



Delegation of Authority Register

(including Council appointed authorised persons & officers)

2025



TABLE OF CONTENTS

Introduction	3
Statutory Delegations – <i>Local Government Act 1995</i>	
1 – Expressions of Interest, Pre-Qualified Suppliers and Tenders	5
3 – Powers of Entry	9
4 – Road Closures (Temporary)	10
5 – Acquisition and Disposal of Land (Including Buildings) via Lease or Licence	12
6 – Acquisition of Land	14
7 – Disposal of Assets	15
8 – Disposing of Confiscated or Uncollected Goods	17
9 – Payments from the Municipal Fund and Trust Fund	19
10 – Write off Deferral Reduction or Waiver of Debts	20
11 – Investments	24
12 – Objection to Rate Record	26
13 – Designated Employees	27
14 – Code of Conduct Complaints	28
15 – Authorised Complaints Officer	30
41 – Determination of Parking Bays, Parking Stations and Parking Permits – Parking Local Law 2023	31
Statutory Delegations – Other Legislation	
16 – Designate Employees as Authorised Persons (<i>Building Act 2011</i>)	33
17 – Approved Officers – Infringement Notices (<i>Building Act 2011</i>)	34
18 – Authorised Officers -Infringement Notices (<i>Building Act 2011</i>)	35
19 – Building and Demolition Permits (<i>Building Act 2011</i>)	36
20 – Building Orders (<i>Building Act 2011</i>)	38
21 – Occupancy and Building Approval Certificates (<i>Building Act 2011</i>)	40
22 – Powers, Duties and Functions (<i>Bush Fires Act 1954</i>)	42
23 – Prosecutions (<i>Bush Fires Act 1954</i>)	43
24 – Restricted and Prohibited Burning Times (<i>Bush Fires Act 1954</i>)	45
25 – Prohibition Orders, Certificates of Clearance (<i>Bush Fires Act 1954</i>)	46
26 – Powers, Duties and Functions (<i>Dog Act 1975</i>)	47
27 – Powers, Duties and Functions (<i>Cat Act 2011</i>)	48
28 – Illegal Development (<i>Planning and Development Act 1995</i>)	49
29 – Statutory Planning (Planning and Development Act (Local Planning Schemes) Regulations 2015)	51
30 – <i>Graffiti Vandalism Act 2016</i>	55
40 – Designate Contractors as Authorised Persons (Inspectors) - (<i>Building Act 2011</i>)	56
Council Appointed Authorised Persons & Officers	
31 – Appointment and Authorisation of Deputy (<i>Health Act 1911</i>)	58
32 – Appointment of Authorised Officers (<i>Food Act 2008</i>)	59
33 – Appointment of Authorised Officers (<i>Public Health Act 2016</i>)	60
34 – Appointment of Authorised to Executive Documents	61
35 - Appointment of Authorised and Approved Officers	62
36 – Appointment of Designated Officers (<i>Food Act 2008</i>)	64
37 – Appointment of Restricted Investigators (<i>Tobacco Products Control Act 2006</i>)	65



38 – Registration Enforcement Orders and Prosecutions (<i>Public Health Act 2016</i>)	66
CEO Authorisation	
39 – Authorised Employees – Development Approval Functions in Relation to Single Houses (<i>Planning and Development Act 2005</i>)	68
42 – Authorised Employees – Record Keeping Plan (<i>State Records Act 2000</i>)	69
43 – Authorised Employees – Development Approval Functions in Relation to Single Houses (<i>Local Government (Development Assessment Panels) Regulations 2025</i>)	70
Statutory Authorisations and Delegations to Local Government from State Government Entities	
<i>Environmental Protection Act 1986</i>	72
<i>Main Roads Act 1930</i>	76
<i>Planning and Development Act 2005</i>	79
<i>Road Traffic (Vehicles) Act 2012</i>	84



INTRODUCTION

Purpose of Delegated Authority

The purpose of delegated authority is to improve customer service to ratepayers by improving the time taken to make decisions within the constraints allowed by relevant legislation and to ensure decisions are made lawfully by the delegate. This is consistent with the City's commitment to a strong customer service focus.

This Delegation of Authority Register (the **Register**) details the related document(s) where the power to delegate is derived from, including the relevant legislation and policies of the Council. This enables easier cross-referencing for those using this Register and will be reviewed once every financial year in accordance with the *Local Government Act 1995* (the **Act**). The co-ordination of the review will be performed through the Governance business unit.

Legislation

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 except those listed in section 5.43. All delegations made by the Council must be by an absolute majority decision as per section 5.42 of the Act.

Matters which cannot be Delegated

The following are decisions that cannot be delegated by Council to the Chief Executive Officer as per section 5.43 of the Act.

- Any power or duty that requires a decision of an absolute majority of the council;
- Accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- Appointing an auditor;
- Acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- Any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A, 5.100 and 5.129 of the Act;
- Borrowing money on behalf of the local government;
- Hearing or determining an objection of a kind referred to in section 9.5;
- The power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- Any power or duty that requires the approval of the Minister or Governor; or
- Such other duties or powers that may be prescribed by the Act.



Furthermore the following regulations prescribe powers and duties which cannot be delegated to the CEO:

- Regulation 18G of the *Local Government (Administration) Regulations 1996* prohibits the delegation to a CEO of the powers and duties under:
 - (a) Sections 7.12A(2), 7.12A(3)(a) and 7.12A(4) of the *Local Government Act 1995* (relating to meetings with auditors); and
- Regulation 6 of the *Local Government (Financial Management) Regulations 1996* prohibits an employee to whom is delegated responsibility for the day to day accounting or financial management operations of a local government is not also delegated the responsibility for —
 - (a) conducting an internal audit; or
 - (b) reviewing the discharge of duties by that employee,or for managing, directing or supervising a person who carries out a function referred to in paragraph (a) or (b).

Delegation by the Chief Executive Officer to an Employee

Section 5.44(1) of the Act allows for the Chief Executive Officer to delegate any of the powers to another employee other than the power of delegation. This must be done in writing as per section 5.44(2). The Act also allows for the Chief Executive Officer to place conditions on any delegations if desired under section 5.44(4).

A register of delegations relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year as per section 5.46(1) and (2) of the Act. If a person is exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is exercised as per section 5.46(3) of the Act.

The record is to contain the following information:

- 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 under Regulation 19 of Local Government (Administration) Regulations 1996.

Business units responsible for a work process are to ensure that data is captured and records managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation. This includes recording of delegated authority of the Chief Executive Officer where applicable, once approved through a signed authority by the Chief Executive Officer.

A person to whom a power is delegated under the Act is considered to be a 'designated employee' under section 5.74(1) of the Act and is required to complete a primary and annual return each year.



There is no power for a person other than the CEO to delegate a power as stated in section 5.44(1) of the Act.

Officers must refer to relevant legislation prior to making any decisions under delegated authority.

Acting Through

The Act does not specifically define the meaning of the term "acting through", however section 5.45(2) states;

"Nothing in this Division is to be read as preventing -

- (a) a local government from performing any of its functions by acting through a person other than the CEO; or
- (b) a CEO from performing any of his or her functions by acting through another person."

The Department of Local Government & Communities Guideline No.17 - Delegations, establishes the principal issue in determining whether a statutory function or duty is suitable for 'acting through' is that, where the statute provides no discretion in carrying out a function or duty, then the function or duty may be undertaken through the 'acting through' concept.

Conversely, where the statute allows for discretion on the part of the decision maker, then the function must be:

- delegated; or,
- where applicable a person authorised; or,
- a policy implemented that provides sufficient control,

for another person to have that authority and fulfil the function or duty.

Where considered appropriate and effective in operation, discretionary matters will be determined by Council through policy. The policy decision may then be implemented by officers through the 'acting through' concept. In these instances there is no need for a delegated authority as it is the responsibility of the CEO to implement the City's policies.

Council Appointed Authorised Persons & Officers

Under certain legislation, Council is not able to delegate the responsibility for appointing authorised persons to the Chief Executive Officer. In these instances, appointment of authorised persons must be approved directly by Council. Although these authorisations do not have delegated authority, they are included in this register for ease of reference and review.



STATUTORY DELEGATIONS LOCAL GOVERNMENT ACT 1995





STATUTORY DELEGATIONS LOCAL GOVERNMENT ACT 1995

1 - Expressions of Interest, Pre-Qualified Suppliers and Tenders

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.3.57(1) - tenders for providing goods or services <i>Local Government (Functions & General) Regulations 1996</i> r11(2) When tenders have to be publicly invited r13 - Requirements when local government invites tenders though not required to do so r14 - Publicly inviting tenders r18- Rejecting and accepting tenders r20 - Variation of requirements before entry into contract r21A – Varying a Contract r21(1) - Limiting who can tender r23(3) - Rejecting and accepting expressions of interest to be an acceptable tenderer r24AB and 24AD (1) – Establishing panels of Pre-Qualified Suppliers r24AC(1)(b) - Requirements before establishing panels of pre-qualified suppliers r24AD (3) – Establishing Criteria for Panels r24AH – Rejecting and Accepting Applications to Join a Panel of Pre-Qualified Suppliers r24AJ – Entering into Contracts with Pre-Qualified Suppliers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ul style="list-style-type: none"> a. Publicly invite tenders before the local government enters into a contract for the supply of goods and services over the threshold (excluding GST) stipulated in the <i>Local Government (Functions & General) Regulations 1996</i>. (r.11(1)) b. Where considered beneficial, publicly invite tenders in lieu of seeking quotations for purchases under the threshold (excluding GST) stipulated in the <i>Local Government (Functions & General) Regulations 1996</i>. (r.13) c. Before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted. (r.14(2a)) d. Determine whether a tender does not need to be publicly invited according to the relevant requirements (r. 11(2)). e. Vary tender information after public notice of invitation to tender and before the close of tenders. (r.14(5)) f. Determine whether or not to reject non-compliant tenders. (r. 18(2)) g. Seek clarification from tenderers in relation to information contained in their tender submission. (r.18(4a)) h. Assess by written evaluation the extent to which each tender satisfies the criteria for deciding which tender to accept and decide which of them would be the most to accept (r.18(4)), with other available options including: <ul style="list-style-type: none"> i. Decline to accept any tender (r.18(5)); or ii. Negotiate necessary minor variations to goods or services before enters the contract with the successful tenderer; (r.20(1) and (3)); or iii. If the successful tenderer does not want to accept the contract with the minor variation or the tenderer is unable or unwilling to form a contract to supply the varied requirement, select the next most advantageous tenderer (r.20(2))

	<ul style="list-style-type: none"> i. Seek expressions of interest before entering the tender process and consider any expressions of interest that have not been rejected and decide which ones could satisfactorily supply the goods or services. (r.21 and 23) j. Vary a tendered contract, after it has been entered into, provided the variation(s) are necessary for the goods and services to be supplied, and do not change the scope of the original contract. (r.21A) k. Establish a panel of pre-qualified suppliers to supply particular goods or services (r.24AB) and determine that there is a continuing need for the goods or services proposed to be provided. (r.24AC(1)(b)) l. Publicly invite persons to apply to join panel of pre-qualified suppliers and: <ul style="list-style-type: none"> i. Before persons are publicly invited, determine in writing the criteria for deciding which applications to accept; (r.24AD(3)) ii. Vary panel of pre-qualified supplier information after public notice inviting submissions has been given; (r.24AD(6)) iii. Reject non-compliant applications (r.24AH(2)) iv. Assess by written evaluation the extent to which each submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous; (r.24AG(3)) v. Request clarification of information provided in a submission; (r.24AH(4); and vi. Decline to accept any application; (r.24AH(5)) m. Enter into a contract(s) for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers. (r.24AJ(1))
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. Subject to goods and services having been specified in the Strategic Community Plan, Corporate Business Plan, Annual Budget or as otherwise approved by Council, the delegations in respect of regulations 18(4), 23(3) and 24AJ are limited to: <ul style="list-style-type: none"> i. Purchases exempt from public tender under regulations 11 (2); or ii. Purchases utilising a pre-qualified supplier who is part of a panel of pre-qualified suppliers; or iii. All other tenders not exceeding a value of \$5,000,000 delegated to the CEO only. b. Vary a contract under Regulation 21A of the <i>Local Government (Functions & General) Regulations 1996</i> must be in accordance with the City's Procurement policy and Contract Management Framework. c. The Tender Register required under regulation 17 of the <i>Local Government (Functions & General) Regulations 1996</i> records the details of any decisions made under this delegation. d. At the CEO's discretion, any matter under this delegated authority can be referred to the Council for consideration. e. Ensure safe custody of tender documents submitted.

Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
---------------------------------------	--

Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Director Community Wellbeing Executive Director Operations Executive Director Planning & Development Executive Director Corporate Executive Director Place Stakeholder Engagement Business Unit Managers Coordinators Project Management Contracts and Procurement Manager Contract Specialist Contract Management Officer Contracts and Procurement Officers Procurement Planning Specialist
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p><u>Business Unit Managers may only:</u></p> <p>Vary a contract under Regulation 21A of the <i>Local Government (Functions & General) Regulations 1996</i> and as per the City's Procurement policy and is subject to the Contract Management Framework and Contract Variation Process.</p> <p><u>Contracts and Procurement Manager, Contract Specialist, Contract Management Officer, Contracts and Procurement Officers and Procurement Planning Specialist may only:</u></p> <ul style="list-style-type: none"> (i) Vary tender information after public notice and before close of tenders under regulation 14(5) (ii) Seek clarification from tenderers in relation to information contained in their tender submission: (r.18(4a)) (iii) Vary panel of pre-qualified supplier information after public notice inviting submissions has been given; (r.24AD(6)) (iv) Request clarification of information provided in a submission; (r.24AH(4))
Compliance Links:	<p><i>Local Government (Functions & General) Regulations 1996</i></p> <p>r12 - anti avoidance provision for regulation 11(1)</p> <p>Policy - Pol-C-116 - Procurement</p> <p>Process- PRO-GO-002 - Calling of Public Tenders</p> <p>Process - PRO-GO-003 - Calling of Public Expressions of Interest</p> <p>Process – PRO-GO-016 – Contract Management Framework</p> <p>Process – PRO-GO-086 – Contract Extension</p> <p>Process – PRO-GO-009 – Waiving of Requirements to seek quotations or call for public tenders</p> <p>Process – PRO-GO-093 – Contract Variation</p> <p>Process – PRO-GO-015 – Panel Arrangement</p>
Record Keeping:	<p>All records to be retained in ECM index:</p> <p>CORPORATE ADMINISTRATION - - Procurement</p> <p>Tenders Register</p>

**Document Control:**

Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:		Signed: 17 June 2025

3- Powers of Entry

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.3.28 - Enter Land s.3.32 - Notice of Entry s.3.33 - Entry under Warrant s.3.34 - Entry in an Emergency s.3.36 - Opening Fences
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authorise entry onto land to fulfil any statutory function that the local government has under the <i>Local Government Act 1995</i>; 2. Give a Notice of Entry; 3. Seek and execute an entry under warrant; 4. Execute an entry in an emergency, using such force as is reasonable; 5. Give notice and execute the opening of a fence.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. A warrant to enter may only to be sought after the employee has a sworn affidavit setting out circumstances that gave rise to the need for a warrant (unless in the case of substantial risk to public safety or property). b. Entry in an emergency may only be used, where there is imminent or substantial risk to public safety or property.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<i>Local Government Act 1995</i> Part 3, Division 3, Subdivision 3; specifically Section 3.31 - General procedure for entering property
Record Keeping:	Record to be retained in ECM index: STATUTORY DEVELOPMENT & BUILDING CONTROLS - Enforcement - Compliance Issues

Document Control:

Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:	Nil	Signed:

4 - Road Closures (Temporary)

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.3.50 - Closing certain thoroughfares to vehicles s.3.50A - Partial closure of thoroughfares for repairs or maintenance s.3.50(4) - Give local public notice s.3.51 - Affected owners to be notified of certain proposals (fixing or altering of levels or alignment, or draining water)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Close a thoroughfare managed by the City (wholly or partially) for a period not exceeding four weeks. 2. Close a thoroughfare managed by the City (wholly or partially) for a period exceeding four weeks 3. Close a thoroughfare to a particular class or classes of vehicles. 4. Make a decision to not undertake the s3.50, s3.50A and s3.51 public notice requirements.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. City must send the Commissioner of Main Roads a copy of the notice given under section 3.50(4) if closure exceeds four weeks. b. This delegation does not cover permanent road closures which are governed by the <i>Land Administration Act 1997</i> c. Under section 3.50A the City may partially and temporarily close a thoroughfare, without giving local public notice, if the closure — <ol style="list-style-type: none"> (a) is for the purpose of carrying out repairs or maintenance; and (b) is unlikely to have a significant adverse effect on users of the thoroughfare.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Director Operations Manager Asset Management Manager Construction & Maintenance Traffic Management Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<u>Traffic Management Officer</u> <ol style="list-style-type: none"> a. Limited to Section 3.50A - Partial closure of thoroughfare for repairs or maintenance, or unlikely to have a significant adverse effect on users of the thoroughfare. b. The Traffic Management Officer must consult Road Closure Delegation of Approval Work Instruction.
Compliance Links:	<i>Local Government Act 1995</i> Part 3, Division 3, Subdivision 5 Road Closure Delegation of Approval Work Instruction



Record Keeping:	Record to be retained in ECM Index: ROADS - Road Closures - select type of closure Asset Management - Road Closure Register
-----------------	---

Document Control:


Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:		Signed: 17 June 2025

5 - Acquisition and Disposal of Land (Including Buildings) via Lease or Licence

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.3.58(2) and (3) - Disposing of property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Acquire or dispose of land (including buildings) via lease or licence.
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. Limited to acquisition and disposal of an interest in land/property by commercial leasehold or licence up to an annual value of \$100,000. Commercial leases must not be for a period greater than 20 years, including an option to renew. b. Limited to acquisition and disposal of an interest in land/property by a non-commercial leasehold or licence up to an annual value of \$50,000. Non-commercial leases and licences must not be for a period greater than 20 years, including any options to renew. c. Acquisitions must be within budget allocations.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Director Operations Manager Asset Management
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<u>Executive Director Operations / Manager Asset Management</u> <ul style="list-style-type: none"> 1. Limited to acquisition and disposal of an interest in land/property by non-commercial leasehold or licence up to an annual value of \$10,000. Commercial leases and licences must not be for a period greater than 20 years, including any options to renew. 2. Exercise any option of renewal contained in any lease or licence before renewal date.
Compliance Links:	<i>Local Government (Functions & General) Regulations 1996</i> r30 - Dispositions of property excluded from Act section 3.58 with market value less than \$20,000 Policy POL-C-139 – Leasing and Licencing of Community Facilities City of Swan Guideline – Leasing of Community Facilities Policy POL-C-157 – Property Investment Policy POL-C-175 – Leasing and Licensing of Commercial Properties
Record Keeping:	Record to be retained in ECM Index: CITY PROPERTIES & FACILITIES - Acquisition & Divestment - Leases

Document Control:


Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:		Signed: 17 June 2025

6 – Acquisition of Land

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers and duties to CEO s.5.43 - Limits on delegations to CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995</i> s.3.55 – Acquisition of land <i>Land Administration Act 1997</i> s.52 – Local government may ask Minister to acquire as Crown land certain land in district s.161 – Interests in land may be taken etc. s.168 – Agreement to purchase or consent to take required interest, acquiring authority's powers as to
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to acquire land by way of purchase for the construction of any public work subject to section 5.43(d) of the <i>Local Government Act 1995</i>
Council Conditions on this Delegation:	a. Acquire land which is specifically identified within the current approved capital works Budget with a value of up to \$1,000,000. b. The CEO has discretion to request that any transaction within delegated authority be referred to the Council for determination.
Express Power to Sub-Delegate:	<i>Local Government Act 1995</i> s.5.44 - CEO may delegate powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i> ss. 52, 161, 168 <i>Public Works Act 1902</i>
Record Keeping:	Record to be retained in ECM index: CITY PROPERTIES & FACILITIES - Acquisition & Divestment – City Property ROADS - Acquisitions & Divestment – Road Widening

Document Control:


Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:		Signed: 17 June 2025

7 - Disposal of Assets

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995:</i> s.3.58(2) and (3) - Disposing of property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Disposal of assets, which are surplus to the City's operational needs.
Council Conditions on this Delegation:	a. Disposal of assets with a depreciated value of not more than \$500,000 in accordance with the City's guidelines. b. Unless the market value is \$500,000 or less, the sale of land and/or property other than by lease or licence requires a Council resolution.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Director Community Wellbeing Executive Director Planning & Development Executive Director Operations Executive Director Corporate Executive Director Place Stakeholder Engagement Manager Fleet & Waste Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<i>Local Government (Functions & General) Regulations 1996</i> r30 - Dispositions of property excluded from Act section 3.58 with market value less than \$20,000 City of Swan's Asset Disposal Guidelines
Record Keeping:	Record to be retained in ECM Index: CITY PROPERTIES & FACILITIES - Acquisition & Divestment - City Property PLANT & EQUIPMENT - Acquisition & Divestment - Plant Replacement INFORMATION TECHNOLOGY & TELECOMMUNICATIONS - Acquisition & Divestment

Document Control:

Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:		Signed: 17 June 2025


8 - Disposing of Confiscated or Uncollected Goods

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995</i> s.3.46 - Goods may be withheld until costs paid s.3.47(1), (2), (2a) - Disposing of confiscated or uncollected goods s.3.47A(1) - Disposal of sick or injured animals s.3.48 - Recovery of impounding expenses
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Sell or otherwise dispose of any confiscated or uncollected goods. 2. Humanely destroy an impounded animal where it is determined to be too ill or injured to treat and dispose of carcass. 3. Where an offender is convicted, recover from the offender expenses incurred for removing, impounding and disposing confiscated or uncollected goods.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Regulation 30(3) <i>Local Government (Functions and General) Regulations 1996</i>, be disposed of by any means considered to provide best value, provided the process is transparent and accountable. b. Delegation only to be used where the delegate's reasonable efforts to identify and contact an owner have failed.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Director Community Wellbeing Executive Director Operations Manager Community Safety Coordinator Community Safety Senior Community Safety Ranger Community Safety Support Officer Manager Fleet and Waste Services Business Support Supervisor – Fleet and Waste Services Business Support Officer – Fleet and Waste Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<u>Senior Community Safety Ranger</u> <ol style="list-style-type: none"> a. Limited to function 1 and 2 only. <u>Community Safety Support Officer</u> <ol style="list-style-type: none"> a. Limited to function 1 only. <u>Manager Fleet and Waste Services</u> <ol style="list-style-type: none"> a. Limited to function 1 only.

Compliance Links:	<p><i>Local Government Act 1995</i></p> <p>Part 3, Division 3, Subdivision 3</p> <p>s3.58 - Disposing of property</p> <p><i>Local Government (Functions and General) Regulations 1996</i></p> <p>r30 - Dispositions of property excluded from Act</p> <p>PRO-CS-001 Abandoned Vehicles</p> <p>.</p>
Record Keeping:	<p>Record to be retained in ECM index:</p> <p>COMMUNITY SAFETY - Enforcement - Abandoned Vehicles</p> <p>PATHWAY - Customer Request Category - VEHABA - Abandoned Vehicles</p> <p>PATHWAY - Customer Request Category – Dogs/Cats/Livestock</p>

Document Control:


Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:		Signed: 17 June 2025

9 - Payments from the Municipal Fund and Trust Fund

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> 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:	<i>Local Government (Financial Management) Regulations 1996</i> r12(1)(a) - Payments from municipal fund or trust fund, restrictions on making.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Make payments from the municipal fund and trust fund.
Council Conditions on this Delegation:	a. Two signatures are required to authorise payments made from the municipal fund and trust fund when greater than \$5,000,000. The two signatories must be at the level of a Coordinator and the Manager Financial Services & Rates or above.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Director Corporate Manager Financial Services & Rates Coordinator Management Accounting Coordinator Financial Accounting
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<i>Local Government (Financial Management) Regulations 1996</i> r5 - CEO's duties as to financial management r11 - Payments, procedures for making, etc r12 - Payments from municipal fund or trust fund - restrictions on making r13 - Payments from municipal fund or trust fund by CEO, CEO's Duties as to, etc
Record Keeping:	Records of decisions are retained in minutes of Council meetings.

