City of Bayswater
Delegated Authority Register - November 2026

REVIEW

Reviewed by	Date approved	References
Council	11 Dec 2018	Reviewed by Council at the OCM on 11 December 2018. item 10.3.1
Council	3 Dec 2019	Reviewed by Council at the OCM on 3 December 2019. Item 10.2.2
Council	24 Nov 2020	Reviewed by Council at the OCM on 24 November 2020. Item 10.2.6
Council	25 Jan 2022	Reviewed by Council at the OCM on 25 January 2022. Item.10. 2.8.
Council	6 Dec 2022	Reviewed by Council at the OCM 06 December 2022. Item 10.1.2.
Council	25 Jun 2024	Reviewed by Council at the OCM 25 June 2024. Item 10.1.4.
Council	27 May 2025	Reviewed by Council at the OCM 27 May 2025. Item 10.1.1.
Council	23 Jun 2026	Reviewed by Council at the OCM on 23 June 2026, item 10.1.1

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INTRODUCTION

Introduction

Register of Delegation of Authority

Section 5.42 of the Local Government Act 1995 (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act (other than those under s5.43). The local government may also delegate the exercise of any of its powers to Committees pursuant to section 5.16, other than those under Section 5.17(1).

All delegations made by the Council must be by absolute majority decision.

The Act allows for the Chief Executive Officer to delegate any of their powers to another employee, this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if required.

A register of delegations, being this document, relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year.

If a person is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty. The written record is to contain:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

In addition to delegations made in accordance with the Local Government Act 1995, a number of delegations are also made to the Chief Executive Officer, or directly to other officers in some instances, in accordance with the provisions of other legislation.

The aim of the delegated authority register is to assist with improving the time taken to make decisions within the constraints established by the relevant legislation. This is consistent with the City's commitment to a strong customer service focus.

Each instrument of delegation describes the function being delegated and the relevant statutory reference which is the source of power for the exercise of the function. Also included is a reference to related documents such as policies of the Council which may provide guidance in the exercise of the delegation.

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 disclosed.

In addition to covering delegations, the Local Government Act 1995 provides for 'acting through'. Section 5.45 of the Act states that in relation to delegations, nothing prevents a 'local government from performing any of its functions by acting through a person other than the CEO' or 'a CEO from performing any of his or her functions by acting through another person'.

The Act does not specifically define the meaning of the term 'acting through'. However, the key difference between a delegation and 'acting through' is that a delegate exercises the delegated decision making function in his or her own right. Where a person has no discretion in carrying out a function, then that function may be undertaken by another through the 'acting through' concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

For administrative purposes, a person may sign a letter on behalf of the CEO while, with delegated powers, the person would sign a letter in his or her own name, in accordance with the delegated authority. It is critical in understanding the types of functions that are appropriate for 'acting through' another person in preference to delegation. This can be demonstrated through the following example. In this case, the council gives the CEO the power to call tenders subject to certain cost parameters.

If that power is delegated, the CEO could call tenders if the CEO believed the cost parameters had been satisfied (even if the council's opinion was different to the CEO's opinion). However, under an 'acting through' arrangement, the CEO could only call tenders if the council was satisfied about the cost parameters.

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 reviewed by Council on 25 June 2024.

DELEGATIONS

Building Act

Delegation	**BA-D01 Building Act 2011 Authorised Persons**
Category	Building Act
Delegator	Council
Express power to delegate	*Building Act 2011:* s.127(1) & (3)Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.96(3) authorised persons s.99 Limitation on powers of authorisedperson
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	Authority 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 [s.96]
Delegates	CEO
Conditions	Only a person employed by the local government under the *Local Government Act 1995* s5.36 can be designated an authorised person for the *Building Act 2011.* [s.96(3)] The designation of an authorised person must be in writing. NOTE: An *authorised person* for the purposes of sections 96(3) and 99(3) is <u>not</u> an *approved officer* or *authorised officer* for the purposes of r.70 *Building Regulations 2012*.
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 Local Government Employees
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 September 2017 Agenda Item 11.3 ECM Ref: 3042153

Delegation	**BA-D02 Building Act 2011 Applications for building or demolition permits and Applications for occupancy permits and other certificates**
Category	Building Act
Delegator	Council
Express power to delegate	*Building Act 2011:* s.127(1) & (3)Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* Part 2 - Division 2 - Applications for building or demolition permits Part 4 - Occupancy permits and building approval certificates *BuildingRegulations 2012:* r.23 Application to extend time during which permit has effect r.24 Extension of time during which permit has effect r.26 Approval of new responsible person
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	Authority to approve or refuse to grant or modify building and demolition permit applications [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 [Part 4 of the Building Act 2011].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	*Building Act 2011:* s.127(6A) Delegation:special permit authorities and local governments (powers of sub-delegationlimited to CEO)
Subdelegates	Director Community Services Executive Manager Strategic Projects Manager Regulatory Services Senior Building Surveyor Statutory Building Manager
Subdelegate conditions	Nil
Statutory framework	
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 Amended OCM 14 Nov 2018 ECM Reference 3053376

Delegation	**BA-D03 Building Act 2011 Making, Revoking and Enforcing Building Orders**
Category	Building Act
Delegator	Council
Express power to delegate	*Building Act 2011:* s.127(1) & (3)Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* Part 8 - Enforcement Division 5 - Building Orders s.110(1) A permit authority may make a building order s.111(1) Notice of proposedbuilding order other than building order (emergency) s.117(1) and (2) A permitauthority may revoke a building order or notify that it remains in effect s.118(2) and (3)Permit authority may give effect to building order if non-compliance
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	Authority to make or revoke a building order and to give effect to a building order if noncompliance occurs in accordance with Part 8 Division 5 of the *Building Act 2011* including: 1. Authority to make Building Orders in relation to: a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: a. take any action specified in the order ; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	*Building Act 2011:* s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Director Community Services Executive Manager Strategic Projects
Statutory framework	*Building Act 2011:* Part 9 - Review State Administrative Tribunal
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017

Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 Amended OCM 14 Nov 2017 ECM Reference 3053376

Delegation	**BA-D04 Building Act 2011 Commence a prosecution**
Category	Building Act
Delegator	Council
Express power to delegate	*Building Act 2011:* s.127(1) & (3)Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* Part 12, Division 1 s.133(1) A permit authority may commence a prosecution for an offence against this Act
Function	Authority to commence a prosecution for an offence against this Act [s.133(1)]
Delegates	CEO
Conditions	Nil
Express power to subdelegate	*Building Act 2011:* s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Director Community Services Executive Manager Strategic Projects Manager Regulatory Services Statutory Building Manager
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 Amended OCM 14 Nov 2017 ECM Ref: 3053376

The Function section is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.

