



# City of Bayswater Delegated Authority Register

2018-2019

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# Introduction to Delegations of Authority

## 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 12 September 2017. 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 have been approved via separate cover.

## Amendments to previous Delegated Authority

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

- The CEO can now subdelegate TP-D01 - Local Planning Schemes to "Manager Strategic Planning and Places"

Previously this delegation was only sub delegated to the Director Community and Development and the Manager Development Approvals and is seen as an important function for this role to undertake the required duties of the position

- Delegation EF - D02 - Execution of Documents has been amended to reflect the recent change to Council Policy - Execution of Documents and Application of Common Seal and to ensure these two documents align.

## 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.

# Building

## Delegation

Reference	BA-D01
Subject	Building Act 2011 Authorised Persons

### Delegated by

Council

### Delegates

CEO

### Subdelegates

N/A

### Power or Duty

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.

### 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

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018 Review	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

Reference	BA-D02
Subject	Building Act 2011 Applications for building or demolition permits and Applications for occupancy permits and other certificates

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Director Community and Development  
 Coordinator Statutory Building  
 Manager Building Works

### Power or Duty

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.

### Conditions

Nil

### 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

TBA

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 Amended OCM 14 Nov 2018 ECM Reference 3053376	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

Reference	BA-D03
Subject	Building Act 2011 Making, Revoking and Enforcing Building Orders

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Director Community and Development

### Power or Duty

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.

### Conditions

Nil

### Statutory Framework

*Building Act 2011*

Part 8- Division 5- Enforcement — Building orders

Section 127 Delegation: special permit authorities and local governments

### Policy

TBA

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 Amended OCM 14 Nov 2017 ECM Reference 3053376 OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

Reference	BA-D04
Subject	Building Act 2011 Commence a prosecution

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Director Community and Development  
 Manager Building Works  
 Coordinator Statutory Building

### Power or Duty

Authority, under Part 12, Division 1, of the *Building Act 2011*, to commence a prosecution for an offence against this Act

### Conditions

Nil

### Statutory Framework

*Building Act 2011*

Part 12 - , Division 1- General provisions about legal proceedings

Section 127 Delegation- special permit authorities and local governments

### Policy

Legal Opinions Policy

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 Amended OCM 14 Nov 2017 ECM Reference 3053376 OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil



## Delegation

Reference	BA-D05
Subject	Building Act 2011 -Extension of time for permit

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Director Community and Development  
 Manager Building Works  
 Coordinator Statutory Building

### Power or Duty

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.

### Conditions

Nil

### 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

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 Amended OCM 14 Nov 2017 ECM Reference 3053376 OCM 11 December 2018	11 December 2018	11 December 2019

## Amendments

Nil

# Cats

## Delegation

Reference	CA-D01
Subject	Cat Act 2011 General Powers and Duties

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Director Community and Development  
Manager Rangers and Security

### Power or Duty

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

### 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.

### Statutory Framework

Cat Act 2011 section 44, Section 45, section 64

### Policy

Disposal of Unclaimed Animals Policy

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 September agenda item 11.3 ECM Ref: 3034906 OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil

# Committee

## Delegation

Reference	CTFCS
Subject	Community, Technical, Finance and Corporate Services Committee

### Delegated by

Council

### Delegates

Community, Technical, Finance and Corporate Services Committee

### Subdelegates

N/A

### Power or Duty

#### Delegated Authority

In accordance with section 5.16(1) of the Local Government Act 1995 and Council's resolution at its Special Council Meeting held on 31 October 2017 (Item 8.2) the Community, Technical, Finance and Corporate Services Committee has been granted delegated authority by Council, subject to the limitations on delegation of powers and duties contained in section 5.17 of the Local Government Act 1995, therefore, in accordance with section 5.23(1)(b) of the Local Government Act 1995, this meeting is open to the public.

#### Terms of Reference

To receive reports and make decisions in accordance with delegated authority and to consider reports and make recommendations to Council in respect to issues relating to the delivery of services within the areas of:

##### (a) Community Services:

Administration, Community and Aged, Recreation and Leisure, Libraries, Ranger and Security Services and all other aspects of the Administration and Community Services operations of the City of Bayswater.

##### (b) Technical Services:

Engineering, Parks and Gardens, Environmental Health and the Environment, Technical Design and all other aspects of the Technical Service operations of the City of Bayswater.

