natural Area Management Coordinator Organisational Development Coordinator Parks Services Coordinator Project Services Coordinator Rating Services Coordinator Security and Crime Prevention Coordinator Statutory Building Coordinator Sustainabily and Environment Coordinator Tree Services Coordinator Turf Services Depot Administration Officer Depot Supervisor Director Community and Development Director Corporate and Strategy Director Major Projects Director Works and Infrastructure Engineer Engineering Technical Officer Environment Officer Environmental Sustainability Strategy Officer Executive Support / Research Officer FOGO Project Coordinator Manager Assets And Mapping Services Manager Building Works Manager Communications and Marketing Manager Community Development Manager Development Approvals Manager Engineering Services Manager Engineering Works Manager Environmental Health Manager Financial Services Manager Governance and Organisational Strategy Manager Information 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 Parks Supervisor Personal Assistant Planning Manager Major Projects Project Management Coordinator Project Support Officer Senior Accountant Senior Project Officer (Building) Supervisor Irrigation Services Supervisor Parks Services Supervisor Projects and Construction Supervisor Street Trees Supervisor Streetscape Services Sustainable Environment Strategy Officer Technical Officer Tree Services Works Supervisor Workshop Supervisor
Statutory framework	*Local Government Act 1995:-* s6.7 Municipal Fund s6.8 Expenditure from municipal fund not included in annual budget *Local Government (Financial Management) Regulations 1996:-* Regulation 12 - Payments from municipal fund or trust fund, restrictions on making
Policy	Decision undertaken using this delegated authority must comply with the City's Procurement Policy.
Date adopted	2 December 2020
Adoption references	ECM Document Set ID 3042153 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**FM-D05 Granting Concessions and Write-Offs**
Category	Local Government Act 1995- Financial Management
Delegator	Council
Express power or duty delegated	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. Authority, in line with section 6.12(c), to write off of any debts (not including rates or other charges) considered irrecoverable.
Delegates	CEO
Conditions	The CEO may: • - Authorise a waiver or grant a concession to a maximum value of $500. • -Authorise a write off of any debts (not including rates or other charges) considered irrecoverable to a maximum value of $1,000. The Director Corporate and Strategy may: • Authorise a waiver or grant a concession to a maximum value of $500 • -Authorise a write off of any debts (not including rates or other charges) considered irrecoverable to a maximum value of $100. The Manager Community Development, Manager Library and Customer Services, Manager Recreation and the Manager Project Services are only authorised to waiver 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. All write offs, concessions or waivers are to be recorded appropriately and a report is to be presented to elected members regularly for noting.
Subdelegates	Director Corporate and Strategy Manager Community Development Manager Library and Customer Services Manager Project Services Manager Recreation
Statutory framework	Local Government Act 1995: s6.12(1)(b) -Waive a fee or grant a concession in relation to any amount of money owed to the local government s6.12(1)(c) -Write off a debt which is owed to the local government s6.12(3) -The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government
Policy	Sundry Debt Collection and Recovery Policy
Date adopted	12 September 2017

Adoption references	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 OCM 24 Nov 2020
Last reviewed	24 November 2020

Delegation	**FM-D06 Recovery of Unpaid Rates or Service Charge**
Category	Local Government Act 1995- Financial Management
Delegator	Council
Express power or duty delegated	Authority to determine that notice be given to the lessee requiring payment of the rates or service charges. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid. Authority to recover rates or service charges, as well as the costs of proceedings, in a court of competent jurisdiction. Authority to enter into negotiations and reach agreement to accept payment of outstanding rates or service charge and stay prosecution. Authority to apply in the form and manner prescribed, to the Minister to have vacant land re-vested in the Crown.
Delegates	CEO
Conditions	Authority must be exercised in accordance with: -Schedule 6.2(1)[1] Provisions relating to lease of land where rates or service charges unpaid [Section 6.65] -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)]
Subdelegates	Director Corporate and Strategy
Statutory framework	*Local Government Act 1995*:- -s6.56 Rates or service charges recoverable in court -s6.60(2)(3)(4) Local government may require lessee to pay rent -s6.69(2)(3) Right to pay rates, service charges and costs, and stay proceedings -s6.74(1) Power to have vacant land re-vested in the Crown if rates in arrears 3 years
Policy	Nil
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018 review OCM 03 December Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**FM-D07 Community Funding Grants**
Category	Local Government Act 1995 -CEO Original Powers
Delegator	Council
Express power or duty delegated	Authority to directors and Managers to Make Community Funding Contribution Decisions
Delegates	CEO
Conditions	Nil
Subdelegate conditions	Director Community and Development Director Corporate and Strategy Director Works and Infrastructure Director Major Projects 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 Planning Manager Major Projects
Statutory framework	Local Government Act 1995
Policy	Community Grants Policy
Date adopted	3 December 2019
Adoption references	OCM 03 December 2019 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