Delegation	**BA-D05 Building Act 2011 - Extension of time for permit**
Category	Building Act
Delegator	Council
Express power to delegate	*Building Act 2011:* s.127(1) & (3)Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.27 Impose Conditions on Permit *Building Regulations 2012:* r.24 Extension of time during which permit has effect
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	1. Authority to extend the time during which a building permit or a demolition permit has effect [r.24]. 2. 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 [s.27].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	*Building Act 2011:* s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Director Community Services Executive Manager Strategic Projects Manager Regulatory Services Senior Building Surveyor Statutory Building Manager
Statutory framework	*Building Act 2011:* • s.32(3) Duration of building or demolition permit
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 Amended OCM 14 Nov 2017 ECM Ref: 3053376

Delegation	**BA-D06 - Appoint Approved Officers and Authorised Officers (Regulation 70)**
Category	Building Act
Delegator	Council
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Regulations 2012:* r.70 Approvedofficers and authorised officers
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	1. Authority to appoint an approved officer for the purposes of s.6(a) of the Criminal Procedure Act 2004, in accordance with Building Regulation 70(1) and (1A). *NOTE: Only employees delegated under s5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers".* 2. Authority to appoint an authorised officer for the purposes of s.6(b) of the Criminal Procedure Act 2004, in accordance with Building Regulation 70(2). *NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).*
Delegates	CEO
Conditions	A person who is appointed as an approved officer under regulations made under a prescribed Act under section 6(a) is not eligible to be appointed as an authorised officer under regulations made under that Act under section 6(b) [r.7(1) Criminal Procedure Act 2004]. Each authorised or approved officer must be issued a certificate of appointment [r.70(3) Building Regulations 2021].
Express power to subdelegate	*Building Act 2011:* s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	23 June 2026
Adoption references	New Delegation adopted by Council - OCM 23 June 2026 Item 10.1.1

Cats

Delegation	**CA-D01 Cat Act 2011 General Powers and Duties**
Category	Cats
Delegator	Council
Express power to delegate	*Cat Act 2011:* s.44 Delegation by local government
Express power or duty delegated	*Cat Act 2011* *City of Bayswater Keeping and Control of Cats Local Law 2022* *City of Bayswater Keeping and Control of Cats Amendment Local Law 2023*
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	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	Nil
Express power to subdelegate	*Cat Act 2011:* s.45 Delegation by CEO of local government
Subdelegates	Director Community Services Manager Community Safety
Subdelegate conditions	Any sub-delegation to the Director Community Services and Manager Community Safety is limited to: Power to give a cat control notice to a person who is the owner of a cat [s.26] Power to cancel the registration of a cat [s.10] Power to grant or refuse to grant approval or renew an approval to breed cats. [s.37] Power to cancel an approval to breed cats [s.38] Power to issue a new certificate to an approved cat breeder if satisfied that a certificate has been stolen, lost, damaged or destroyed [s.39]. Power to withdraw an infringement notice [s.65] Power to grant extension of time of infringement notice [s.64] Power to cause a cat to be destroyed [s.49]
Policy	Disposal of Unclaimed Animals Policy
Record keeping	Record of exercise is to be recorded in the City's record keeping system and Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 September Agenda Item 11.3 ECM Ref: 3034906

Dogs

Delegation	**DA-D01 Dog Act 1976 General Powers and Duties**
Category	Dogs
Delegator	Council
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976*
Function	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	Nil
Express power to subdelegate	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Director Community Services Manager Community Safety
Subdelegate conditions	Any sub-delegation to the Director Community Services and Manager Community Safety is limited to the following: The power to grant an exemption to the local law limit on the number of dogs per premise [s.26] Power to withdraw an infringement notice [regulation 35(5)] Power to direct the registration officer to refuse or cancel a registration if certain conditions listed in the act apply [s.16(3)] 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 [s.16(4)] 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 [s.33G] Power to grant a licence for an approved kennel establishment [s.27] Power to declare an individual dog to be a dangerous dog [s.33E] Power to revoke a declaration that a dog is a dangerous dog [s.33H]
Policy	Disposal of Unclaimed Animals Policy
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 Sept 2017 Agenda Item 11.3 ECM Ref: 3034906

The Function section is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.

Health

Delegation	**EO-D15 Public Health Act 2016 Authorised Officers**
Category	Health
Delegator	Council
Express power to delegate	*Public Health Act 2016:* s. 21 Enforcement agency may delegate
Express power or duty delegated	*Public Health Act 2016:* s.24(1) and (3) Designation of authorised officers
Function	Authority to designate a persons or class of persons as authorised officers for the purpose of fulfilling prescribed functions within the relevant legislation [s.21].
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.
Express power to subdelegate	Nil – Unless a Regulationenacted under the *Public Health Act 2016*, specifically authorises a delegatedpower or duty of an enforcement agency to be further delegated [s.21(4)].
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	13 September 2016
Adoption references	OCM 13 Sept 2016 Agenda Item 12.4

The Function section is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.

Delegation	**EO-D16 Appoint Authorised Officer or Approved Officer (Asbestos Regs)**
Category	Health
Delegator	Council
Express power to delegate	*Health (Asbestos) Regulations 1992:* r.15D(7) Infringement Notices
Express power or duty delegated	*Health (Asbestos) Regulations1992:* r.15D(5) InfringementNotices
Function	Authority to appointa person or classes of persons as an authorised officer or approved officer forthe purposes of the Criminal ProcedureAct 2004 Part 2 [r.15D(5)].
Delegates	CEO
Conditions	Subject to eachperson so appointed being issued with a certificate, badge or identity cardidentifying the officer as a person authorised to issue infringement notices[r.15D(6)].
Express power to subdelegate	Nil – the *Health (Asbestos)Regulations 1992* do not provide a power to sub-delegate.
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	23 June 2026
Adoption references	New Delegation approved by Council as part of the annual review - OCM 23 June 2026 Item 10.1.1

The Function section is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.