Document Control:

Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:		Signed: 17 June 2025

10 - Write off, Deferral, Reduction or Waiver of Debts

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995</i> s.6.12- Power to defer, grant discounts, waive or write off debts
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Write off individual debts owed to the City. 2. Write off interest on outstanding rates and service charges incurred. 3. Waive or grant concession in relation to fees and charges set by the City (other than rates and service charges). 4. Determine the conditions to be applied to: <ol style="list-style-type: none"> (a) write off money owed to the City; and (b) the waiver of or grant of concession in relation to City fees and charges.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. The power to "waive or grant concessions" under section 6.12(1)(b) does not apply to an amount of money owing in respect of rates and service charges. b. Waiver, concession or write off of money owing not exceeding \$5,000 where all of the following conditions are met: <ol style="list-style-type: none"> i. Applicants must demonstrate a specific community benefit to their activity and demonstrate their limited financial capacity to pay relevant fees or demonstrate a unique set of circumstances that justify the reduction or waiver of fees on a commercial basis ii. The applicant must not already be receiving support through a Council donation or contribution. iii. Insurance fees and venue hire bonds are excluded. iv. Statutory fees or fines and penalties are excluded. (These should be referred to existing appeal mechanisms). c. Write off interest on outstanding rates and service charges in cases of financial hardship in accordance with the Council's Financial Hardship, Rates and Charges Policy. d. Waiver, concession or reduction of money not exceeding \$500 where it is reasonable for the City to exercise discretion to either commercially or compassionately resolve a dispute in situations where the City may have made an error or otherwise have not acted in accordance with policies, procedures or the City's values.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Director Corporate Executive Director Planning & Development Executive Director Community Wellbeing Executive Director Operations Manager Financial Services & Rates Manager Community & Libraries Manager Health & Building Services
---	--

	Manager Community Safety Manager Fleet & Waste Services Manager Leisure Services Leisure Centre Managers Learning Communities Managers Community Care Services Manager Coordinator Management Accounting Coordinator Financial Accounting Coordinator Information Management & Spatial Systems Coordinator Community Safety
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p>Sub-delegates are subject to the same conditions that apply to the Council's delegation to the CEO.</p> <p><u>Executive Director Corporate</u></p> <ul style="list-style-type: none"> a. Write off limited to sundry debts not exceeding \$2,000; b. Write-off rates not exceeding \$500 per individual property; c. Grant concession, waiver or reduction of fees and charges limited to a maximum of \$1,000 (per application), in accordance with the City's guidelines; or d. Write off interest on outstanding rates and service charges and administration fees in cases of financial hardship in line with Council's Financial Hardship Rates and Service Charges policy; or e. Write off small balances constituted by penalty interest. <p><u>Manager Financial Services & Rates</u></p> <ul style="list-style-type: none"> a. Write off limited to sundry debts not exceeding \$1,000; b. Write-off rates not exceeding \$500 per individual property; c. Grant concession, waiver or reduction of fees and charges limited to a maximum of \$1,000 (per application), in accordance with the City's guidelines; or d. Write off interest on outstanding rates and service charges and administration fees in cases of financial hardship in line with Council's Financial Hardship Rates and Service Charges policy; or e. Write off small balances constituted by penalty interest. <p><u>Executive Director Operations</u></p> <ul style="list-style-type: none"> a. Grant concession, waiver or reduction of fees related to waste management not exceeding \$2,000, in accordance with the City's guidelines. <p><u>Executive Director Community Wellbeing</u></p> <ul style="list-style-type: none"> a. Grant concession, waiver or reduction of fees and charges limited to a maximum of \$1,000 (per application), in accordance with the City's guidelines; and b. Limited to the write off of library stock up to the maximum value of \$100 under certain circumstances.

	<p><u>Executive Director Planning & Development</u></p> <p>a. Grant concession, waiver or reduction of fees and charges limited to a maximum of \$1,500 (per application), in accordance with the City's guidelines.</p> <p><u>Manager Fleet & Waste Services</u></p> <p>b. Grant concession, waiver or reduction of fees related to waste management not exceeding \$1,500, in accordance with the City's guidelines.</p> <p><u>Manager Community and Libraries /Learning Communities Managers</u></p> <p>a. Grant concession, waiver or reduction of library fees and charges limited to the maximum value of \$100 (per application); and</p> <p>b. Limited to the write off of library stock up to the maximum value of \$100 under certain circumstances.</p> <p><u>Manager Health & Building Services</u></p> <p>a. Grant concession, waiver or reduction of health and building fees and charges limited to a maximum of \$1,500 (per application), in accordance with the City's Management Practice MP181 – Waiving or reducing Health and Building services fees and charges.</p> <p><u>Community Care Services Manager</u></p> <p>a. Grant concession, waiver or reduction of community care fees and charges up to a maximum of \$500 (per application), in accordance with the City's guidelines.</p> <p><u>Manager Community Safety / Coordinator Community Safety</u></p> <p>a. Grant concession, waiver or reduction of community safety fees and charges limited to a maximum of \$500 (per application) in accordance with the City's guidelines.</p> <p><u>Manager Leisure Services / Leisure Centre Managers</u></p> <p>Grant concession, waiver or reduction of leisure services fees and charges limited to a maximum of \$500 (per application) in accordance with the City's guidelines.</p> <p><u>Coordinator Management Accounting/Coordinator Financial Accounting</u></p> <p>a. Write off limited to sundry debts not exceeding \$1,000;</p> <p>b. Write off interest on outstanding rates and service charges and administration fees in cases of financial hardship in line with the Council policy Financial Hardship Rates and Service Charges; or</p> <p>c. Write off small balances constituted by penalty interest.</p> <p><u>Coordinator Information Management & Spatial Systems</u></p> <p>a. Grant concession, waiver or reduction of fees and charges relating to freedom of information applications not exceeding \$500</p>
Compliance Links:	<i>Local Government Act 1995</i>

	<p>s.6.12 - Power to defer, grant discounts, waive or write off debts</p> <p><i>Local Government (Financial Management) Regulations 1996</i></p> <p>r26 - Discount, incentive, concession, waiver</p> <p>Council policy - Financial Hardship Rates and Service Charges</p> <p>PRO-FR-060 Small balances write off</p> <p>PRO-FR-002 Writing off bad debts</p> <p>PRO-LF-043 Client Services - Fees - Management</p> <p>MP 181 – Waiving or reducing Health and Building services fees and charges</p>
Record Keeping:	<p>All records to be retained in relevant ECM index:</p> <p>FINANCIAL MANAGEMENT - Debtors - Write offs</p> <p>RATES & VALUATIONS - Debtors - Write offs</p> <p>STATUTORY DEVELOPMENT & BUILDING CONTROLS - Planning Controls - Development Approvals</p> <p>STATUTORY DEVELOPMENT & BUILDING CONTROLS – Building Controls – Building Permits</p> <p>COMMUNITY AND PLACE - Service Providers - Home Support Services</p> <p>WASTE MANAGEMENT – INDEX</p> <p>LEISURE SERVICES - Envibe</p> <p>PATHWAY - Licensing Module: Applicant or Property</p>

Document Control:


Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:		Signed: 17 June 2025

11 - Investments

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995</i> s.6.14 - Power to invest <i>Local Government (Financial Management) Regulations 1996</i> r19 - Management of investments
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Determine monies which are, for the time being, not required by the local government for any other purpose and determine to invest these monies. 2. Establish and document internal control procedures to ensure control over investments that enable the identification of the nature and location of all investments and the transactions related to each investment.
Council Conditions on this Delegation:	a. Authority must be exercised in accordance with Policy - POL-C-018 - Investment of Surplus Funds
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Director Corporate Manager Financial Services & Rates Coordinator Financial Accounting Coordinator Management Accounting
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<i>Local Government Act 1995</i> s.6.14 - Power to invest <i>Local Government (Financial Management) Regulations 1996</i> r19 - Investments, control procedures for r19C - Investment of money, restrictions on r28 - Investment information required in notes (Annual Budget) r49 - Invested money, information about in annual financial report <i>Trustees Act 1962</i> Part III - Investments POL-C-018 - Investment of Surplus Funds
Record Keeping:	Investment Register Monthly financial management report to Council and retained in minutes of Council meetings

Document Control:


Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:		Signed: 17 June 2025

12 - Objection to Rate Record

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> 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:	<i>Local Government Act 1995</i> s.6.76(4) and (5) - Grounds of objection
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Extend the time for making an objection to the rate record for a period of time as it sees fit. 2. Consider any objection to the rate record and may either disallow it or allow it, wholly or in part.
Council Conditions on this Delegation:	a. A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a rates record objection, must not be party to any determination under this delegation.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Director Corporate Manager Financial Services & Rates
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<i>Local Government Act 1995</i> Part 6, Division 6, Sub-division 7 - Objections and review
Record Keeping:	Record to be retained in ECM index: Relevant property RATES & VALUATIONS - Fees & Charges - Rate Assessment

Document Control:

Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:		Signed: 17 June 2025

13 – Designated Employees

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers and duties to the CEO s.5.43 - Limits of delegation to the CEO
Express Power or Duty Delegated:	<i>Local Government Act</i> s.5.74(1) - terms used - designated employees (d)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Appoint designated employees required to submit a primary and annual return.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995</i> s.5.44 - CEO may delegate powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<i>Local Government Act</i> s.5.75 - Primary Returns s.5.76 - Annual Returns s.5.70 - Disclosure of Interest s.5.82 – Gifts s.5.83 – Contributions to Travel
Record Keeping:	Record to be retained in ECM index: GOVERNANCE - Authorisations & Appointments - Designated Employees Register of Financial Interests

Document Control:

Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:	Nil	Signed:

14 – Code of Conduct Complaints

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers and duties to CEO s.5.43 - Limits on delegations to CEO
Express Power or Duty Delegated:	<i>Local Government (Model Code of Conduct) Regulations 2021</i> Clause 12 – Dealing with a complaint Clause 13 – Dismissal of complaint
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur. In making any finding, a reason for the finding must also be determined. 2. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> i. Take no further action; ii. Prepare and implement a plan to address the behaviour of the person to whom the complaint relates. 3. Authority to dismiss a complaint and if dismissed, must also determine reasons for the dismissal.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Sub-delegation permitted to Manager Governance. b. Decisions will be made in accordance with the principles and specified requirements established in Council policy Pol-C-184 Complaints Management Relating to Conduct for Councillors, Committee Members and Candidates c. Decisions will be as recommended in the Complaint Assessor's report.
Express Power to Sub-Delegate:	<i>Local Government Act 1995</i> s.5.44 - CEO may delegate powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Governance
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<i>Local Government Act 1995</i> s.5.103(1) - Codes of Conduct <i>Local Government (Model Code of Conduct) Regulations 2021</i> Clause 12 – Dealing with complaint Clause 13 – Dismissal of complaint Code of Conduct for Councillors, Committee Members and Candidates 2021 POL-C-184 - Complaints Management Relating to Conduct for Councillors, Committee Members and Candidates

Record Keeping:	Record to be retained in ECM index: GOVERNANCE - Councillors - Code of Conduct Councillor Conduct Complaints Register – breaches only
-----------------	---

Document Control:

Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:		Signed: 17 June 2025

15 – Authorised Complaints Officer

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers and duties to CEO s.5.43 - Limits on delegations to CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995</i> s.5.103 - Codes of Conduct <i>Local Government (Model Code of Conduct) Regulations 2021</i> Division 3 Behaviour clause 11 (3) - Complaint about alleged breach
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Appoint persons to be authorised as a Complaints Officer to receive and reject complaints and withdrawals of complaints about alleged breaches under the Code of Conduct for Councillors, Committee Members and Candidates and prepare reports for Council consideration.
Council Conditions on this Delegation:	a. The appointment must be made in writing.
Express Power to Sub-Delegate:	<i>Local Government Act 1995</i> s.5.44 - CEO may delegate powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<i>Local Government Act 1995</i> s.5.103(1) - Codes of Conduct <i>Local Government (Model Code of Conduct) Regulations 2021</i> Clause 11 (3) - Complaint about alleged breach Clause 14 – Withdrawal of complaint Code of Conduct for Councillors, Committee Members and Candidates 2021 POL-C-184 Complaints Management Relating to Conduct for Councillors, Committee Members and Candidates
Record Keeping:	Record to be retained in ECM index: GOVERNANCE - Councillors - Code of Conduct

Document Control:

Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:	Nil	Signed:


41- Determination of Parking Bays, Parking Stations and Parking Permits - Parking Local Law 2023

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> 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:	<i>City of Swan Parking Local Law</i> CI 2.1 – determination of parking bays and parking stations CI 7.1 – determination of classes of parking permits
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to constitute, determine and vary: <ol style="list-style-type: none"> Parking bays; Parking stations; Permitted times and conditions of stopping and parking; Permitted classes of persons which may stop or park; Permitted classes of vehicles which may stop or park; and The manner of stopping and parking Authority to determine classes of parking permits, areas in which a parking permit of a particular class is required and eligibility criteria for each class of parking permit.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> One or more signs must be erected to give effect to a determination relating to parking bays and parking stations. The instigation of any future residential parking permit program is to be determined by Council including conditions of such permits to be delegated and applied by the City. CEO sub-delegation limited to relevant Executive Director only.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Director Operations Executive Director Community Wellbeing
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<u>Executive Director Operations</u> Function 1 only. <u>Executive Director Community Wellbeing</u> Function 2 only.

Compliance Links:	<i>City of Swan Parking Local Law 2023</i>
Record Keeping:	All records to be retained in ECM Index: TRAFFIC & TRANSPORT – Service Requests - Parking

Document Control:

Date adopted by Council:	12 February 2025	
Date Sub Delegation Authorised by CEO:	20 February 2025	Signed: 



STATUTORY DELEGATIONS OTHER LEGISLATION

16 - Designate Employees as Authorised Persons (*Building Act 2011*)

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011</i> s. 127(1) and (3) - Delegation: special permit authorities and local governments
Express Power or Duty Delegated:	<i>Building Act 2011</i> s.96(3), (5) and (6)- Authorised persons s.99 - Limitation on powers of authorised persons
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Designate an employee as an authorised person in relation to buildings and incidental structures located or proposed to be located in the district of the local government [s.96(3) of the <i>Building Act 2011</i>]. 2. Revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person s.99 (2) and (3)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011</i> s.127(6A) - CEO may delegate to any other local government employee that power or duty that has been delegated to the CEO

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<i>Building Act 2011</i> 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 regulation 70 of the <i>Building Regulations 2012</i> .
Record Keeping:	Record to be retained in ECM index: GOVERNANCE - Registration - Authorised Officers Register

Document Control:

Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:	Nil	Signed:

17 –Approved Officers – Infringement Notices

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011</i> s.127(1) Delegation: special permit authorities and local governments
Express Power or Duty Delegated:	<i>Building Regulations 2012</i> s.70(1) Approved Officers and Authorised Officers <i>Criminal Procedure Act 2004</i> s.6 Other matters to be prescribed by prescribed Acts s.14 Extensions of time to pay infringement notices s.15 Withdrawal of infringement notices
Delegate:	Chief Executive Officer Executive Director Planning & Development Manager Health & Building Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint a specified employee to be an approved officer for the purposes of section 6(a) of the <i>Criminal Procedure Act 2004</i> , in accordance with the <i>Building Regulations</i> r.70(1) and r.70(1A). Specified employee means a local government employee who has delegated authority to perform a function under section 9.19 or 9.20 of the <i>Local Government Act 1995</i> . s.9.19 – extend timeframe in which to pay infringement notices s. 9.20 – withdraw infringement notices
Council Conditions on this Delegation:	N/A
Express Power to Sub-Delegate:	N/A

Sub-Delegate/s: <i>Appointed by CEO</i>	N/A
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<i>Building Act 2011</i> <i>Building Regulations 2012</i> <i>Criminal Procedure Act 2004</i>
Record Keeping:	

Document Control:


Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:	Nil	Signed:

18 – Authorised Officers – Infringement Notices

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011</i> s.127(1) Delegation: special permit authorities and local governments
Express Power or Duty Delegated:	<i>Building Regulations 2012</i> s.70(2) - Approved officers and authorised officers <i>Criminal Procedure Act 2004</i> s.6 Other matters to be prescribed by prescribed Acts s.8 Issuing infringement notices
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to appoint an authorised officer for the purposes of the <i>Criminal Procedure Act 2004</i> , section 6(b).
Council Conditions on this Delegation:	<i>Building Regulations 2012</i> r.70(3) - Each authorised officer is to be issued a certificate of their appointment
Express Power to Sub-Delegate:	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments

Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Director Planning & Development Manager Health & Building Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<i>Building Act 2011</i> <i>Building Regulations 2012</i> <i>Criminal Procedure Act 2004</i>
Record Keeping:	

Document Control:

Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:		Signed: 17 June 2025


19 – Building and Demolition Permits (*Building Act 2011*)

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011</i> s.6(3) - Permit authority for a building or incidental structure
Express Power or Duty Delegated:	<i>Building Act 2011</i> s.18 - Further information s.20 - Grant a building permit s.21 - Grant a demolition permit s.22 - Further grounds for not granting an application s.27(1) and (3) - Impose conditions on permit <i>Building Regulations 2012</i> r23 - Application to extend time during which permit has effect (s.32) r24 - Extension of time during which permit has effect (s. 32(3)) r26 - Approval of new responsible person (s.35(c))
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Require an applicant to provide any documentation or information required to determine a building or demolition permit. 2. Grant a building or demolition permit. 3. Refuse a building or demolition permit. 4. Impose, vary or revoke conditions on a building or demolition permit.
Council Conditions on this Delegation:	Nil Note: Caution should be exercised if building is on register under the Heritage of Western Australia Act 1990
Express Power to Sub-Delegate:	<i>Building Act 2011</i> s.127 - Delegation: special permit authorities and local governments (powers of sub delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	Coordinator Building Services Building Surveyor Building Officer Building Assistant
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<i>Building Act 2011</i> s.119 - Building and demolition permits - application for review by SAT s.23 - Time for deciding application for building or demolition permit <i>Building Regulations 2012</i> r25 - Review of decision to refuse or extend time during which permit has effect - reviewable by SAT <i>Building Services (Registration) Act 2011</i> s.7 <i>Building Services (Complaint Resolution and Administration) Act 2011</i> Part 7, Division 2

	<i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage of Western Australia Act 1990</i> <i>Home Building Contracts Act 1991</i> Part 3A, Division 2
Record Keeping:	Record to be retained in ECM index: Relevant property Building Permit Application Number (if applicable)

Document Control:


Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:		Signed: 17 June 2025

20 – Building Orders (*Building Act 2011*)

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011</i> s.6(3) - Permit authority for a building or incidental structure
Express Power or Duty Delegated:	<i>Building Act 2011</i> s.88 - Finishes of Walls Close to Boundaries s.110(1) - A Permit Authority May Make a Building Order s.111(1) - Notice of Proposed Building Order Other Than Building Order s.117(1) and (2) - A Permit Authority 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-Compliant s.133(1) - A Permit Authority May Commence a Prosecution for an Offence Against this Act
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Make building orders in respect of one or more of the following: <ol style="list-style-type: none"> particular building work particular demolition work a particular building or incidental structure, whether completed before or after commencement day Specify the way in which an outward facing side of a particular close wall must be finished. Give notice of a proposed building order and consider submissions received in response and determine actions. Revoke a building order at any time. Within 28 days of receiving a notification under section 117(2) <i>Building Act 2011</i> decide whether the building order has been fully complied with and either revoke the building order or inform each person to whom the order is directed that the building order remains in effect. If there is non-compliance with a building order, cause an authorised person to: <ol style="list-style-type: none"> take any action specified in the order; or commence or complete any work specified in the order; or if any specified action was required by the order to cease, to take such steps as are reasonable in the circumstances to cause the action to cease Take court action to recover as a debt, reasonable costs and expenses incurred in doing anything in regard to non-compliance with a building order. Initiate a prosecution pursuant to section 133(1) of the <i>Building Act 2011</i> for non-compliance with a building order made pursuant to section 110 of that Act.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011</i> s.127 - Delegation: special permit authorities and local governments (powers of sub delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Health & Building Services Coordinator Building Services Senior Development Compliance Officer Development Compliance Officers
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<i>Building Act 2011</i> s.111 - Notice of proposed building order other than building order (emergency) s.112 - Content of building order s.113 - Limitation on effect of building order s.114 - Service of building order Part 9 - Review - Section 122 - Building orders - application for review by SAT
Record Keeping:	Record to be retained in ECM index: Relevant property Building Permit Application Number (if applicable)

Document Control:

Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:		Signed: 17 June 2025


21 – Occupancy and Building Approval Certificates (*Building Act 2011*)

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011</i> s.6(3) - Permit authority for a building or incidental structure
Express Power or Duty Delegated:	<i>Building Act 2011</i> s.55 - Further information s.58 - Grant of occupancy permit, building approval certificate s.59 - Time for granting occupancy permit or building approval certificate s.60 - Notice of decision s.62(1), (3), (4) and (5) - Conditions imposed by permit authority s.65(4) - Extension of period of duration <i>Building Regulations 2012</i> r40(2) and (5) - Extension of period of duration of time limited occupancy permit or building approval certificate
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Require applicant to provide any documentation or information required to determine the application and to verify the information by statutory declaration. 2. Grant, refuse to grant or modify an occupancy permit or building approval certificate. 3. Record the grounds on which a decision to refuse to grant or modify an occupancy permit or grant a building approval certificate is based, and the reasons for the decision and give to the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right to review. 4. Impose, add, vary or revoke conditions on an occupancy permit. 5. Give written notice of the addition, variation or revocation of a condition and ensure that the notice informs the person of the person's right of review. 6. Extend, or refuse to extend, the period in which the occupancy permit or modification or the building approval certificate has effect.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011</i> s.127 - Delegation: special permit authorities and local governments (powers of sub delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	Coordinator Building Services Building Surveyor Building Officer Building Assistant
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<i>Building Act 2011</i> s. 59 - time for granting occupancy permit or building approval certificate

	<p>s.60 - Notice of decision not to grant occupancy permit or grant building approval certificate</p> <p>s.121 - Occupancy permits and building approval certificates - application for review by SAT</p> <p><i>Building Regulations 2012</i></p> <p><i>Building Services (Registration) Act 2011</i></p> <p><i>Building Services (Complaint Resolution and Administration) Act 2011</i></p> <p>Part 7, Division 2</p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage of Western Australia Act 1990</i></p> <p>Building Code of Australia</p>
Record Keeping:	<p>Record to be retained in ECM index:</p> <p>Relevant property</p> <p>Building Permit Application Number (if applicable)</p>

Document Control:

Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:		Signed: 17 June 2025

22 – Powers, Duties and Functions (*Bush Fires Act 1954*)

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954</i> s.48 - Delegation by local governments
Express Power or Duty Delegated:	<i>Bush Fires Act 1954</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. All powers, duties and functions of the local government under the <i>Bush Fires Act 1954</i>
Council Conditions on this Delegation:	a. Authority excludes powers and duties that are: <ol style="list-style-type: none"> prescribed in the Act with the requirement for a resolution by the local government; or prescribed in the Act for performance by prescribed officers; or subject to separate delegated authority within this register. b. Annual Fire Hazard Reduction Notice (Fire Break Notice) is presented at an Ordinary Council meeting for endorsement on a yearly basis.
Express Power to Sub-Delegate:	<i>Bush Fires Act 1954</i> s.48(3) -Delegation by local governments does not include the power to sub delegate