##### (c) Finance and Corporate Services:

Statutory and management financial reporting, accounts payable/receivable, investments, donations, capital proposals, budget reviews, loan submissions, insurance, recreational facilities managed under contract by the YMCA, personnel issues, residential aged care and all other Finance and Corporate Service operations of the City of Bayswater.

### Conditions

Nil

### Statutory Framework

section 5.17 of the Local Government Act 1995

### Policy

Nil

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
31 October 2017	SCM Item 8.2 OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

Reference	PDS
Subject	Planning and Development Services Committee

### Delegated by

Council

### Delegates

Planning and Development Services Committee

### Subdelegates

N/A

### Power or Duty

#### Delegated Authority

In accordance with section 5.16(1) of the Local Government Act 1995 and Council's resolution at its Special Meeting held on 31 October 2017 (Item 8.1) the Planning and Development Services Committee has been granted delegated authority by Council, subject to the limitations on delegation of powers and duties contained in section 5.17 of the Local Government Act 1995, therefore, in accordance with section 5.23(1)(b) of the Local Government Act 1995, this meeting is open to the public.

#### Terms of Reference

Planning and Development Services:

To receive reports and make decisions in accordance with delegated authority and to consider reports and make recommendations to Council in respect to issues relating to the delivery of services within the areas of:

- Planning,
- Building,
- Development,
- Policies,
- Regulations and enforcement; and
- all other aspects of the Planning and Development Services of the City of Bayswater.

### Conditions

Nil

### Statutory Framework

section 5.17 of the Local Government Act 1995

### Policy

Nil

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
31 October 2017	SCM Item 8.1 OCM 11 December 2018	11 December 2018	11 December 2019

## Amendments

Nil

# Dogs

## Delegation

Reference	DA-D01
Subject	Dog Act 1976 General Powers and Duties

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Director Community and Development  
Manager Rangers and Security

### Power or Duty

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.

### 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

### 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

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sept 2017 Agenda Item 11.3 ECM Ref: 3034906 OCM 11 December 2018	11 December 2018	11 December 2019



## Amendments

Nil

## Health

### Delegation

Reference	EO-D15
Subject	Public Health Act 2016 Authorised Officers

#### Delegated by

Council

#### Delegates

CEO

#### Subdelegates

N/A

#### Power or Duty

Authority to appoint persons or classes of persons as authorised officers for the purpose of fulfilling prescribed functions within the relevant legislation.

#### 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

### Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
13 September 2016	OCM 13 Sept 2016 Agenda Item 12.4 OCM 11 December 2018 review	11 December 2018	11 December 2019

### Amendments

Nil

## Delegation

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

### Delegated by

Council

### Delegates

CEO

### Subdelegates

N/A

### Power or Duty

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.

### 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

Food Samples - Offences Policy

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sept 2017 Agenda Item 11.3 OCM 11 December 2018	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

Reference	FA-D02
Subject	Food Act 2008 General Administration

### Delegated by

Council

### Delegates

CEO

### Subdelegates

N/A

### Power or Duty

Authority to exercise the powers or discharge the duties of the local government, as an enforcement agency, under the Food Act 2008.

### Conditions

Note this delegation cannot be sub delegated

### Statutory Framework

*Food Act 2008*  
Section 118(2)(b)

### Policy

Food Samples - Offences Policy

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sept 2017 Agenda Item 11.3 OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

Reference	HA-D01
Subject	Health (Miscellaneous Provisions) Act 1911 Powers and Duties of Deputy

### Delegated by

Council

### Delegates

CEO

### Subdelegates

N/A

### Power or Duty

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.

### Conditions

This power cannot be sub-delegated.

### Statutory Framework

Health (Miscellaneous Provisions) Act 1911  
Section 26

### Policy

NA

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sept 2017 Agenda Item 11.3 OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil

## Local Government Act 1995 -CEO Original Powers

### Delegation

Reference	COP-D01
Subject	Withdraw an infringement notice

#### Delegated by

CEO

#### Delegates

Director Community and Development  
Manager Rangers and Security

#### Subdelegates

N/A

#### Power or Duty

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.