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

Delegation	**FM-D08 Acceptance of Contract Extensions and Variations**
Category	Local Government Act 1995- Financial Management
Delegator	Council
Express power or duty delegated	During COVID -19 emergency period as declared by the State Government – Interim authority to award contract extensions to a limit of 12 months during the declared COVID-19 emergency period, where the original contract was approved by Council or by the CEO under the delegation for accepting tenders FM-D02, and the contract expires within three (3) months (up to June 30 2020). During normal business – On-going authority to approve all other contract extensions and variations where the original contract enables this and has been approved by Council or by the CEO under the delegation for accepting tenders FM-D02. Authority to approve payments - The CEO is authorised to approve contract payment claims under either of the above circumstances.
Delegates	CEO
Subdelegates	Director Community and Development Director Corporate and Strategy Director Major Projects Director Works and Infrastructure
Statutory framework	Local Government Act 1995 s3.57 Tenders for providing goods and services Local Government (Functions and General) Regulations 1996 Part 4 Regulations 11 to 24 and Local Government (Functions and General) Amendment Regulations 2020 Part 4 Regulations 11 to 24
Policy	Procurement Policy and Contract Management Policy
Date adopted	26 October 2020
Adoption references	ECM Document Set ID 3042153 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 SCM 05 May 2020 Agenda Item 8.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Amendments			
Approved	**Type**	**Amendment**	**References**
5 May 2020	New delegation	05 May 2020	SCM 05 May 2020

Delegation	**FS-D13 Rateable Land**
Category	Local Government Act 1995- Financial Management
Delegator	Council
Express power or duty delegated	Authority to approve rate exemptions.
Delegates	CEO
Conditions	Any applications requesting exemption under s6.26(2)(g) are still to be referred to Council for consideration.
Statutory framework	s6.26 Rateable Land
Policy	Rates Exemptions Policy
Date adopted	28 February 2017
Adoption references	OCM 28 Feb 2017 Agenda Item 13.4 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**HA-D01 Health (Miscellaneous Provisions) Act 1911 Powers and Duties of Deputy**
Category	Health
Delegator	Council
Express power or duty delegated	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 *Health (Miscellaneous Provisions) Act 1911* and Regulations made there under.
Delegates	CEO
Conditions	This power cannot be sub-delegated.
Statutory framework	Health (Miscellaneous Provisions) Act 1911 Section 26
Policy	Nil
Date adopted	12 September 2017
Adoption references	OCM 12 Sept 2017 Agenda Item 11.3 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**LGMPA-D01 Local Government (Miscellaneous Provisions) Act 1960 - Appointment of Pound Keepers and Rangers**
Category	Miscellaneous
Delegator	Councillor
Express power or duty delegated	Authority to establish pounds and appoint fit and proper persons to be pound keepers and Rangers of the City of Bayswater.
Delegates	CEO
Conditions	Local Public Notice of the appointment or removal of pound keepers and rangers and the establishment of pounds is required by the *Local Government (Miscellaneous Provisions) Act 1960*.
Statutory framework	*Local Government (Miscellaneous Provisions) Act 1960* Section 449- Local government may establish pounds, appoint pound keepers and rangers. Section 2 -Act to be read as part of Local Government Act 1995 *Local Government Act 1995* Section 5.42. Delegation of some powers and duties to CEO.
Policy	Nil
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018 OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**LGR-D01 Local Government Act 1995 Obstruction of public thoroughfare**
Category	Local Government Act 1995 Regulations
Delegator	Council
Express power or duty delegated	Authority, under Regulation 6 of the *Local Government (Uniform Local Provisions) Regulations,* to grant permission to place on a specified part of public thoroughfare one or more specified things that may obstruct the public thoroughfare.
Delegates	CEO
Conditions	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
Subdelegates	Coordinator Statutory Building Director Community and Development Manager Building Works Manager Development Approvals Manager Strategic Planning and Place Planning Manager Major Projects
Statutory framework	*Local Government (Uniform Local Provisions) Regulations 1996* Regulation 6 *Local Government Act 1995* s.5.42. Delegation of some powers and duties to CEO s9.59.General regulations
Policy	Nil
Date adopted	26 October 2020
Adoption references	ECM Document Set ID 3042153 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**LL-D01 Local Laws -General Administration**
Category	Local Laws
Delegator	Councillor
Express power or duty delegated	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.
Delegates	CEO