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil Section 48 of the <i>Bush Fires Act 1954</i> does not limit the ability of a local government to act through its Council, members of staff or agents in the normal course of business.
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> <i>Bush Fires (Infringement) Regulations 1978</i> City of Swan Consolidated Local Laws 2005
Record Keeping:	Record to be retained in ECM index: COMMUNITY SAFETY - Authorisations & Appointments

Document Control:

Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:	Nil	Signed:

23 – Prosecutions (*Bush Fires Act 1954*)

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954</i> s.48 - delegation by the local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954</i> s.59(3) - Prosecution of offences s.59A(2) - Alternative procedure - infringement notices
Delegate:	Executive Director Community Wellbeing Manager Community Safety Senior Community Safety Rangers Community Safety Rangers
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to serve an infringement notice for an offence against the <i>Bush Fires Act 1954</i>. 2. Authority to consider offences alleged to have been committed against the <i>Bush Fires Act 1954</i> in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district.
Council Conditions on this Delegation:	<i>Bush Fires (Infringement) Regulations 1978</i> r4(a) - only the Mayor or Chief Executive Officer may withdraw an infringement notice <u>Executive Director Community Wellbeing / Manager Community Safety</u> a. Limited to function 2 only. <u>Senior Community Safety Rangers / Community Safety Rangers</u> a. Limited to function 1 only
Express Power to Sub-Delegate:	<i>Bush Fires Act 1954</i> s.48(3) - Delegation by local governments does not include the power to sub delegate

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil Section 48 of the <i>Bush Fires Act 1954</i> does not limit the ability of a local government to act through its Council, members of staff or agents in the normal course of business.
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<i>Bush Fires Act 1954</i> s.59A(5) - alternative procedure - infringement notices s.65 - proof of certain matters s.66 - Proof of ownership or occupancy <i>Bush Fires (Infringement) Regulations 1978</i> City of Swan Consolidated Local Laws 2005 MP-154 – Enforcement – Management Practice



Record Keeping:	Record to be retained in ECM index: EMERGENCY SERVICES - Enforcement - Danger Periods/Fire Bans Firebreaks Hazard Reduction Illegal Fires
-----------------	--

Document Control:

Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:	Nil	Signed:

24 – Restricted and Prohibited Burning Times (*Bush Fires Act 1954*)

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954</i> s.17(10) (prohibited and restricted burning times)
Express Power or Duty Delegated:	<i>Bush Fires Act 1954</i> s.17(7) and (8) - Variation to prohibited burning times (Function 1) s.18(5), (5B) and (5C) – Variation to restricted burning times (Function 2) <i>Bush Fire Regulations 1954</i>
Delegate:	Mayor; and Chief Bush Fire Control Officer jointly
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Vary prohibited burning times by shortening, extending, suspending or reimposing a period of prohibited burning times or imposing a further period of prohibited burning time. 2. Vary restricted burning times by shortening, extending, suspending or reimposing a period of restricted burning times or imposing a further period of restricted burning or vary the prescribed conditions by modifying or suspending all or any of those conditions. 3.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Decisions under section 17(7) must be undertaken jointly by both the Mayor and the Chief Bush Fire Control Officer and must comply with the procedural requirements of section 17(7B) and (8). b. Decisions under section 18(5) must be undertaken jointly by both the Mayor and the Chief Bush Fire Control Officer and must comply with the procedural requirements of section 18(5B) and 18(5C).
Express Power to Sub-Delegate:	<i>Bush Fires Act 1954</i> s.48(3) -Delegation by local governments does not include the power to sub delegate

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil Section 48 of the <i>Bush Fires Act 1954</i> does not limit the ability of a local government to act through its Council, members of staff or agents in the normal course of business.
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i>
Record Keeping:	Record to be retained in ECM index: EMERGENCY SERVICES - Informing - Danger Periods/Fire Bans

Document Control:

Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:	Nil	Signed:

25 – Prohibition Orders, Certificates of Clearance (*Food Act 2008*)

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008</i> s.118(2)(b) - Local government (enforcement agency) may delegate a function conferred on it s.118(3) - Delegation subject to conditions [s119] and guidelines adopted [s120]
Express Power or Duty Delegated:	<i>Food Act 2008</i> s.65(1) - Prohibition order s.66 - Certificate of clearance s.67(4) - Request for re-inspection
Delegate:	Chief Executive Officer Executive Director Planning & Development Manager Health & Building Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Serve a Prohibition Order on the proprietor of a food business in accordance with section 65 of the <i>Food Act 2008</i>. 2. Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices (section 66). 3. Give written notice to proprietor of a food business on whom a Prohibition Order has been served of the decision not to give a certificate of clearance after an inspection [section 67(4)].
Council Conditions on this Delegation:	a. In accordance with section 118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time
Express Power to Sub-Delegate:	<i>Food Act 2008</i> s.118(4) - Sub-delegation only permissible if expressly provided in regulations <i>Food Act Regulations 2009</i> - No sub-delegation available

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<i>Food Act 2008</i> <i>Food Act Regulations 2009</i> MP -154 - Enforcement - Management Practice
Record Keeping:	Record to be retained in ECM index: Relevant property Relevant customer

Document Control:


Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:	Nil	Signed:

26 – Powers, Duties and Functions (*Dog Act 1976*)

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976</i> s.10AA - Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976</i> <i>Dog Regulations 2013</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. All powers, duties and functions of the local government under the <i>Dog Act 1976</i> .
Council Conditions on this Delegation:	a. Authority excludes powers and duties that are: <ul style="list-style-type: none"> i. prescribed in the Act with the requirement for a resolution by the local government; or ii. prescribed in the Act for performance by prescribed officers; or iii. subject to separate delegated authority within this register
Express Power to Sub-Delegate:	<i>Dog Act 1976</i> s.10AA(3) - CEO can delegate further if expressly authorised

Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Director Community Wellbeing Manager Community Safety Coordinator Community Safety Coordinator Business Support Section 10AA(5) of the <i>Dog Act 1976</i> does not limit the ability of a local government's Chief Executive Officer to perform a function through an officer or agent.
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<i>Dog Act 1976</i> <i>Dog Regulations 2013</i> <i>Local Government (Miscellaneous Provisions) Act 1960</i> City of Swan Consolidated Local Laws 2005
Record Keeping:	Record to be retained in ECM index: COMMUNITY SAFETY - relevant dog index

Document Control:


Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:		Signed: 17 June 2025

27 – Powers, Duties and Functions (*Cat Act 2011*)

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011</i> s.44 - Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011</i> <i>Cat (Uniform Local Provisions) Regulations 2013</i> <i>Cat Regulations 2012</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. All powers, duties and functions of the local government under the Cat Act 2011.
Council Conditions on this Delegation:	a. Authority excludes powers and duties that are: <ul style="list-style-type: none"> i. prescribed in the Act with the requirement for a resolution by the local government; or ii. prescribed in the Act for performance by prescribed officers; or iii. subject to separate delegated authority within this register
Express Power to Sub-Delegate:	<i>Cat Act 2011</i> s.45 - Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Director Community Wellbeing Manager Community Safety Coordinator Community Safety Coordinator Business Support Section 46(2) of the <i>Cat Act 2011</i> does not limit the ability of 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/her functions by acting through another person	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil	
Compliance Links:	<i>Cat Act 2011</i> <i>Cat (Uniform Local Provisions) Regulations 2013</i> <i>Cat Regulations 2012</i> City of Swan Consolidated Local Laws 2005	
Record Keeping:	Record to be retained in ECM index: COMMUNITY SAFETY - relevant cat index	

Document Control:


Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:		Signed: 17 June 2025

28 – Illegal Development

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995</i> 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:	<i>Planning and Development Act 2005</i> s.214(2), (3) and (5) - Illegal development, responsible authority's powers as to s.215 - Illegal development, responsible authority's power to remove, etc
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop and not recommence the development or that part of the development that is undertaken in contravention of the planning scheme 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> i. to remove, pull down, take up, or alter the development; and ii. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority 3. Give a written direction to the person whose duty it is to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme would prejudice the effective operation of the planning scheme
Council Conditions on this Delegation:	Nil Note: Power to prosecute for other breaches of the <i>Planning & Development Act 1995</i> is contained in Section 20 of the <i>Criminal Procedure Act 2004</i>
Express Power to Sub-Delegate:	<i>Local Government Act 1995</i> s.5.44 - CEO may delegate powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Director Planning & Development Manager Statutory Planning Senior Development Compliance Officer Development Compliance Officers
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<i>Planning and Development Act 2005</i> Part 13 - Enforcement and legal proceedings MP-154 – Enforcement – Management Practice City of Swan Local Planning Scheme No.17
Record Keeping:	Record to be retained in ECM index: STATUTORY DEVELOPMENT & BUILDING CONTROLS - Enforcement - Compliance Issues

Document Control:

Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:		Signed: 17 June 2025

29 – Statutory Planning

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 - Deemed provisions for local planning schemes - Part 10 - Enforcement and administration Clause 82 - Delegations by local government</p> <p>Local Planning Scheme No. 17 Clause 11.3 - Delegations of Functions Clause 11.3.1 - Delegate to CEO or Committee</p>
Express Power or Duty Delegated:	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 - Deemed provisions for local planning schemes</p> <p>Metropolitan Region Scheme Part III Zones – clause 24(1)</p> <p>Local Planning Scheme No. 17</p>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>Local Planning Scheme No. 17 and <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <p>To perform the functions of the Council in respect of the following matters:</p> <ol style="list-style-type: none"> 1. Exercise all powers and discharge all duties under Local Planning Scheme No.17. 2. Make recommendations to the Western Australian Planning Commission and other statutory authorities in respect of subdivision and development applications and associated matters. 3. Make recommendations to the Western Australian Planning Commission with respect to matters within Swan Valley Planning Scheme No. 1. 4. Endorse deposited plans after the conditions of subdivision/amalgamation approval for which the Council is responsible have been fulfilled. 5. Approval of applications made under sections 15, 21 and 22 of the Strata Titles Act 1985. 6. Make recommendations to the Metropolitan Redevelopment Authority in relation to applications affecting land within the <i>Midland Redevelopment Scheme</i> area as provided for by Section 64(a)(i) of the <i>Metropolitan Redevelopment Authority Act 2011</i> and Section 142 of the <i>Planning and Development Act 2005</i>. 7. Issue or refuse to issue a certificate under Section 40 of the <i>Liquor Control Act 1988</i>. <p>Metropolitan Region Scheme</p> <p>To perform the function of the WAPC as delegated to local government with respect to determination of applications for development on zoned land and development on regional road reservations.</p>
Council Conditions on this Delegation:	<p>Local Planning Scheme No. 17 and <i>Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 - Deemed provisions for Local Planning Schemes</i></p> <p>a) The determination of local development plans and amendments to local development plans, provided the local development plan or amendment is:</p> <ol style="list-style-type: none"> i. of a minor nature; and ii. consistent with the intent of the zone and the Scheme; and