#### Conditions

Nil

#### Statutory Framework

*Local Government Act 1995*  
section 9.20  
section 5.44

#### Policy

Legal Opinions Policy

### Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
6 November 2017	ECM Document Set ID 3042153 OCM 11 December 2018 review	11 December 2018	11 December 2019

### Amendments

Nil

## Delegation

Reference	COP-D02
Subject	Power to certify that a document is a true copy

### Delegated by

CEO

### Delegates

Director Community and Development  
 Director Corporate and Strategy  
 Director Works and Infrastructure

### Subdelegates

N/A

### Power or Duty

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*.

### 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

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
6 November 2017	ECM Document Set ID 3042153 OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil



## Delegation

Reference	COP-D03
Subject	Proving ownership, occupancy, and other things by certificate

### Delegated by

CEO

### Delegates

Director Corporate and Strategy  
 Director Works and Infrastructure  
 Director Community and Development

### Subdelegates

N/A

### Power or Duty

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.

### Conditions

Nil

### Statutory Framework

*Local Government Act 1995*  
 Section 9.41  
 Section 5.44

### Policy

Nil

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
6 November 2017	ECM Document Set ID 3042153 OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil

# Local Government Act 1995- Executive Functions

## Delegation

Reference	EF-D01
Subject	Authorised People- Local Government Act 1995

### Delegated by

Council

### Delegates

CEO

### Subdelegates

N/A

### Power or Duty

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.

### 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

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

Reference	EF-D02
Subject	Execution of Documents

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Director Community and Development  
 Director Corporate and Strategy  
 Director Works and Infrastructure  
 Manager Building Works  
 Manager Communications and Marketing  
 Manager Development Approvals  
 Manager Financial Services  
 Manager Community Development  
 Manager Engineering Services  
 Manager Engineering Works  
 Manager Governance  
 Manager Environmental Health Services  
 Manager Information Services  
 Manager Infrastructure Assets And Mapping Services  
 Manager Library and Customer Services  
 Manager Organisational Strategy  
 Manager Parks and Gardens  
 Manager People, Culture and Safety  
 Manager Strategic Planning and Place  
 Manager Project Services  
 Manager Recreation  
 Manager Sustainability and Environment  
 Manager Rangers and Security

### Power or Duty

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.

### 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.

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) <\$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) <\$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.

**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

**Adoption and Review**

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 OCM 12 December 2018 Review	11 December 2018	11 December 2019

**Amendments**

Nil

## Delegation

Reference	EF-D03
Subject	Powers of Entry

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Manager Environmental Health Services  
 Manager Rangers and Security  
 Manager Building Works  
 Director Community and Development

### Power or Duty

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.

### 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

### 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

TBA

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref 3040404 OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

Reference	EF-D04
Subject	Notices requiring certain things to be done

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Director Works and Infrastructure  
Manager Environmental Health Services

### Power or Duty

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.

### 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

### 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

TBA

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil



## Delegation

Reference	EF-D05
Subject	Disposing of Property

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Manager Rangers and Security  
 Director Works and Infrastructure  
 Manager Engineering Works  
 Manager Governance  
 Director Community and Development

### Power or Duty

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.

### Conditions

The disposal must be in accordance with:

- the City's Annual Budget or by Council resolution;
- s.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.

### Statutory Framework

#### *Local Government Act 1995*

- s.47 Disposing of confiscated or uncollected goods
- s.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

Disposal Of Surplus Goods And Equipment (Minor Assets)

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref Number: 3040404 OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

Reference	EF-D06
Subject	Recovery of Impounding Expenses

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Manager Rangers and Security  
Director Community and Development

### Power or Duty

Authority, under section 3.48, to recover impounding, expenses, by action in a court of competent jurisdiction.

### 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.

### Statutory Framework

*Local Government Act 1995*

s3.48 Recovery of Impounding Expenses

### Policy

Sundry Debt Collection And Recovery Policy

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sept 2017 ECM Ref Number: 3040404 OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

Reference	EF-D07
Subject	Disposal of Sick or Injured Animals

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Manager Rangers and Security  
Director Community and Development

### Power or Duty

Authority to humanely destroy and dispose of an impounded animal that is determined to be too sick or injured to treat.

### 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

### Statutory Framework

*Local Government Act 1995*

s3.47A(1) Disposing of sick or injured animals

### Policy

TBA

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref 3040404 OCM 11 December 2018	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

Reference	EF-D08
Subject	Reserves under the Control of Local Government

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Director Works and Infrastructure  
Manager Parks and Gardens

### Power or Duty

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.

### Conditions

Subject to any express provision to the contrary made by an order under the Land Administration Act 1997 in respect of the land.