Delegation	**FA-D01 Food Act 2008 Appointment of Authorised Officers and Appointment of Designated Officers**
Category	Health
Delegator	Council
Express power to delegate	*Food Act 2008:* s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	*Food Act 2008:* s.122(1) Appointment of authorised officers s. 126 Infringement Officers
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	Authority to appoint a person to be an authorised officer for the purposes of the *Food Act 2008* [s.122(2)]. 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 [s.126].
Delegates	CEO
Conditions	There is no power under the *Food Act 2008* for this delegation to be subdelegated. **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 (s.122 *Food Act 2008*).
Express power to subdelegate	Nil.
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 Sept 2017 Agenda Item 11.3 ECM Ref: 3034906

Delegation	**FA-D02 Food Act 2008 General Administration**
Category	Health
Delegator	Council
Express power to delegate	*Food Act 2008:* s.118 Functions of enforcement agencies and delegation
Express power or duty delegated	*Food Act 2008*
Function	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	Sub-delegations only permissible if expressly provided in regulations [s.118(4)].
Policy	Food Samples - Offences Policy
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 Sept 2017 Agenda Item 11.3 ECM Ref: 3034906

The Function section is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.

Delegation	**HA-D01 Health (Miscellaneous Provisions) Act 1911 Powers and Duties of Deputy**
Category	Health
Delegator	Council
Express power to delegate	*Health (Miscellaneous Provisions) Act 1911:* s.26 Powers of local government
Express power or duty delegated	*Health (Miscellaneous Provisions) Act 1911:* The CEO is appointed as the City of Bayswater's deputy [s.26].
Function	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 thereunder.
Delegates	CEO
Conditions	This power cannot be sub-delegated.
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 Sept 2017 Agenda Item 11.3 ECM Ref: 3034906

The Function section is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.

Local Government Act 1995 -CEO Original Powers

Delegation	**COP-D01 Withdraw an infringement notice**
Category	Local Government Act 1995 -CEO Original Powers
Delegator	CEO
Express power to delegate	*Local Government Act 1995:* s.5.44 CEO may delegate somepowers and duties to other employees
Express power or duty delegated	*Local Government Act 1995:* s.9.19 Extension of time s.9.20 Withdrawal of Notice
Function	Authority to withdraw an infringement notice by sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn [s9.20].
Delegates	Director Community Services Executive Manager Strategic Projects Manager Community Safety
Conditions	Must be within 1 year after the notice was originally given. A delegate who participated in a decision to issue an infringement notice, must not determine withdrawal of an infringement notice under this delegation. *NOTE: Delegates must also be appointed as an "**Approved Officer**" in accordance with delegation BA-D06 for the purpose of regulation 70 of the Building Regulations 2012.*
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	6 November 2017
Adoption references	ECM Ref: 3042153

The Function section is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.

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 to delegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	*Local Government Act 1995:* Part 9 - Miscellaneous provisions Division 2 - Enforcement and legal proceedings Subdivision 4 - Evidence in legal proceedings s.9.30 When this Subdivision applies s.9.31 Authority employee definition s.9.38 Evidence of documents coming from local government
Function	Authority to certify a copy of a local law of any other document of or adopted by the local government is a true copy [Part 9 -Division 2 - Subdivision 4].
Delegates	Director Community Services Director Corporate Services Director Infrastructure and Assets Executive Manager Strategic Projects
Conditions	Nil.
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	6 November 2017
Adoption references	ECM Ref: 3042153

The Function section is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.

Delegation	**COP-D03 Proving ownership, occupancy, and other things by certificate**
Category	Local Government Act 1995 -CEO Original Powers
Delegator	CEO
Express power to delegate	*Local Government Act 1995:* s.5.44 CEO may delegatesome powers and duties to other employees
Express power or duty delegated	*Local Government Act 1995:* s.9.41 Proving ownership, occupancy and other things by certificate
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	Authority to tender a certificate on behalf of the local government verifying 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 [s.9.41(1) and (3)].
Delegates	Director Community Services Director Corporate Services Director Infrastructure and Assets Executive Manager Strategic Projects
Conditions	Nil
Subdelegate conditions	Nil.
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	6 November 2017
Adoption references	OCM 6 November 2017 ECM Ref: 3042153

Delegation	**COP-D05 Notification of outcomes Quotations, Tenders and Expression of Interest**
Category	Local Government Act 1995 -CEO Original Powers
Delegator	CEO
Express power to delegate	*Local Government Act1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	*Local Government (Functions and General) Regulations 1996:* r. 19 Tenderers to be notified of outcome r. 24 People who submitted expression of interest to be notified of outcome
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	1. Authority to give each tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted [r.19]. 2. Authority to give each person who submitted an expression of interest notice in writing - (a) containing particulars of the persons the CEO has listed under regulation 23(4) as acceptable tenderers; or (b) advising that the local government has decided not to invite tenders because no expression of interest that it considered was from a person who it thinks would be capable of satisfactorily supplying the goods or services; or (c) informing the person of any other outcome if neither paragraph (a) nor (b) is appropriate [r.24].
Delegates	Director Community Services Director Corporate Services Director Infrastructure and Assets Executive Manager Strategic Projects
Express power to subdelegate	Nil.
Policy	Execution of Document and Application of Common Seal Policy
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	23 June 2026
Adoption references	New Delegation approved by CEO 30 June 2026 - ECM 5121569

Delegation	**LGA-01 Acknowledgement of receipt of primary and annual returns**
Category	Local Government Act 1995 -CEO Original Powers
Delegator	CEO
Express power to delegate	*Local Government Act 1995:* s.5.44 CEO maydelegate some powers and duties to other employees
Express power or duty delegated	*Local Government Act 1995:* s.5.77Acknowledging receipt of returns
Function	Authority to, onreceipt of a Primary or Annual Return under s.5.75 or 5.76, give the person whosubmitted the Return written acknowledgement of having received the Return.
Delegates	Manager Governance and Strategy
Conditions	Nil.
Express power to subdelegate	Nil.
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	5 September 2024
Adoption references	Delegation created to allow position of Manager and Governance to acknowledge Annual and Primary Returns with the position of CEO to acknowledge Annual and Primary Returns for Elected Members.

The Function section is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.

Local Government Act 1995- Executive Functions

Delegation	**COP-D04 Declaring a vehicle to be an abandoned vehicle wreck**
Category	Local Government Act 1995- Executive Functions
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of somepowers or duties to the CEO s.5.43 Limitations ondelegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.40A(4) Abandonedvehicle wreck may be taken
Function	Authority to declare a vehicle to be an abandoned vehicle wreck [s.3.40(A)(4)].
Delegates	CEO
Conditions	NOTE – declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). Authority to appoint authorised person for this purpose is delegated - refer *EF-D01 Authorised People - Local Government Act 1995* If after seven days from the removal of a vehicle deemed to be an abandoned wreck the owner of the vehicle has not been identified or collected, the local government may declare that the vehicle is an abandoned vehicle wreck [s.3.40A(4)(a) and (b)].
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate somepowers and duties to other employees
Subdelegates	Director Community Services Manager Community Safety
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	25 January 2022
Adoption references	OCM 25 January 2022 Agenda Item 10.2.8

The Function section is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.