Conditions	Controversial applications made under any local law are to be referred to Council for consideration. The sub delegated power to the position of **Manager Rangers and Security** 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. The sub delegated powers to the **Director Works and Infrastructure and Director Major Projects** are limited to: -authority to approve the keeping of bees under the Health Local Law 2001 -authority under the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2008 to approve Infrastructure Deposits The sub delegated powers to the **Manager Environmental Health** are limited to**:** -authority to approve the keeping of bees under the Health Local Law 2001 The sub delegated powers to the **Director of Community and Development** are limited to: -authority under the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2008 to approve Infrastructure Deposits -authority under the Thoroughfares and Trading in Thoroughfares and Public Places Local Law to approve a stallholder permit and a trader permit. -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. -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. -authority to approve residential private parking agreements under the Parking and Parking Facilities Local Law 2015 -authority under the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2008 to approve the display of temporary advertising signs The sub delegated powers to the **Manager Building Works** are limited to: -authority under the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2008 to approve Infrastructure Deposits The sub delegated powers to the **Manager Engineering Works** are limited to: -authority under the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2008 to approve Infrastructure Deposits The sub delegated powers to the **Manager Strategic Planning and Place** are limited to: -authority under the Thoroughfares and Trading in Thoroughfares and Public Places Local Law to approve a stallholder permit and a trader permit. The sub delegated powers to the **Manager Development Approvals** are limited to: -authority under the Thoroughfares and Trading in Thoroughfares and Public Places Local Law to approve a stallholder permit and a trader permit. The sub delegated powers to the **Planning Manager Major Projects** are limited to: -authority under the Thoroughfares and Trading in Thoroughfares and Public Places Local Law to approve a stallholder permit and a trader permit.

Subdelegates	Director Community and Development Director Major Projects Director Works and Infrastructure Manager Building Works Manager Development Approvals Manager Engineering Works Manager Environmental Health Manager Rangers and Security Manager Strategic Planning and Place Planning Manager Major Projects
Statutory framework	Health Local Law Fencing and Floodlighting Local Law Local Government Property Local Law Parking and Parking Facilities Local Law Keeping and Control of Cats Local Law Dogs Local Law Standing Orders Local Law Activities On Thoroughfares And Trading In Thoroughfares And Public Places Local Law
Policy	Mobile Food Vehicles Policy Street Verges Policy
Date adopted	26 October 2020
Adoption references	ECM Document Set ID 3042153 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**LL-D02 Local Laws Appointment of an Authorised Officer**
Category	Local Laws
Delegator	Council
Express power or duty delegated	Authority to appoint authorised officers and authorised persons for the following local laws - Local Government Property Local Law Parking and Parking Facilities Local Law Keeping and Control of Cats Local Law Activities On Thoroughfares And Trading In Thoroughfares and Public Places Local Law -for the purposes of 9.10 of the Local Government Act 1995.
Delegates	CEO
Conditions	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.
Statutory framework	Sections 9.10 of the Local Government Act 1995. Section 5.42. delegation of some powers and duties to CEO
Policy	Nil
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018 OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**LL-D03 Local Laws Appointment of an Authorised Officer Dog Act**
Category	Local Laws
Delegator	Council
Express power or duty delegated	Authority to appoint authorised officers, for the Dogs Local Law, for the purposes of section 29 of the *Dog Act 1976*.
Delegates	CEO
Conditions	Nil
Statutory framework	Section 29 of Dog Act 1976.
Policy	Nil
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2018 OCM 11 December 2018 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**LL-D04 Bee Keeping Health Local Laws 2001**
Category	Local Laws
Delegator	Council
Express power or duty delegated	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.
Delegates	CEO
Conditions	Nil.
Statutory framework	City of Bayswater Health Local Laws 2001
Policy	Nil
Date adopted	15 November 2016
Adoption references	OCM 15 Nov 2016 Agenda Item 13.7 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**TP-D01 Local Planning Schemes**
Category	Planning
Delegator	Council
Express power or duty delegated	Authority to exercise all powers and duties under all Local Planning Schemes in operation within the City of Bayswater with exception of the following: • adopt, amend or refuse local planning policies; • enter, modify or remove a place from the heritage list; • adopt, modify or revoke a heritage area; • recommend approval, modification or refusal of a structure plan to the Western Australian Planning Commission; • recommend approval, modification or refusal of an activity centre plan to the Western Australian Planning Commission; • approve, modify or refuse a local development plan; • determine development applications involving the following: o An estimated cost of $2 million or more and is not a Development Assessment Panel application. o This does not apply to a development in the Tonkin Highway Industrial Estate. 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; o Car bay variation in excess of 10% of the total car bays required; 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 o Receipt of: • Three or more planning based written submissions of objection from properties adjoining the development site; or • 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 • 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. 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.
Delegates	CEO
Conditions	Nil
Subdelegates	Coordinator Statutory Building Director Community and Development Manager Development Approvals Manager Strategic Planning and Place Planning Manager Major Projects