### Statutory Framework

*Local Government Act 1995*

-s3.54 Reserves under the control of a local government

### Policy

TBA

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref 3040404 OCM 11 December 2018	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

Reference	EF-D09
Subject	Temporary and Partial Closure of Roads

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Director Works and Infrastructure  
Manager Engineering Works

### Power or Duty

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.

### Conditions

Must be carried out in accordance with Part 3, Division 3, Subdivision 5 of the *Local Government Act 1995*.

### Statutory Framework

#### *Local Government Act 1995*

- 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

### Policy

TBA

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref 3040404 OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

Reference	EF-D10
Subject	Activities Private Land

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Director Works and Infrastructure

### Power or Duty

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.

### Conditions

Limited to those activities as listed in Schedule 3.2 of the Local Government Act 1995.

### 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

TBA

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref Number: 3040404 OCM 11 December 2018	11 December 2018	11 December 2019

## Amendments

Nil

# Local Government Act 1995- Financial Management

## Delegation

Reference	FM-D01
Subject	Power to Invest

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Director Corporate and Strategy  
Manager Financial Services

### Power or Duty

Authority to invest money held in the municipal or trust fund that is not, for the time being, required for any other purpose.

### 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.

### Statutory Framework

*Local Government Act 1995*

-s6.14(1) Power to invest

### Policy

Authorised Signatories for Bank Accounts  
Ref Agenda Item 7.3 SCM 28 June 2017 Agenda Item 7.3

Investment Policy

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref 3023120 OCM 11 December 2018 review	11 December 2018	11 December 2019



## Amendments

Nil

## Delegation

Reference	FM-D02
Subject	Acceptance of Tenders

### Delegated by

Council

### Delegates

CEO

### Subdelegates

N/A

### Power or Duty

Authority to accept tenders and approve payment claims in line with section 3.57 of the Act

### 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

TBA

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

Reference	FM-D03
Subject	Calling of Tenders

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Director Works and Infrastructure  
 Director Corporate and Strategy  
 Director Community and Development

### Power or Duty

Authority to publicly invite tenders for purchase of goods and services or seek expressions of interest over \$150,000

### 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.

### 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

TBA

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

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

**Delegated by**  
Council

**Delegates**  
CEO

**Subdelegates**

Manager Financial Services  
 Branch Librarian  
 Children and Youth Services Librarian  
 Coordinator Environmental Health  
 Assistant Manager  
 Coordinator Fleet and Depot  
 Director Corporate and Strategy  
 Director Works and Infrastructure  
 Coordinator Events  
 Manager People, Culture and Safety  
 Manager Building Works  
 Manager Governance  
 Manager Community Development  
 Manager Engineering Works  
 Manager Environmental Health Services  
 Manager Information Services  
 Manager Project Services  
 Manager Infrastructure Assets And Mapping Services  
 Manager Parks and Gardens  
 Manager Development Approvals  
 Manager Sustainability and Environment  
 Manager Strategic Planning and Place  
 Manager Rangers and Security  
 Supervisor Projects and Construction  
 Coordinator Information Management  
 Coordinator Parks Operations  
 Coordinator Project Services  
 Coordinator Statutory Building  
 Coordinator Works and Infrastructure  
 Supervisor Works and Infrastructure  
 Personal Assistant  
 Director Community and Development  
 Manager Library and Customer Services  
 Manager Recreation  
 Manager Engineering Services  
 Coordinator Parks Operations  
 Coordinator Business Services  
 Natural Area Officer  
 Executive Support / Research Officer  
 Coordinator Fleet and Depot  
 Consulting Arborist  
 Senior Accountant  
 Coordinator Rating Services  
 Manager Communications and Marketing  
 Manager Organisational Strategy  
 Building Project Management Officer  
 Senior Building Projects Officer  
 Project Management Coordinator  
 Supervisor Street Trees  
 Community Engagement Advisor  
 Coordinator Information Technology  
 Coordinator Community Development  
 Coordinator Active Ageing and Volunteers  
 Catchment Management Officer  
 Risk Management Advisor  
 Coordinator Trees and Gardens

**Power or Duty**

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

**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  
Director Community and Development  
Director Works and Infrastructure