Delegation	**EF-D01 Authorised People- Local Government Act 1995**
Category	Local Government Act 1995- Executive Functions
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.24 Authorising persons under this Subdivision s.3.31 General Procedure for entering property s.3.39(1) Power to remove and impound s.3.40A(1) Abandoned vehicle wreck may be taken s.9.11 Persons found committing breach of Act to give name on demand
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	1. Authority to authorise persons for the purposes of *Part 3, Division 3, Subdivision 2 - Certain provisions about land* - to exercise the Local Government's powers under s.3.25 to 3.27 inclusive, to issue and administer notices requiring certain things to be done by owner of occupier of land [s.3.24] 2. Authority to authorise persons to enter onto land, premises or thing, without consent of the owner / occupier, unless the owner / occupier objects [s.3.31] 3. Authority to authorise an employee to remove and impound any goods that are involved in a contravention that can lead to impounding [s.3.39(1)] The powers of an authorised person in accordance with s.3.39 includes, but is not necessarily limited to: s.3.40 Vehicle may be removed if goods to be impounded are in or on vehicle s.3.41 Impounded perishable goods, notice to collect s.3.42 Impounded non-perishable goods s.3.43 Impounded non-perishable goods, court may confiscate s.3.44 Notice to collect goods if not confiscated s.3.45 Notice to include warning s.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of 4. Authority to authorise an employee to remove and impound a vehicle that has been determined as an abandoned vehicle wreck [s.3.40A(1)]
Delegates	CEO
Conditions	1. Only persons who are appropriately qualified and trained may be authorised to perform relevant functions 2. Authorisations are to be provided in writing by issuing a Certificate of Authorisation
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate somepowers and duties to other employees
Policy	TBA
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref: 3033406

Delegation	**EF-D03 Powers of Entry**
Category	Local Government Act 1995- Executive Functions
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.28 When this Subdivision applies s.3.31 General Procedure for entering property s.3.32 Notice of Entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	1. Authority 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 [s.3.28]. 2. Authority to obtain consent of the owner or occupier [s3.31(1)(a)]. 3. Authority to give notice of entry [s.3.32]. 4. Authority to seek and execute an entry under warrant [s.3.33]. 5. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 6. Authority to give notice and effect entry by opening a fence [s.3.36].
Delegates	CEO
Conditions	Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some power and duties to other employees
Subdelegates	Building Operations Manager Coordinator Tree Services Director Community Services Executive Manager Strategic Projects Manager Community Safety Manager Parks and Environment Manager Regulatory Services
Subdelegate conditions	Nil.
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref 3040404

Delegation	**EF-D04 Notices requiring certain things to be done by owner or occupier of land**
Category	Local Government Act 1995- Executive Functions
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.25 Notices requiring things to be done by owner or occupier of land s.3.26 Additional powers when giving notices
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	Authority to inspect private land and issue notices to owners of land. [s.3.25]. Authority to do anything to achieve the purpose for which a notice has been given [s.3.26]. Authority to recover costs associated with achieving the purpose for which a notice has been given [s.3.26].
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
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Tree Services Director Corporate Services Director Infrastructure and Assets Manager Parks and Environment Manager Regulatory Services
Policy	Nil
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 September 2017 Agenda Item 11.3 ECM Ref: 3040404

Delegation	**EF-D05 Disposing of Property**
Category	Local Government Act 1995- Executive Functions
Delegator	Council
Express power to delegate	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.47 Confiscated or uncollected goods, disposal of s.3.58 Disposing of property *Local Government (Functions and General) Regulations 1996:* r.30 Dispositions of property excluded from Act s.3.58
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	Authority to sell or otherwise dispose of any goods that have been confiscated under the Act [s.3.47 LG Act 1995]. Authority to dispose of property by public auction, public tender or in accordance with other methods deemed acceptable under the Act [s.3.58 LG Act 1995]. Authority to dispose of property for which an exemption applies under section 3.58(5) of the LG Act 1995 and F&G r.30.
Delegates	CEO
Conditions	The disposal must be in accordance with: • the City's Annual Budget or by Council resolution; • s.3.58 of the *Local Government Act 1995*; and • r.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.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 the CEO may delegate some powers and duties to other employees
Subdelegates	Director Community Services Director Infrastructure and Assets Executive Manager Strategic Projects Manager Community Safety Manager Parks and Environment Manager Transport and Buildings
Subdelegate conditions	Disposal of furniture, plant and equipment is to be disposed of in accordance with the City's Disposal of Surplus Furniture, Plant and Equipment (Minor Assets) Management Practice.
Policy	Disposal of Surplus Goods and Equipment (Minor Assets) Management Practice
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017

Adoption references	OCM 12 September 2017 Agenda Item 11.3 ECM Ref: 3040404

Delegation	**EF-D06 Recovery of Impounding Expenses**
Category	Local Government Act 1995- Executive Functions
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.48 Impounding expenses, recovery of
Function	Authority to recover expenses incurred forremoving, impounding, and disposing of confiscated or uncollected goods by action in a court of competent jurisdiction [s.3.48]
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.
Express power to subdelegate	*Local Government Act 1995:* s.3.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Community Services Manager Community Safety
Subdelegate conditions	Nil
Policy	Sundry Debt Collection And Recovery Policy
Record keeping	Record of exercise to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 Sept 2017 ECM Ref Number: 3040404

The Function section is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.

Delegation	**EF-D07 Disposal of Sick or Injured Animals**
Category	Local Government Act 1995- Executive Functions
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.47A Sick or injured animals, disposal of
Function	Authority to humanely destroy and dispose of an impounded animal that is determined to be too sick or injured to treat [s.3.47A(1)]
Delegates	CEO
Conditions	The animal must be destroyed in a humane manner. A local government must not destroy an animal under this subsection unless — • because of the state of the animal, destroying it is urgent; or • the local government has — ◦ taken reasonable steps to notify the owner; and ◦ allowed the owner a reasonable opportunity (at least 7 days) to collect the animal.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers
Subdelegates	Director Community Services Manager Community Safety Manager Regulatory Services
Subdelegate conditions	Nil
Record keeping	Record of exercise to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref 3040404

The Function section is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.