Statutory framework	All powers and duties under all Local Planning Schemes in operation within the City of Bayswater, with exception of the following: • Schedule 2, Clause 4(3)(b) of the Planning and Development (Local Planning Scheme) Regulations 2015 (Local Planning Policies); • Schedule 2, Clause 8(3)(d) of the Planning and Development (Local Planning Scheme) Regulations 2015 (Heritage Lists); • Schedule 2, Clause 9(6)(b) and Clause 9(8) of the Planning and Development (Local Planning Scheme) Regulations 2015 (Heritage Areas); • Schedule 2, Clause 20(2)(e) of the Planning and Development (Local Planning Scheme) Regulations 2015 (Structure Plans); • Schedule 2, Clause 36(2)(e) of the Planning and Development (Local Planning Scheme) Regulations 2015 (Activity Centre Plans); • Schedule 2, Clause 52(1) of the Planning and Development (Local Planning Scheme) Regulations 2015 (Local Development Plans); • 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: o An estimated cost of $2 million or more and is not a Development Assessment Panel application. o This does not apply to a development in the Tonkin Highway Industrial Estate. 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; o Car bay variation in excess of 10% of the total car bays required; 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 o Receipt of: Three or more planning based written submissions of objection from properties adjoining the development site; or 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 Schedule 2, Clause 78 of the Planning and Development (Local Planning Scheme) Regulations 2015 (Enter into Agreements).
Policy	Nil
Date adopted	26 October 2020
Adoption references	ECM Document Set ID 3042153 OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

Delegation	**TP-D02 Planning and Development Act 2005**
Category	Planning
Delegator	Councillor
Express power or duty delegated	Authority to give a written direction: • 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; • to the owner or any other person who undertook the development o to remove, pull down, take up, or alter the development; and o to restore the land as nearly as practicable to its condition immediately before the development started; and • 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. Authority is given to the Director Community and Development under section 231 and 230: - Withdrawal of infringement notice - extending time to pay modified penalty. Authority is given to the Manager Development Approvals under section 228: - power for giving of infringement notice.
Delegates	CEO
Conditions	Nil
Subdelegates	Director Community and Development Manager Development Approvals
Statutory framework	All powers and duties under Section 214(2), (3) and (5) of the Planning and Development Act 2005. section 230, 231 and 228 of the Planning and Development Act 2005. Existing delegation of section 228, 230 and 231 are not valid, there is no power to delegate these under the Local Government Act 1995.
Policy	Nil
Date adopted	19 September 2017
Adoption references	ECM ref number 3025245 See for signed delegation OCM 11 December 2018 review OCM 03 December 2019 Agenda Item 10.2.2 OCM 24 November 2020 Agenda Item 10.2.6
Last reviewed	24 November 2020

AMENDMENTS

Delegation	Approved or adopted	Type	Amendment	References
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
FM-D08 Acceptance of Contract Extensions and Variations	5 May 2020	New delegation	05 May 2020	SCM 05 May 2020