**Category B \$50,000**

Manager Engineering Works  
Manager Parks and Gardens  
Manager Building Works

**Category C \$20,000**

Manager Community Development  
Manager Environmental Health  
Manager Infrastructure Assets and Mapping Services  
Manager Library and Customer Services  
Manager Development Approvals  
Manager Rangers and Security  
Manager Recreation  
Manager Project Services  
Manager Communications and Marketing  
Manager Strategic Planning and Place

**Category D \$15,000**

Manager Governance  
Manager Financial Services  
Manager People, Culture and Safety  
Manager Information Services  
Manager Organisational Strategy

**Category E \$10,000**

Manager Sustainability and Environment  
Manager Engineering Services  
Assistant Manager Recreation Facilities  
Coordinator Environmental Health  
Coordinator Trees and Gardens  
Coordinator Parks Operations  
Senior Works Coordinator  
Coordinator Statutory Building  
Coordinator Fleet and Depot  
Consulting Arborist

**Category F \$5000**

Depot Supervisor  
Events Coordinator  
Parks Supervisor  
Projects and Construction Supervisor  
Records Coordinator  
Works Coordinator  
Coordinator Project Services  
Natural Area Officer  
Executive Support / Research Officer  
Senior Accountant  
Building Project Management Officer  
Senior Building Projects Officer  
Project Management Coordinator  
Supervisor Street Trees  
Community Engagement Advisor  
Coordinator Information Technology  
Coordinator Community Development  
Coordinator Active Ageing and Volunteers  
Catchment Management Officer

**Category G \$2000**

Rating Services Coordinator

**Category H \$1,500**

Branch Librarian

**Category I \$1000**

Children and Youth Services Librarian

Personal Assistant

Coordinator Business Service (Rangers and Security Division)

Risk Management Advisor

**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**

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.

Decision undertaken using this delegated authority must comply with the City's Procurement Policy.

**Adoption and Review**

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	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 Amendment ECM Ref 3145372 Amendment ECM Ref 3171503 OCM 11 December 2018 review	11 December 2018	11 December 2019

**Amendments**

Nil

## Delegation

Reference	FM-D04
Subject	Payments from the Municipal and Trust Funds

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Director Corporate and Strategy  
 Director Community and Development  
 Director Works and Infrastructure  
 Manager Financial Services  
 Manager Governance  
 Business Development Officer

### Power or Duty

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*.

### 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 in the absence of the Director Corporate and Strategy.

**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 in the absence of the Director Corporate and Strategy.

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.

### 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

Authorised Signatories for Bank Accounts - Ref Agenda Item 7.3 SCM 28 June 2017

The City of Bayswater's Procurement Policy



## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 Sub delegation ECM Document Set ID 3034709 OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

Reference	FM-D05
Subject	Granting Concessions and Write-Offs

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Director Corporate and Strategy  
 Manager Community Development  
 Manager Project Services  
 Manager Library and Customer Services  
 Manager Recreation

### Power or Duty

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.

### 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 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.

All write offs, concessions or waivers are to be recorded appropriately and a report is to be presented to elected members regularly for noting.

### 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  
 No Reserve Hire Fees For Junior Clubs Policy

Community Bus Hire Policy  
School Use Of Council Facilities Policy

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 Sub-delegation amended 19 March 2018 ECM ID 3124222 Sub-delegation amended 20 April 2018 ECM ID 3144438 OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

Reference	FM-D06
Subject	Recovery of Unpaid Rates or Service Charge

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Director Corporate and Strategy

### Power or Duty

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.

### 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)]

### 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

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

Reference	FS-D13
Subject	Rateable Land

**Delegated by**  
Council

**Delegates**  
CEO

**Subdelegates**  
N/A

**Power or Duty**  
Authority to approve rate exemptions.

**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

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
28 February 2017	OCM 28 Feb 2017 Agenda Item 13.4 OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil

# Local Government Act 1995 Regulations

## Delegation

Reference	LGR-D01
Subject	Local Government Act 1995 Obstruction of public thoroughfare

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Director Community and Development  
 Manager Building Works  
 Coordinator Statutory Building  
 Manager Strategic Planning and Place  
 Manager Development Approvals

### Power or Duty

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.

### 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

### 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

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref 3042541 OCM 11 December 2018	11 December 2018	11 December 2019

## Amendments

Nil

# Local Laws

## Delegation

Reference	LL-D01
Subject	Local Laws -General Administration

### Delegated by

Councillor

### Delegates

CEO

### Subdelegates

Manager Rangers and Security  
 Manager Environmental Health Services  
 Director Works and Infrastructure  
 Director Community and Development  
 Manager Building Works  
 Manager Engineering Works  
 Manager Strategic Planning and Place  
 Manager Development Approvals

### Power or Duty

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.