Delegation	**EF-D08 Reserves under the Control of Local Government**
Category	Local Government Act 1995- Executive Functions
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of somepowers or duties to the CEO s.5.43 Limits ondelegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.54 Reserves under control of local government
Function	Authority to do anything for the purposes of controlling the management of land that is vested in or under the management of the City [s.3.54]
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.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO maydelegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Assets Manager Parks and Environment
Subdelegate conditions	Nil
Statutory framework	*Parks and Reserves Act 1895*
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 September 2017 ECM Ref: 3040404

The Function section is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.

Delegation	**EF-D09 Temporary and Partial Closure of Roads**
Category	Local Government Act 1995- Executive Functions
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegation to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfares for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding four weeks [Act, s. 3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding four weeks, and before doing so, to: a. Give public notice, written notice to the Commissioner of Main Roads, and written notice to prescribed persons and persons that own prescribed land; and b. Consider submissions relevant to the road closure(s) proposed [Act, s. 3.50(1), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [Act, s. 3.50A]. 5. Before doing anything to which s.3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [Act, s. 3.51].
Delegates	CEO
Conditions	1. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. 2. Maintain access to adjoining land [s.3.52(3)]. 3. Limited to temporary road closures only. Permanent closure of roads must be determined by Council and subject to compliance with *Land Administration Act 1987*, s.58. Authority to determine to close a thoroughfare for a period exceeding four weeks [s.3.50(1a)] is not to be sub-delegated.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Assets Manager Infrastructure Projects Manager Parks and Environment Manager Transport and Buildings

Subdelegate conditions	This sub-delegation is limited to: 1. Authorised to close (wholly or partially), revoke or vary the closure of a thoroughfare to vehicles or particular classes of vehicles for a period not exceeding 4 weeks [s.3.50(1)]. 2. Authority to revoke an order to close a thoroughfare [s.3.50(6)] 3. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]. 4. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s3.51].
Policy	Nil
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 September 2017 Agenda Item 11.3 ECM Ref: 3040404

Delegation	**EF-D10 Activities Private Land**
Category	Local Government Act 1995- Executive Functions
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to theCEO s.5.43 Limits ondelegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.27 Particular things local governments can do on land that is not local government property schedule 3.2 - Particular things local governments can do on land even though it is not local government property
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	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 [s.3.27].
Delegates	CEO
Conditions	Limited to those activities as listed in Schedule 3.2 of the Local Government Act 1995. This delegation is to be read in conjunction with *EF-D01 Authorised People - Local Government Act 1995*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate somepowers and duties to other employees
Subdelegates	Director Infrastructure and Assets
Subdelegate conditions	Nil
Record keeping	Record of exercise to be recorded in the City's record keeping system or Attain.
Date adopted	26 October 2020
Adoption references	ECM Ref: 3042153

Delegation	**EF-D11 Leasing Agreements**
Category	Local Government Act 1995- Executive Functions
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits of delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.5.38 Disposing of property
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	Authority to enter into leasing renewals in certain circumstances that does not exceed the amount of $150,000 [s.3.58]. Authority to approve sublease proposals at City owned and leased facilities.
Delegates	CEO
Conditions	This delegation is limited to: 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. The ability to amend or extend existing parent lease agreements, if required, to accommodate approval of sublease arrangements; c. Compliance with the Community Facility Lease and Licence/User Agreement Policy; d. The total rental income to be received during the lease/licence/user agreement term (including all options) does not exceed $150,000; and e. 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.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Community Services Director Corporate Services Director Infrastructure and Assets Executive Manager Strategic Projects
Subdelegate conditions	Nil.
Policy	Community Facility Lease and Licence User Agreement Policy
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	26 August 2025
Adoption references	Item 10.3.1, OCM: 26.08.2025

Local Government Act 1995- Financial Management

Delegation	**FM-D01 Power to Invest**
Category	Local Government Act 1995- Financial Management
Delegator	Council
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: s.6.14 Power to Invest *Local Government (Financial Management) Regulations 1996*: r.19 Investments, control procedures for
Function	Authority to invest money held in the municipal or trust fund that is not, for the time being, required for any other purpose [s6.14(1)].
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*.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Corporate Services Manager Financial Services Senior Financial Accountant
Subdelegate conditions	Nil.
Statutory framework	*Trustees Act 1962*: • Part 111: Investments.
Policy	Authorised Signatories for Bank Accounts Investment Policy
Record keeping	Exercise of authority to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref 3023120

The Function section is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.

Delegation	**FM-D02 Acceptance of Quotations, Tenders and Expressions of Interest**
Category	Local Government Act 1995- Financial Management
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)]. 2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and ii. To accept the tender that is most advantageous within the conditions as listed on this Delegation [F&G r.18(4)]. 4. Authority to decline to accept any tender [F&G r.18(5)]. 5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into OR the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) &(7)]. 6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering into a contract [F&G r.20(1) and (3)]. 7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)]. 8. Authority to considerExpressions of Interest which have not been rejected and determine those whichare capable of satisfactorily providing the goods or services, for listing asacceptable tenderers [F&G r.23].
Delegates	CEO

Conditions	Delegated authority is subject to a provision in the Annual Budget and/or Long-Term Financial Plan and in respect of regulations 18(4) and 23(3) are limited to: • Quotations and tenders - equal to or below $750,000 ex GST; • Quotations and tenders for goods and services equal to or below $1,000,000 ex GST in accordance with section 5.43(b) for: ◦ the supply of utilities (electricity, gas, water and telecommunication); and ◦ licences and subscriptions for core operational software; and • Contracts awarded in accordance with the *Local Government (Functions and General) Regulations 1996,* and the City's Procurement Policy. • Quotations below $250,000 are accepted in accordance with the Financial Authorisations Management Practice. A decision to vary a tendered contract before entry into the contract [F&Gr.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers where invited to supply. The CEO cannot sub-delegate acceptance of quotations and tenders above $500,000 ex GST. The CEO may sub-delegate acceptance of quotations and tenders up to $500,000 ex GST to the Director of Infrastructure and Assets. All other sub-delegations must be below $350,000 ex GST.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Community Services Director Corporate Services Director Infrastructure and Assets
Subdelegate conditions	Director Infrastructure and Assets is sub-delegated acceptance of quotations and tenders up to $500,000 ex GST. All other Directors are sub-delegated acceptance of quotations and tenders up to $350,000 ex GST.
Statutory framework	*Local Government (Functions and General) Regulations 1996:* regulation 11A to 24 (as applicable)
Policy	• Procurement Policy. • Purchasing Authorisations Management Practice (please refer to this document for the sub-delegates financial amounts).
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref: 3023120