	<p>iii. unlikely to have a material detrimental effect on the amenity of the locality or any owner or occupier of land in the locality.</p> <p>b) The refusal of all development applications provided:</p> <ol style="list-style-type: none"> the proposed use is not permitted by the Local Planning Scheme; or the development does not comply with the non - discretionary provisions of the Residential Design Codes or; additional required information was not provided within 21 days of the request. <p>c) The grant of an extension of development approval up to four (4) years from the original expiration date.</p> <p>d) Making recommendations to the Western Australian Planning Commission on amendments to Structure Plans (as defined by the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>) under the deemed provisions provided the amendment is:</p> <ol style="list-style-type: none"> of a minor nature; and consistent with the intent of the zone and the Scheme; and unlikely to have a detrimental effect on the amenity of the locality or any owner or occupier of land in the locality. <p>e) Authority to refuse applications for the variation to the Residential Design Codes of Western Australia (R-Codes) in relation to sheds (out buildings) patios, carports, and garages where, in the opinion of the CEO, the applications fail to fulfil the relevant performance criteria under the R-Codes.</p> <p>f) The determination of applications for telecommunications infrastructure in all instances.</p> <p>g) Authority to refuse applications that, in the opinion of the CEO, fail to achieve the Performance Criteria of the Policy Statement of the Guildford-Mandoon Heritage Area Local Planning policy.</p> <p>h) The determination of applications where written objection is received in relation to the proposal from any statutory agency, only where in the opinion of the CEO the concern raised has since been addressed or can be addressed through a condition of approval</p> <p>Note: All applications, with the exception of single houses, additions to single houses and structures ancillary to single houses on lots not within a heritage protected place will be submitted to the Council in the following circumstances (with exception of f) above):</p> <ol style="list-style-type: none"> Where an exercise of delegation would be contrary to a previous decision of the Council on an application substantially the same, made in respect of the same property; Where notification has been given to adjoining and nearby owners or the general public for comment in accordance with the Local Planning Scheme or any policy and more than ten (10) written objections have been received within the time specified, unless in the opinion of the Manager Statutory Planning: <ul style="list-style-type: none"> the proposal is for the exercise of discretion under the Residential Design Codes and is consistent with the intent of the Local Planning Scheme, Residential Design Codes and relevant policy; or the objections can be overcome by imposing a condition(s) on the development approval, or modifying the design of the development; or the objection does not relate to valid planning and development issues associated with the proposal. Where a new structure plan has been prepared and advertised for public comment, recommendation shall be presented to the Council prior to forwarding to the Western Australian Planning Commission. Where applications for development approval of land that is comprised within any of the rural zonings under Local Planning Scheme No.17 which are advertised in accordance with Clause 64 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 they are to be advertised to owners and occupiers of properties in the vicinity of the proposed development in the following manner: <ol style="list-style-type: none"> For land that is less than 2 hectares in area to all properties within 300 metres of the boundaries of the land; and For land that is greater than 2 hectares in area to all properties within 800 metres of the boundaries of the land
--	--

Express Power to Sub-Delegate:	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 - Deemed provisions for local planning schemes - Part 10 - Enforcement and administration Clause 82 - Local government CEO may delegate powers</p> <p>Local Planning Scheme No. 17 Clause 11.3.2 - Sub delegate to employee</p>
---------------------------------------	---

Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Director Planning & Development Manager Statutory Planning Coordinator Development Assessment & Appeals Coordinator Statutory Project Planning Coordinator Statutory Planning Reform Coordinator Planning Process Coordinator Building Services Senior Planning Officer(s)
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p><u>Executive Director Planning & Development, Manager Statutory Planning, Coordinator Development Assessment & Appeals, Coordinator Statutory Project Planning, Coordinator Statutory Planning Reform, Coordinator Planning Process</u></p> <p>a. All those functions delegated to the CEO with the exception of taking any action to prosecute owners and occupiers of properties.</p> <p><u>Senior Planning Officers</u></p> <p><i>This delegation does not apply to applications for a Heritage Protected Place.</i></p> <p>a. Determination of the planning application types listed below, including where there are additions to existing approved developments:</p> <ul style="list-style-type: none"> • Sheds and Outbuildings • Patios and Shade Structures • Carport • Water Tank • Keeping of Horses (Rural Pursuit) • Fences and Retaining Walls • Advertising Signage • Ancillary Dwelling • Swimming Pool • Home Business • Solar Panels • Overwidth Driveways • Single Dwelling • Up to six (6) Grouped Dwellings • Authorisation of Swan Valley Planning Act referrals where they relate to a development type identified above • Grant an extension of development approval for up to four (4) years from the original expiry date

	<ul style="list-style-type: none"> • Change of use • Additions to industrial and commercial developments • Authorisation of clearance of planning conditions • Authorisation of referrals to Development WA • Authorisation of recommendations to the WAPC on subdivision applications involving up to three (3) lots and the associated endorsement of deposited plans
Compliance Links:	<p><i>Planning & Development Act 2005</i></p> <p>s.16 - <i>Delegation by Commission</i></p> <p>s.142 - Consultation requirements as to proposed subdivision</p> <p><i>Planning & Development (Development Assessment Panels) Regulations 2011</i></p> <p><i>Swan Valley Planning Act 2020</i></p> <p>s.11A - Further information Section 11 - Notify DAP of application</p> <p>s.12(2) - Responsible authority to report</p> <p>s.13 - Further services from responsible authority</p> <p><i>Metropolitan Redevelopment Authority Act 2011</i></p> <p>s.64(a)(i) - Notice of development application</p> <p><i>Liquor Control Act 1988</i></p> <p>s.40 - Certificate of planning authority as to whether use of premises complies with planning laws</p> <p><i>Building Act 2011</i></p> <p><i>Swan and Canning Rivers Management Act 2006</i></p> <p><i>Heritage of Western Australia Act 1990</i></p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <p><i>Planning and Development Regulations 2009</i></p> <p>City of Swan Local Planning Scheme No.17</p> <p>Swan Valley Planning Scheme No. 1</p> <p>State Planning Policy 3.1 - Residential Design Codes</p>
Record Keeping:	<p>Record to be retained in ECM index:</p> <p>STATUTORY DEVELOPMENT & BUILDING CONTROLS -</p> <p>Registration - Delegated Authority Planning Decisions Relevant property index</p>

Document Control:


Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:		Signed: 17 June 2025

30 – Graffiti Vandalism Act 2016

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016</i> s.16 - Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016</i> Part 3 Local government powers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	All the powers and duties of the local government under the <i>Graffiti Vandalism Act 2016</i>
Council Conditions on this Delegation:	Hearing or determining of an objection of a kind referred to under s.22 is excepted
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016</i> s.17 – Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Director Operations Manager Construction & Maintenance Co-ordinator Building Maintenance Supervisor Building Maintenance
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Subject to the conditions on delegation to the CEO
Compliance Links:	<i>Graffiti Vandalism Act 2016</i> Objections to be dealt with under the <i>Local Government Act 1995</i> , Part 9, section 9.6 POL-C-123 – Graffiti Management
Record Keeping:	Record to be retained in ECM index: CONSTRUCTION & MAINTENANCE – relevant Graffiti index

Document Control:

Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:		Signed: 17 June 2025

40 - Designate Contractors as Authorised Persons (Inspectors) (Building Act 2011)

Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.96(3) Authorised persons s.99(3) Limitation on powers of authorised person <i>Building Regulations 2012:</i> r.4A Authorised persons
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to designate a person contracted, or employed by an entity contracted, by the City of Swan as an authorised person [s.96(3) & r.4A(2)] for the purposes of monitoring whether Part 8 provisions are being complied with. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
Council Conditions on this Delegation:	Designation of authorised persons under this delegation is limited to performing Authorised Person functions under s.93(2)(d).
Express Power to Sub-Delegate:	<i>Building Act 2011</i> s.127(6A) - CEO may delegate to any other local government employee that power or duty that has been delegated to the CEO

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
Compliance Links:	<u><i>Building Act 2011:</i></u> s.97 each designated authorised person must have an identity card. r.4B Identity cards
Record Keeping:	Record to be retained in ECM index: GOVERNANCE - Registration - Authorised Officers Register

Document Control:

Date adopted by Council:	11 June 2025	
Date Sub Delegation Authorised by CEO:		Signed: 17 June 2025



COUNCIL APPOINTED AUTHORISED PERSONS AND OFFICERS



31 – Appointment and Authorisation of Deputy (*Health (Miscellaneous Provisions Act) 1911*)

Express Power to AUTHORISE:	<i>Health (Miscellaneous Provisions) Act 1911</i> s.26 - powers of local government
Express Power or Duty AUTHORISED:	<i>Health (Miscellaneous Provisions) Act 1911</i> s.26 - powers of local government
AUTHORISED OFFICER(S)	Manager Health & Building Services Coordinator Health Services Coordinator Business Support & Environmental Health Projects Environmental Health Officers Environmental Health Program Officer (where they hold the qualifications suitable to be an Environmental Health Officer)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to exercise and discharge all or any of the powers and functions of the local government
Conditions on this AUTHORISATION:	Nil
Compliance Links:	<i>Health (Miscellaneous Provisions) Act 1911</i> Environmental Health processes: PRO-EH002 (in part); 003; 004 and 005 (in part)
Record Keeping:	Record to be retained in CIA index: CIA Personnel records

Document Control:

Date adopted by Council:	11 June 2025
---------------------------------	--------------

32 – Appointment of Authorised Officers (*Food Act 2008*)

Express Power to AUTHORISE:	<i>Food Act 2008</i> s.122(1) - Appointment of authorised officers
Express Power or Duty AUTHORISED:	<i>Food Act 2008</i> Part 5 - Powers of entry, inspection and seizure Division 1 - entry, inspection and seizure Division 2 - items seized by authorised officers
AUTHORISED OFFICER(S)	Manager Health & Building Services Coordinator Health Services Coordinator Business Support and Environmental Health Projects Environmental Health Officers Environmental Health Program Officer (where they hold the qualifications suitable to be an Environmental Health Officer) Food Safety Risk Assessment Contractors (currently appointed under the contract for the 'Provision of routine risk assessments of food businesses and public buildings')
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. A person to be an authorised officer for the purposes of the <i>Food Act 2008</i> .
Conditions on this AUTHORISATION:	a. Person to be an authorised officer must have appropriate qualifications and experience to perform the function designated to them or hold office as an Environmental Health Officer under the <i>Public Health Act 2016</i> and the <i>Health (Miscellaneous Provisions) Act 1911</i> . b. Food Safety Risk Assessment contractors cannot undertake enforcement activity, except for the issuing of Improvement Notices under section 62 of the <i>Food Act 2008</i> .
Compliance Links:	<i>Food Act 2008</i> s.118 (2b) - Functions of enforcement agencies and delegation s.122(3) - requirement to maintain a list of authorised officers appointed s.123(1) - requirement to provide each authorised officer with a certificate of authority <i>Food Regulations 2009</i> Department of Health: Guideline on Appointment of Authorised Officers
Record Keeping:	Record to be retained in CIA index: CIA Personnel records

Document Control:

Date adopted by Council:	11 June 2025
---------------------------------	--------------

33 – Appointment of Authorised Officers (*Public Health Act 2016*)

Express Power to AUTHORISE:	<i>Public Health Act 2016</i> s.24 - Designation of authorised officers <i>Health (Miscellaneous Provisions) Act 1911</i> s.3(2A) – Terms Used
Express Power or Duty AUTHORISED:	<i>Public Health Act 2016</i> Part 9 – Notifiable Infectious Diseases and Related Conditions Part 11 – Serious public health incident powers Part 12 – Public health state of emergency powers Part 14 – Improvement Notices and Enforcement Orders Part 16 – Powers of Entry, Inspection and Seizure
AUTHORISED OFFICER(S)	Manager Health and Building Services Coordinator Health Services Coordinator Business Support and Environmental Health Projects Environmental Health Program Officer Environmental Health Officers
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Undertake the powers of an ‘authorised officer’ for the purposes of the Public Health Act 2016.
Conditions on this AUTHORISATION:	<i>Public Health Act 2016</i> 1. s25 - Certain authorised officers to have qualifications and experience 2. An authorised officer must produce the certificate of authority if asked to do so under section 30(3) 3. An authorised officer must comply with the requirements of section 136 (produce evidence of authority)
Compliance Links:	<i>Public Health Act 2016</i> <i>Health (Miscellaneous Provisions) Act 1911</i> <u>Chief Health Officer Gazette on the Qualification and Experience of Environmental Health Officers- Government Gazette 13 June 2017</u>
Record Keeping:	Record to be retained in CIA index: CIA Personnel records

Document Control:

Date adopted by Council:	11 June 2025
---------------------------------	--------------



34 – Appointment of Authorised Persons to Execute Documents (Local Government Act 1995)