### 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** 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.

### 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

### Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sept 2017 Agenda Item 11.3 ECM Ref 3040404 Amendment ECM Ref 3042540 Amendment ECM Ref 3182150 OCM 11 December 2018	11 December 2018	11 December 2019

### Amendments

Nil

## Delegation

Reference	LL-D02
Subject	Local Laws Appointment of an Authorised Officer

**Delegated by**  
Council

**Delegates**  
CEO

**Subdelegates**  
N/A

### Power or Duty

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.

### 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

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

Reference	LL-D03
Subject	Local Laws Appointment of an Authorised Officer Dog Act

**Delegated by**  
Council

**Delegates**  
CEO

**Subdelegates**  
N/A

**Power or Duty**  
Authority to appoint authorised officers, for the Dogs Local Law, for the purposes of section 29 of the *Dog Act 1976*.

**Conditions**  
Nil

**Statutory Framework**  
Section 29 of Dog Act 1976.

**Policy**  
Nil

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2018 OCM 11 December 2018	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

Reference	LL-D04
Subject	Bee Keeping Health Local Laws 2001

**Delegated by**  
Council

**Delegates**  
CEO

**Subdelegates**  
N/A

### Power or Duty

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.

### Conditions

Nil.

### Statutory Framework

City of Bayswater Health Local Laws 2001

### Policy

Nil

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
15 November 2016	OCM 15 Nov 2016 Agenda Item 13.7 OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil

## Miscellaneous

### Delegation

Reference	BFA-D01
Subject	Bush Fires Act 1954 General Powers and Duties

**Delegated by**  
Council

**Delegates**  
CEO

**Subdelegates**  
N/A

#### Power or Duty

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.

#### 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

### Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018 review	11 December 2018	11 December 2019

### Amendments

Nil

## Delegation

Reference	COVA-D01
Subject	Control of Vehicles (Off-road Areas) Act 1978 General powers and duties

**Delegated by**  
Council

**Delegates**  
CEO

**Subdelegates**  
N/A

### Power or Duty

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*.

### 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

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

Reference	CPCGA-D01
Subject	Caravan Parks and Camping Grounds Act 1995 Temporary Accommodation

### Delegated by

Council

### Delegates

CEO

### Subdelegates

N/A

### Power or Duty

Authority, under regulation 11, to grant approval to a person to camp on land other than at a caravan park or camping ground.

### 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

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018	11 December 2018	11 December 2019

## Amendments

Nil

## Delegation

Reference	LGMPA-D01
Subject	Local Government (Miscellaneous Provisions) Act 1960 - Appointment of Pound Keepers and Rangers

### Delegated by

Councillor

### Delegates

CEO

### Subdelegates

N/A

### Power or Duty

Authority to establish pounds and appoint fit and proper persons to be pound keepers and Rangers of the City of Bayswater.

### 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

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
12 September 2017	OCM 12 Sep 2017 Agenda Item 11.3 OCM 11 December 2018	11 December 2018	11 December 2019

## Amendments

Nil



# Planning

## Delegation

Reference	TP-D01
Subject	Local Planning Schemes

### Delegated by

Council

### Delegates

CEO

### Subdelegates

Manager Development Approvals  
 Director Community and Development  
 Manager Strategic Planning and Place

### Power or Duty

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 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.

### Conditions

Nil

### 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 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

#### Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
19 September 2017	ECM ref number 3025245 See for signed delegation OCM 11/12/2018 Review	11 December 2018	11 December 2019

#### Amendments

Nil

## Delegation

Reference	TP-D02
Subject	Planning and Development Act 2005

### Delegated by

Councillor

### Delegates

CEO

### Subdelegates

Director Community and Development  
Manager Development Approvals

### Power or Duty

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.

### Conditions

Nil

### 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.

### Policy

TBA

## Adoption and Review

Date adopted	References	Last reviewed	To be reviewed
19 September 2017	ECM ref number 3025245 See for signed delegation OCM 11 December 2018 review	11 December 2018	11 December 2019

## Amendments

Nil

## Amended, Revoked and Archived Delegations of Authority

No records to display