Delegation	**FM-D03 Calling of Tenders**
Category	Local Government Act 1995- Financial Management
Delegator	Council
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: s.3.57 Tenders for providing goods and services *Local Government (Functions and General) Regulations 1996*: r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.21 Limiting who can tender, procedure for
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	Authority to publicly invite tenders, or seek expressions of interest for the purpose of goods and services [F&G r.11 and r.21]. Authority to publicly invite tenders in lieu of seeking quotations for purchases under the threshold, where this is considered beneficial [F&G r.13]. Authority to apply the provisions of the Local Government (Functions and General) Regulations 1996 pertaining to where tenders do not have to be publicly invited [F&G r.11(2) to (6)]. Authority to determine the criteria for the acceptance of tenders [F&G r.14]. Authority to vary tender information before the close of tenders, taking all reasonable steps to provide notice of the variation [F&G r.14].
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Community Services Director Corporate Services Director Infrastructure and Assets Executive Manager Strategic Projects
Subdelegate conditions	Nil.
Policy	Procurement Policy
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	26 October 2020
Adoption references	OCM 24 November 2020 Agenda Item 10.2.6 ECM Document Ref: 3042153

Delegation	**FM-D04 Payments from the Municipal and Trust Funds**
Category	Local Government Act 1995- Financial Management
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of somepowers or duties to the CEO s.5.43 Limits ondelegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.6.7 Municipal fund s.6.9 Trust fund *Local Government (Financial Management) Regulations1996:* r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Function	Authority to make payment from the Municipal Fund and from the Trust Fund [r.12(1)(a)]
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 the below officers (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 Services, the Director Infrastructure and Assets, the Director Community Services, and the Manager Financial Services; the Coordinator Contracts and Procurement and the Manager Governance and Strategy. **2. Trust Fund Account:** Any two of the Chief Executive Officer, the Director Corporate Services, the Director Infrastructure and Assets, the Director Community Services, the Manager Financial Services; the Coordinator Contracts and Procurement and the Manager Governance 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.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO maydelegate some powers and duties to other employees
Subdelegates	Director Community Services Director Corporate Services Director Infrastructure and Assets Executive Manager Strategic Projects Manager Financial Services Manager Governance and Strategy Senior Financial Accountant

Subdelegate conditions	Nil.
Statutory framework	*Local Government (Financial Management) Regulations 1996:* r.5 - CEO's duties as to financial management r.11 - Payments, procedures for making etc. r.12 - Payments from municipal fund or trust fund, restrictions on making r.13- Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.
Policy	Financial Authorisations Management Practice
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 September 2017 Agenda Item 11.3 ECM Ref: 3034709

The Function section is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.

Delegation	**FM-D05 Granting Concessions and Write-Offs**
Category	Local Government Act 1995- Financial Management
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of somepowers or duties to the CEO s.5.43 Limits ondelegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.6.12 Power to defer, grant discounts, waive or write off debts
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	1. Authority to waive or grant concessions in relation to any amount of money which is owed to the local government [s.6.12(1)(b)]. 2. Authority to write off of any debts (including rates or other charges less than $5.00 in value) considered irrecoverable [s.6.12(1)(c) and (2)]
Delegates	CEO
Conditions	The CEO may: • Authorise a waiver or grant a concession to a maximum value of $2,000 per case. • -Authorise a write off of any debts considered irrecoverable to a maximum value of $2,000 per case, excluding rates, swimming pool or waste related charges, unless each individual write off is less than $5.00. • Authorise a write off for application and permit fees for charitable organisations up to a maximum value of $2,000 per case. The power to waive or grant concessions under s.6.12(1)(b) does not apply to an amount of money owing in respect to rates and service charges [s.6.12(2)]
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO maydelegate some powers and duties to other employees
Subdelegates	Director Community Services Director Corporate Services Library and Community Centre Manager Manager Community Facilities Manager Community Planning Manager Community Safety Manager Financial Services Manager Project Services Manager Property and Economic Development Manager Regulatory Services Statutory Planning and Compliance Manager
Policy	Sundry Debt Collection and Recovery Policy Financial Hardship Policy
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017

Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref: 3034906 Sub-delegation amended 19 March 2018 ECM ID 3124222 Sub-delegation amended 20 April 2018 ECM 3144438

Delegation	**FM-D06 Recovery of Unpaid Rates or Service Charge**
Category	Local Government Act 1995- Financial Management
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of somepowers or duties to the CEO s.5.43 Limits on delegationsto the CEO
Express power or duty delegated	*Local Government Act 1995:* s.6.56 Rates or service charges recoverable in court s.6.60 Local Government may require lessee to pay rent s.6.69 Right to pay rates, service charges and costs, and stay proceedings s6.74 Power to have land revested in Crown if rates in arrears 3 years
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	Authority to recover rates or service charges, as well as the costs of proceedings, in a court of competent jurisdiction [s6.56]. Authority to determine that notice be given to the lessee requiring payment of the rates or service charges [s.6.60(2) & (3)] Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid [s.6.60(4)] Authority to enter into negotiations and reach agreement to accept payment of outstanding rates or service charge and stay prosecution [s.6.69 (1), (2) and (3)]. Authority to apply in the form and manner prescribed, to the Minister to have vacant land re-vested in the Crown [s.6.74(1)].
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 [s.6.65]. • Schedule 6.3(1)(4) and (4)(1) Provisions relating to sale or transfer of land where rates or service charges unpaid [s.6.68(3)].
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO maydelegate some powers and duties to other employees
Subdelegates	Coordinator Rating Services Director Corporate Services Manager Financial Services
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref: 3034906

Delegation	**FM-D08 Acceptance of Contract Extensions and Variations**
Category	Local Government Act 1995- Financial Management
Delegator	Council
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995*: s.3.57 Tenders for providing goods and services *Local Government (Functions and General) Regulations 1996*: r.21A Varying a contract for the supply of goods or services
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	Authority to approve contract extensions and variations where a contract was originally accepted by Council or under the delegation for accepting tenders and quotations as provisioned in FM-D02 [F&G r.21A].
Delegates	CEO
Conditions	A decision to vary a tendered contract after it has been entered into, must comply with the City's Procurement Policy and Contract Management Policy and must include evidence that the variation is necessary and does not change the scope of the contract.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Community Services Director Corporate Services Director Infrastructure and Assets Executive Manager Strategic Projects
Subdelegate conditions	The amount of the variation is limited to the sub-delegates financial threshold in accordance with the Financial Authorisations Management Practice and must be within the approved budget.
Policy	Procurement Policy and Contract Management Policy Financial Authorisations Management Practice
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	26 October 2020
Adoption references	SCM 05 May 2020 Agenda Item 8.2 ECM Ref: 3042153