Express Power to AUTHORISE:	<i>Local Government Act 1995</i> s.9.10 - Appointment of authorised persons
Express Power or Duty AUTHORISED:	<i>Local Government Act 1995</i> s.9.49A(4) - Execution of documents
AUTHORISED OFFICER(S)	In accordance with the City of Swan's Guideline - Execution of City Documents
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to execute various classes of documents on behalf of the local government
Conditions on this AUTHORISATION:	Executing documents through the use of the common seal or by signing a document does not constitute the decision to undertake a particular course of action. A Council resolution or a decision under delegated authority is required prior to executing documents.
Compliance Links:	<i>Local Government Act 1995</i> s.5.41(d) - CEO's duty to manage day to day operations POL-C-116 – Procurement POL-C-176 – City Grant and Sponsorship Funding Guideline - Execution of City Documents Council resolution 25 February 2015, item 6.1
Record Keeping:	Record to be retained in CIA index: Relevant subject index

Document Control:

Date adopted by Council:	11 June 2025
---------------------------------	--------------

35 – Appointment of Authorised and Approved Officers (*Health (Asbestos) Regulations 1992*)

Express Power to AUTHORISE:	<i>Health (Asbestos) Regulations 1992</i> r15D(7) - A local government may delegate a power or duty conferred or imposed on it by this regulation to the Chief Executive Officer of the local government
Express Power or Duty AUTHORISED:	<i>Health (Asbestos) Regulations 1992</i> r15D(5) – appointment of authorised officers or approved officers for purposes of the <i>Criminal Procedures Act 2004</i> <i>Criminal Procedures Act 2004</i> Part 2 - dealing with alleged offenders without prosecuting them
AUTHORISED OFFICER(S)	Chief Executive Officer Executive Director Planning and Development Manager Health and Building Services Coordinator Health Services Coordinator Business Support and Environmental Health Projects Environmental Health Program Officer (where they hold the qualifications suitable to be an Environmental Health Officer) Environmental Health Officers
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. A person or class of persons to be an authorised officer or approved officer for the purposes of Part 2 of the <i>Criminal Procedures Act 2004</i> in relation to infringement notices under the <i>Health (Asbestos) Regulations 1992</i> .
Conditions on this AUTHORISATION:	<p>a. The authorisation for the issuing of Infringement Notices is granted to (Authorised Officers):</p> <ul style="list-style-type: none"> i. Coordinator Health Services ii. Coordinator Business Support and Environmental Health Projects iii. Environmental Health Program Officer iv. Environmental Health Officers <p>b. Each authorised officer must show that he/she is authorised to issue infringement notices (certificate or identity card): s.7 Criminal Procedure Act 2004</p> <p>c. The authorisation for withdrawing of Infringement Notices or extending the time to pay is granted to (Approved Officers):</p> <ul style="list-style-type: none"> i. Chief Executive Officer ii. Executive Manager Planning and Development iii. Manager Health and Building Services
Compliance Links:	<i>Public Health Act 2016</i> s.25 - Certain authorised officers to have qualifications and experience <i>Health (Miscellaneous Provisions) Act 1911</i> <i>Health (Asbestos) Regulations 1992</i> <i>Criminal Procedure Act 2004</i>
Record Keeping:	Record to be retained in CIA index: CIA Personnel records



Document Control:

Date adopted by Council:

11 June 2025



36 – Appointment of Designated Officers (*Food Act 2008*)

Express Power to AUTHORISE:	<i>Food Act 2008</i> s.122(1) - Appointment of authorised officers
Express Power or Duty AUTHORISED:	<i>Food Act 2008</i> s.126(13) - Infringement notices - designated officers
AUTHORISED OFFICER(S)	Chief Executive Officer Executive Director Planning & Development Manager Building & Health Services Coordinator Health Services Coordinator Business Support and Environmental Health Projects Environmental Health Officers Environmental Health Program Officer (where they hold the qualifications suitable to be an Environmental Health Officer)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Undertake the powers of a 'designated person' as prescribed in the <i>Food Act 2008</i> and Regulations.
Conditions on this AUTHORISATION:	a. Certificates of authority must contain the prescribed information in section 123(2). <u>Chief Executive Officer, Executive Manager Planning & Development, Manager Health & Building Services</u> a. Designated officers for the purpose of Section 126(6) - extend timeframe in which to pay infringement notices and (7) - withdraw infringement notices only <u>Coordinator Health Services, Coordinator Business Support and Environmental Health Projects, Environmental Health Officers, Environmental Health Program Officer</u> a. Designated officers for the purpose of Section 126(2) - issue infringement notices only
Compliance Links:	<i>Food Act 2008</i> s.122(3) - requirement to maintain a list of authorised officers appointed s.123(1) - requirement to provide each authorised officer with a certificate of authority <i>Food Regulations 2009</i> Department of Health: Guideline on Appointment of Authorised Officers - Designated Officers Only
Record Keeping:	Record to be retained in CIA index: CIA Personnel records

Document Control:

Date adopted by Council:	11 June 2025
---------------------------------	--------------

37 – Appointment of Restricted Investigators (*Tobacco Products Control Act 2006*)

Express Power to AUTHORISE:	<i>Tobacco Products Control Act 2006</i> s.77 – Appointment of restricted investigators
Express Power or Duty AUTHORISED:	<i>Tobacco Products Control Act 2006</i> s.78 – Powers of restricted investigators
AUTHORISED OFFICER(S)	Manager Health and Building Services Coordinator Health Services Coordinator Business Support and Environmental Health Projects Environmental Health Program Officer Environmental Health Officers
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Undertake the functions and powers of an 'restricted investigator' for the purposes of the <i>Tobacco Products Control Act 2006</i>
Conditions on this AUTHORISATION:	<i>Tobacco Products Control Act 2006</i> 1. s.77(3) – Restricted investigators to have appropriate qualifications and experience 2. s.77(4) – the Department of Health's guidelines on the qualifications and experience that are appropriate for a restricted investigator must be taken into account 3. A restricted investigator must produce their identify card if asked to do so under section 82
Compliance Links:	<i>Tobacco Products Control Act 2006</i> <i>Tobacco Products Control Regulations 2006</i>
Record Keeping:	Record to be retained in CIA index: CIA Personnel records

Document Control:

Date adopted by Council:	11 June 2025
---------------------------------	--------------

38 – Registration, Enforcement Orders and Prosecutions (*Public Health Act 2016*)

Express Power to AUTHORISE:	<i>Public Health Act 2016</i> s.21 – Enforcement agency may delegate
Express Power or Duty AUTHORISED:	<i>Public Health Act 2016</i> Part 8 – Registration and Licensing Part 14 – Improvement Notices and Enforcement Orders Section 280 – Prosecutions
AUTHORISED OFFICER(S)	Executive Director Planning and Development Manager Health and Building Services Coordinator Health Services Coordinator Business Support and Environmental Health Projects Environmental Health Program Officer Environmental Health Officers
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Undertake the functions and powers of an 'enforcement agency' for the purposes of the Public Health Act 2016.
Conditions on this AUTHORISATION:	<i>Public Health Act 2016</i> 1. Environmental Health Officers can only undertake the functions in Part 8 and Division 2 of Part 14 (improvement notices) of the <i>Public Health Act 2016</i> 2. Only the Executive Director Planning and Development and Manager Health and Building Services can exercise the powers under Division 3 of Part 14 (enforcement orders) and authorise the commencement of legal proceedings.
Compliance Links:	<i>Public Health Act 2016</i> <i>Health (Miscellaneous Provisions) Act 1911</i>
Record Keeping:	Record to be retained in CIA index: CIA Personnel records

Document Control:

Date adopted by Council:	11 June 2025
---------------------------------	--------------



CEO AUTHORISATIONS

39 –Authorised Employees – Development Approval Functions in Relation to Single Houses (*Planning and Development Act 2005*)

Express Power to AUTHORISE:	<i>Planning and Development Act 2005</i> s.257C – performance of functions under local planning schemes in relation to single house development <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> r.84D – authorisation of employees
Express Power or Duty AUTHORISED:	<i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Division 2A - Performance of development approval functions in relation to single houses r.84B – prescribed single house development r.84C – performance of prescribed development approval functions in relation to prescribed single house development
AUTHORISED OFFICER(S)	Executive Director Planning & Development Manager Statutory Planning Manager Health & Building Services Coordinator Development Assessment & Appeals Coordinator Statutory Project Planning Coordinator Statutory Planning Reform Coordinator Planning Process Coordinator Building Services Senior Planning Officer(s)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to exercise and discharge all or any of the powers and functions of the CEO.
Conditions on this AUTHORISATION:	Nil
Compliance Links:	<i>Planning & Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>City of Swan Local Planning Scheme No.17</i>
Record Keeping:	Record to be retained in ECM index: STATUTORY DEVELOPMENT & BUILDING CONTROLS - Planning Controls – Development Approvals (relevant year)

Document Control:


Date Authorised by CEO:		Signed: 17 June 2025
--------------------------------	---	-----------------------------



42 –Authorised Employees – Record Keeping Plan (*State Records Act 2000*)

Express Power to AUTHORISE:	<i>State Records Act 2000</i> Part 3 – Record keeping plans for government organisations
Express Power or Duty AUTHORISED:	<i>Local Government Act 1995</i> s.5.41(2)(e) – the proper keeping of records and documents of the local government
AUTHORISED OFFICER(S)	Coordinator Information Management Business Unit Managers
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to exercise and discharge all or any of the powers and functions of the CEO in relation to the implementation of the City's Record Keeping Plan, including the destruction or retention of records of the City of Swan.
Conditions on this AUTHORISATION:	Nil
Compliance Links:	<i>State Records Act 2000</i> <i>Freedom of Information Act 1992</i> <i>Local Government Act 1995</i>
Record Keeping:	Record to be retained in ECM index:

Document Control:

Date Authorised by CEO:		Signed: 28 May 2025
--------------------------------	---	----------------------------



43 –Authorised Employees – Development Approval Functions in Relation to Single Houses (*Local Government (Development Assessment Panels) Regulations 2025*)

Express Power to AUTHORISE:	<i>Local Government (Development Assessment Panels) Regulations 2025</i> r.6 – authorisation of employees
Express Power or Duty AUTHORISED:	<i>Planning and Development (Development Assessment Panels) Regulations 2025</i> r.12 – relevant DAP function
AUTHORISED OFFICER(S)	Executive Manager Planning & Development Manager Statutory Planning Coordinator Development Assessment & Appeals Coordinator Statutory Project Planning Coordinator Statutory Planning Reform Coordinator Planning Process
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to perform a relevant Development Assessment Panel function (r.12) for and on behalf of the City of Swan.
Conditions on this AUTHORISATION:	Nil
Compliance Links:	<i>Planning & Development Act 2005 Planning and Development (Development Assessment Panels) Regulations 2011 Planning and Development (Local Planning Schemes) Regulations 2015 City of Swan Local Planning Scheme No. 17</i>
Record Keeping:	Record to be retained in ECM index: STATUTORY DEVELOPMENT & BUILDING CONTROLS - Planning Controls – Development Approvals (relevant year)

Document Control:

Date Authorised by CEO:		Signed: 1 May 2025
--------------------------------	---	---------------------------



STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES

Environmental Protection Act 1986

Noise Control – Environmental Protection Notices [Reg.65(1)]

Extract from Government Gazette No.47, March 19, 2004 (pg.919)

EV401

ENVIRONMENTAL PROTECTION ACT 1986

SECTION 20

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows—

Powers and duties delegated—

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Persons to whom delegation made—

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9th day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.
Dr JUDY EDWARDS MLA, Minister for the Environment.

Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events

Extract from Government Gazette No.232, December 20, 2013 (pg.6282)

EV402*

ENVIRONMENTAL PROTECTION ACT 1986

DELEGATION NO. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to—

- (a) waste collection and other works—noise management plans relating to specified works under regulation 14A or 14B;
- (b) bellringing or amplified calls to worship—the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (c) community activities—noise control notices in respect of community noise under regulation 16;
- (d) motor sport venues—noise management plans in relation to motor sport venues under Part 2 Division 3;
- (e) shooting venues—noise management plans in relation to shooting venues under Part 2 Division 4;
- (f) calibration results—requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (g) sporting, cultural and entertainment events—approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation—
 - (i) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by—

JOHN DAY, Acting Minister for Environment; Heritage.