Delegation	**FM-D09 CEO to Write off Rates for the Mertome Lease for Life Tenants who have Occupied the Facility Prior to 1 April 2019**
Category	Local Government Act 1995- Financial Management
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of somepowers or duties to the CEO s.5.43 Limits on delegationsto the CEO
Express power or duty delegated	*Local Government Act 1995:* s.6.12(1)(c) Power to defer, grant discounts, waive or write off debts
Function	Authority to write off a debt which is owed to the local government [s.6.12(c)].
Delegates	CEO
Conditions	This delegation is limited to the write off of rates for the Mertome lease for life tenants who have occupied the facility prior to 1 April 2019.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO maydelegate some powers and duties to other employees
Subdelegates	Director Corporate Services Manager Financial Services
Record keeping	Record of exercise to be recorded in the City's record keeping system or Attain.
Date adopted	6 December 2022
Adoption references	OCM 06 December 2022 Agenda Item 10.1.2

The Function section is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.

Delegation	**FM-D10 Objection to a Rate Record**
Category	Local Government Act 1995- Financial Management
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.6.76 Grounds of objection
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	1. Authority to extend the time for a person to make an objection to a rate record [s.6.76 (4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Corporate Services Manager Financial Services
Subdelegate conditions	Nil
Record keeping	Record of exercise to be recorded in the City's record keeping system or Attain.
Date adopted	25 June 2024
Adoption references	New Delegation FM-D10 Objection to a rate Record was adopted by Council at OCM on 25 June 2024.

Delegation	**FS-D13 Rateable Land**
Category	Local Government Act 1995- Financial Management
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of somepowers or duties to the CEO s.5.43 Limits ondelegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.6.26 Rateable Land
Function	Authority to approve rate exemptions [s.6.26]
Delegates	CEO
Conditions	Any applications requesting exemption under s6.26(2)(g) "land used exclusively for charitable purposes" must be referred to Council for consideration.
Policy	Rates Exemptions Policy
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	28 February 2017
Adoption references	OCM 28 Feb 2017 Agenda Item 13.4

The Function section is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.

Local Government Act 1995 Regulations

Delegation	**LGR-D01 Obstruction of public thoroughfare**
Category	Local Government Act 1995 Regulations
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government (Uniform Local Provisions) Regulations1996:* r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
Function	Authority to grant permission to place on a specified part of public thoroughfare one or more specified things that may obstruct the public thoroughfare [r.6 LG (ULP) Regulations].
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
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO maydelegate some powers and duties to other employees
Subdelegates	Director Community Services Manager Regulatory Services Statutory Building Manager Statutory Planning and Compliance Manager
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	26 October 2020
Adoption references	OCM 24 November 2020 Agenda Item 10.2.6 ECM Ref: 3042153

The Function section is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.

Local Laws

Delegation	**LL-D01 Local Laws -General Administration**
Category	Local Laws
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.18(1) Performing Executive Functions
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	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 [s.3.18(1)].
Delegates	CEO
Conditions	Controversial applications made under any local law are to be referred to Council for consideration.
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Building Operations Manager Director Community Services Director Infrastructure and Assets Executive Manager Strategic Projects Manager Community Safety Manager Regulatory Services Manager Transport and Buildings Statutory Planning and Compliance Manager

Subdelegate conditions	The sub delegated power to the position of **Manager Community Safety** 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 L*ocal 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 Infrastructure and Assets** are limited to: • authority under the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2020* to approve Infrastructure Deposits. The sub delegated powers to the **Manager Regulatory Services** are limited to: • authority to approve the keeping of bees under the *Health Local Law 2023*. The sub delegated powers to the **Director Community Services** are limited to: • authority under the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2020* to approve Infrastructure Deposits • authority to approve the keeping of bees under the *Health Local Law 2023*. • authority under the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2020* to approve a stallholder permit and a trader permit. • the power under the *Keeping and Control of Cats Local Law 2023* 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 2020* to approve a stallholder permit and a traders permit. • authority to approve residential private parking agreements under the *Parking and Parking Facilities Local Law 2016*. • authority under the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2020* to approve the display of temporary advertising signs The sub delegated powers to the **Building Operations Manager** are limited to: • authority under the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2020* to approve Infrastructure Deposits The sub delegated powers to the **Manager Transport and Buildings** are limited to: • authority under the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2020* to approve Infrastructure Deposits The sub delegated powers to the **Statutory Planning and Compliance Manager** are limited to: • authority under the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2020* to approve a stallholder permit and a trader permit.
Statutory framework	*Health Local Law 2023* *Health Amendment Local Law 2024* *Fencing and Floodlighting Local Law 2016* *Local Government Property Local Law 2016* *Parking and Parking Facilities Local Law 2016* *Keeping and Control of Cats Local Law and Amendment Local Law 2023* *Dogs Local Law 2016* *Standing Orders Local Law 2021* *Activities On Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2021* *Waste Local Law 2020* *Waste Amendment Local Law 2022*

Policy	Mobile Food Vehicles Policy Street Verges Policy
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	26 October 2020
Adoption references	ECM Document Set ID 3042153

Delegation	**LL-D02 Local Laws Appointment of an Authorised Person**
Category	Local Laws
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995* s.9.10 Appointment of authorised persons
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	Authority to appoint authorised persons for the following local laws: *Local Government Property Local Law 2016* *Parking and Parking Facilities Local Law 2016* *Keeping and Control of Cats Local Law 2022* *Activities On Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2020*
Delegates	CEO
Conditions	Officers must be appointed as authorised persons for the purposes of the local laws and certified as per the requirements of the *Local Government Act 1995*.
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3

Delegation	**LL-D03 Local Laws Appointment of an Authorised Person Dog Act**
Category	Local Laws
Delegator	Council
Express power or duty delegated	*Local Government Act 1995:* s.9.10(2) Appointment of authorised persons *Dog Act 1976:* s.29 Power to seize dogs
Function	Authority to appoint authorised persons, for the Dogs Local Law, for the purposes of section 29 of the Dog Act 1976.
Delegates	CEO
Conditions	Nil
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 Sep agenda item 11.3 ECM Ref: 3034906

The Function section is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.

Delegation	**LL-D04 Bee Keeping Health Local Laws 2001**
Category	Local Laws
Delegator	Council
Express power or duty delegated	Authority to approve the keeping of bees in accordance with Part 6, Division 7 - Bee Keeping, of the *City of Bayswater Health Local Laws 2023*.
Delegates	CEO
Conditions	Nil
Statutory framework	*City of Bayswater Health Local Laws 2023*
Policy	Nil
Date adopted	15 November 2016
Adoption references	OCM 15 Nov 2016 Agenda Item 13.7

Miscellaneous

Delegation	**BFA-D01 Bush Fires Act 1954 General Powers and Duties**
Category	Miscellaneous
Delegator	Council
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954* *Bush Fire Regulations 1954*
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	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 appointment of bush fire control officers.
Delegates	CEO
Express power to subdelegate	Nil – Sub-delegation is prohibited by [s.48(3)].
Policy	Nil
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 ECM: 3034906

Delegation	**BFA-D02 Prosecution of Offences under the Bush Fires Act 1954**
Category	Miscellaneous
Delegator	Council
Express power to delegate	*Bush Fires Act 1954:* s.59(3) Prosecution ofoffences
Express power or duty delegated	*Bush Fires Act 1954:* s.59 Prosecution of offences s.59A(2) Alternative procedure – infringementnotices
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	1. Authorityto institute and carry on proceedings against a person for an offence allegedto be committed against this Act [s.59]. 2. Authorityto serve an infringement notice for an offence against this Act [s.59A(2)].
Delegates	Bush Fire Control Officer CEO
Express power to subdelegate	Nil – Sub-delegation is prohibited by s.48(3)
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	23 June 2026
Adoption references	New Delegation adopted by Council - OCM 23 June 2026 Item 10.1.1

Delegation	**EPA-D01 Noise Management Plans - Construction Sites**
Category	Miscellaneous
Delegator	CEO of the Department of Water and Environment Regulation
Express power to delegate	*Environmental Protection Act 1986:* s.20 Delegation by CEO
Express power or duty delegated	*Environmental Protection (Noise) Regulations 1997:* r.13 Construction sites
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	The holder of the offices of: (a) Chief Executive Officer under the *Local Government Act 1995*; and (b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act All powers and duties in relation to noise management plans under regulation 13 excluding the power of delegation.
Delegates	CEO Environmental Health Officer Health Services Manager Manager Regulatory Services Senior Environmental Health Officer
Conditions	Authorised Persons are to use the delegation in accordance with any relevant Management Practice or procedure.
Express power to subdelegate	Nil.
Statutory framework	Government Gazette No. 17 16 May 2014 Page 1548
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	23 June 2026
Adoption references	Adopted by Council to include in the Delegation Register - OCM 23 June 2026 Item 10.1.1

Delegation	**LGMPA-D01 Local Government (Miscellaneous Provisions) Act 1960 - Appointment of Pound Keepers and Rangers**
Category	Miscellaneous
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to theCEO s.5.43 Limitations ondelegations to the CEO
Express power or duty delegated	*Local Government(Miscellaneous Provisions) Act 1960:* s.449Pounds, establishing; poundkeepers and rangers, appointing
Function	Authority to establish pounds and appoint fit and proper persons to be pound keepers and Rangers of the City of Bayswater [Misc.Prov.s.449].
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* [s.450].
Express power to subdelegate	Nil
Statutory framework	*Local Government (Miscellaneous Provisions) Act 1960:* s.2 - Act to be read as part of *Local Government Act 1995*
Policy	Nil
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	12 September 2017
Adoption references	OCM 12 Sep 2017 Agenda Item 11.3 ECM Ref: 3034906

The Function section is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.

Planning

Delegation	**TP-D01 Planning and Development (Local Planning Schemes) Regulations 2015 and Local Planning Scheme No. 24**
Category	Planning
Delegator	Council
Express power to delegate	*Planning and Development (Local Planning Schemes) Regulations 2015*: Schedule 2, Division 2 - Delegations Clause 82 Delegations by Local Government Clause 83 Local Government CEO may delegate powers
Express power or duty delegated	Planning and Development (Local Planning Schemes) Regulations 2015 City of Bayswater Local Planning Schemes

Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	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; Authority to determine all development applications within the City of Bayswater, except where: • the proposal is recommended for approval and significantly departs from and contrary to the objectives of the Council's adopted strategic planning framework, including the Council Plan, Local Planning Strategy, Local Planning Scheme and relevant Local Planning Policies, Activity Centre Plan or Structure Plan; • the proposal involves substantial demolition or alteration of a place included on the State Register of Heritage Places or the City's Local Heritage List (Management Category 1, 2 or 3); • the proposal includes a building height exceeding the deemed-to-comply measurement by 3.0 metres or more, or 4.0 metres or more where a registered significant tree on the site is being retained; • the proposal results in a car parking shortfall greater than 25 per cent or more than 10 car bays, in addition to any existing approved shortfall on the site; or • the Chief Executive Officer determines that the application should be referred to Council due to its significance, complexity or broader level of community interest, having regard to its economic, social or environmental impacts
Delegates	CEO
Conditions	Nil

Subdelegates	Director Community Services Executive Manager Strategic Projects Manager Regulatory Services Senior Statutory Planning Officer Statutory Building Manager Statutory Planning and Compliance Manager
Subdelegate conditions	Nil
Policy	Nil
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	25 March 2025
Adoption references	Item 10.5.1.4, OCM - 25 March 2025

Delegation	**TP-D02 Planning and Development Act 2005**
Category	Planning
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Planning and Development Act 2005:* s. 214(2), (3) and (5) Illegal development, responsible authority's powers as to
Function This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation	Authority to give a written direction: 1. 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 [s.214(2)]; 2. to the owner or any other person who undertook the development [s.214(3)]; to remove, pull down, take up, or alter the development; and to restore the land as nearly as practicable to its condition immediately before the development started; 3. 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 [s.214(5)].
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	*LocalGovernment Act 1995:* s.5.44 CEO maydelegate some powers and duties to other employees
Subdelegates	Director Community Services Executive Manager Strategic Projects Manager Regulatory Services Statutory Planning and Compliance Manager
Subdelegate conditions	Authority is given to the **Director Community Services** the authority to give and withdraw a written direction under section 214 and 215. Authority is given to the **Statutory Planning and Compliance Manager** the authority to give a written direction under section 214 and 215.
Record keeping	Record of exercise is to be recorded in the City's record keeping system or Attain.
Date adopted	19 September 2017
Adoption references	ECM ref number 3025245