Noise Management Plans – Construction Sites

Extract from Government Gazette No.71, May 16, 2014 (pg.1548)

EV405*

ENVIRONMENTAL PROTECTION ACT 1986

DELEGATION NO. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being 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 my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

Approved by—

Hon ALBERT JACOBS JP MLA, Minister for Environment: Heritage.

Noise Control – Designated Person

Extract from Government Gazette No.28, February 11, 2000 (pg.506)

EP401*

ENVIRONMENTAL PROTECTION ACT 1986

Section 99I

Designation No. 01

This appointment is made pursuant to section 99I of the Environmental Protection Act 1986 ("the Act")

1. Pursuant to section 99I of the Act, I (Dr) Bryan Jenkins, as Chief Executive Officer hereby appoint any person for the time being holding or acting in the Office of Chief Executive Officer of a Local Government under the Local Government Act 1995 as a "designated person" for the purpose of sections 99K, 99M and 99N of the Act.

2. The "designated person" is authorised to accept payments and exercise those powers in relation to modified penalties relating to infringement notices served under section 99J of the Act by an Inspector authorised under section 88 of the Act and employed by the relevant Local Government.

Dated this 21st day of January 2000.

(Dr) BRYAN JENKINS, Chief Executive Officer,
Department of Environmental Protection.

Main Roads Act 1930

Traffic Management - Events on Roads

This Is A Reprint Of A Scanned Image

44 245

WESTERN AUSTRALIA ROAD TRAFFIC CODE 2000 REGULATION 297(2) INSTRUMENT OF AUTHORISATION

RELATING TO TRAFFIC MANAGEMENT FOR EVENTS

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises the City of Swan (Authorised Body) by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

- i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;
- ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or
- iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

The powers in this Instrument of Authorisation do not change or replace:

- 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and
- 2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.

**WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION**

**RELATING TO
TRAFFIC MANAGEMENT FOR EVENTS**

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises the City of Swan (Authorised Body) by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

- i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;
- ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or
- iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

The powers in this Instrument of Authorisation do not change or replace:

- 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and
- 2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.

- (i) the reasonable collection, storage and disposal costs incurred by the City of Swan in respect of; and
 - (ii) any proceeds from the sale by the City of Swan of; any Unattended Vehicles and Unattended Animals removed from the State Road Network by the City of Swan in accordance with this Instrument.
- (h) Main Roads shall reimburse the City of Swan for a claim under paragraph "g" of this instrument within 30 days of the receipt of an invoice from the City of Swan for that claim together with suitable substantiating documentation showing the basis of the amount claimed. When the City of Swan is claiming reimbursement for the first time under paragraph "g" of this Instrument, Main Roads is required to reimburse within 45 days of the notice. The City of Swan shall comply with Main Roads's reasonable request for information regarding the subject matter of a claim under paragraph "g".
- (i) There is no requirement for the City of Swan to reimburse Main Roads for any surplus amount after offsetting their annual costs.
- (j) The right of reimbursement in paragraphs "g" and "h" of this Instrument only applies for claims for reimbursement made by the City of Swan within 3 months of the end of the calendar year to which the subject matter of the claims relate.
- (k) Either party may terminate the arrangements under this Instrument by 14 days notice in writing to the other party. Any obligations accrued under paragraphs "g", "h" and "j" survives the termination of this Instrument.
- (l) Any variation to the instrument must be agreed in writing by both parties.

By executing this Instrument both the Commissioner of Main Roads and the City of Swan respectively agree to observe, perform and comply with their respective obligations as set out in this Instrument.

Dated:

THE COMMON SEAL OF THE)
 COMMISSIONER OF MAIN ROADS)
 WAS AFFIXED BY)
)
 COMMISSIONER OF MAIN ROADS)
 FOR THE TIME BEING IN THE PRESENCE OF:

 Signature of Witness

 Name of Witness (please print)

THE COMMON SEAL of the)
 City of Swan was affixed pursuant)
 to a resolution of the Council)
 in the presence of:)

 Chief Executive Officer

 Witness

Planning and Development Act 2005

Instrument of Authorisation – Local Government CEOs - Sign Development Applications for Crown Land as Owner

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

I, **Donald Terrence Redman MLA**, Minister for Lands, a body corporate continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, HEREBY authorise, in respect of each local government established under the *Local Government Act 1995* and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Dated the *2nd* day of *June* 2016



HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

SCHEDULE

This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the Planning and Development Act 2005

Column 1	Column 2	Column 3
<p>The power to sign as owner in respect of Crown land that is:</p> <ul style="list-style-type: none"> a reserve managed by the local government pursuant to section 46 of the <i>Land Administration Act 1997</i> and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or the land is a road of which the local government has the care, control and management under section 55(2) of the <i>Land Administration Act 1997</i> and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road. <p>In respect of development applications being made under or referred to in:</p> <ul style="list-style-type: none"> (i) section 99(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act); (ii) section 103(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a local interim development order (as that term is defined in that Act); (iii) section 115 of the <i>Planning and Development Act 2005</i> in respect of development within a planning control area (as that term is defined in that Act); (iv) section 122A of the <i>Planning and Development Act 2005</i> in respect of which approval is required under an improvement scheme (as that term is defined in that Act); (v) section 162 of the <i>Planning and Development Act 2005</i> in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act); 	<p>City of Albany City of Armadale Shire of Ashburton Shire of Augusta-Margaret River Town of Bassetdean City of Bayswater City of Belmont Shire of Beverley Shire of Boddington Shire of Boyup Brook Shire of Bridgetown-Greenbushes Shire of Brookton Shire of Broome Shire of Broomehill-Tambellup Shire of Bruce Rock City of Bunbury Shire of Busselton Town of Cambridge City of Cannington Shire of Capel Shire of Carnamah Shire of Carnarvon Shire of Chapman Valley Shire of Chittaring Shire of Christmas Island Town of Claremont City of Cockburn Shire of Coocos (Keeling) Islands Shire of Collie Shire of Coolgardie Shire of Coorow Shire of Corrigin Town of Cottesloe Shire of Cranbrook Shire of Cuballing Shire of Cuel Shire of Cunderdin Shire of Dalwallinu Shire of Dandaragan Shire of Dardanup Shire of Denmark Shire of Derby-West Kimberley Shire of Dongroybrook-Balingup Shire of Doregin Shire of Dumbleyung Shire of Dundas Town of East Fremantle Shire of East Pilbara Shire of Esperance Shire of Exmouth City of Fremantle City of Greater Geraldton Shire of Nannup Shire of Narembea Shire of Naremgin Town of Nerriggin City of Nedlands Shire of Nganyanjarraku Shire of Northam Shire of Northampton Shire of Nungarin Shire of Peppermint Grove Shire of Perenjori City of Perth Shire of Pingelly Shire of Plantagenet Town of Port Hedland Shire of Quairading Shire of Ravensthorpe City of Rockingham Shire of Roebourne Shire of Sandstone Shire of Serpentine-Jamohdale Shire of Shark Bay City of South Perth City of Stirling City of Sturt City of Swan</p>	<p>In accordance with and subject to approved Government Land policies.</p> <p>Any signature subject to the following endorsement: Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</p>

Shire of Tammin
Shire of Three Springs
Shire of Toodyay
Shire of Trayning
Shire of Upper Gascoyne
Town of Victoria Park
Shire of Victoria Plains
Town of Vincent
Shire of Wagin
Shire of Wandaring
City of Wanneroo
Shire of Waroona
Shire of West Arthur
Shire of Westonia
Shire of Wickham
Shire of Williams
Shire of Wiluna
Shire of Wongan-Ballidu
Shire of Woodanilling
Shire of Wyalkatchem
Shire of Wyndham-East Kimberley
Shire of Yalgoo
Shire of Yilgarn
Shire of York



HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

2nd June
..... day of 2016

Development Control Powers – Powers of Local Governments and DOT - Metropolitan Region Scheme (DEL.2017/02)

Extract from Government Gazette No.8, January 18, 2022 (pg.111.).

PL405

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2022/03 Powers of Local Governments Metropolitan Region Scheme

Delegation of certain powers and functions of the Western Australian Planning Commission relating to the Metropolitan Region Scheme.

Preamble

Under section 16 of the Planning and Development Act 2005 (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to an officer of a public authority or to a local government, a committee established under the Local Government Act 1995 or an employee of a local government

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 8 December 2021, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme, of applications for approval to commence and carry out development specified in clauses 1 and 2 of Section A, within their respective districts, subject to the conditions set out in clauses 1 to 4 of Section B;
- B. To revoke its delegation of powers and functions to local governments as detailed in the notice entitled “DEL 2017/02 Powers of local governments (MRS)” published in the *Government Gazette* on 30 May 2017, to give effect to this delegation.

SAM FAGAN, Secretary, Western Australian Planning Commission.

WA Planning Commission – Powers of Local Governments - s.15 of the Strata Titles Act 1985 (DEL.2020/01)

Extract from Government Gazette No.20, January 29, 2021 (pg.449).

PL402

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2020/01 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to certain applications under the *Strata Titles Act 1985*

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function under the Act or any other written law to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 20 January 2021, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- B. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the *Strata Titles Act 1985* as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- C. TO AMEND “Del 2020/01—Powers of Local Governments” to give effect to its resolution and to publish an updated, consolidated instrument.

SAM FAGAN, Western Australian Planning Commission.

Schedule 1

1. Applications made under section 15 of the *Strata Titles Act 1985*

Power to determine applications under section 15 of the *Strata Titles Act 1985*, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) propose the creation or postponement of a leasehold scheme;
- (d) propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the *Strata Titles Act 1985*);
- (e) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
 - i. a type of development; and/or
 - ii. land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

2. Applications under sections 21 and 22 of the *Strata Titles Act 1985*

Power to determine applications under—

- (a) section 21 of the *Strata Titles Act 1985*;
- (b) section 22 of the *Strata Titles Act 1985* where the amendment or repeal of scheme by-laws requires the approval of the WAPC.

3. Reporting requirements

A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.

Road Traffic (Vehicles) Act 2012

Approval for Certain Local Government Vehicles as Special Use Vehicles



Government of Western Australia
Department of Transport
Driver and Vehicle Services

ROAD TRAFFIC (VEHICLES) ACT 2012

Road Traffic (Vehicles) Regulations 2014

RTVR-2017-202046

APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES

Pursuant to the *Road Traffic (Vehicles) Regulations 2014* (the *Regulations*), I, Christopher Davers, Assistant Director Strategy and Policy, Driver and Vehicle Services, Department of Transport, and delegate of the Chief Executive Officer of the Department of Transport by way of a delegation instrument dated 7 August 2017, hereby approve vehicles owned by a local government and ordinarily used by persons authorised or appointed by that local government to perform functions on its behalf under:

- (a) the *Local Government Act 1995*;
- (b) regulations made under the *Local Government Act 1995*;
- (c) a local law;
- (d) any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the *Dog Act 1976*); or
- (e) any combination of the above paragraphs (a) to (d);

as special use vehicles for the purposes of paragraph "f" of the definition of "*special use vehicle*" in regulation 327(4) of the *Regulations*, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the *Regulations*, subject to the following conditions:

CONDITIONS

1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light.
2. At least one flashing light shall be mounted on top of the vehicle and when lit, shall be visible in normal daylight up to a distance of not less than 200 metres to vehicles approaching from any direction.
3. No part of the lens of the flashing lights is visible either directly or indirectly to the driver when seated in the normal driving position.
4. If more than one flashing light is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles.
5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat.
6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle.
7. Any vehicle fitted with flashing lights for the purposes of this approval must:

CAV



Government of **Western Australia**
Department of **Transport**

Driver and Vehicle Services

- (a) have words clearly set out on the sides of the vehicle which state the name of the local government in question together with the words "Ranger", "Ranger Services", or words to similar unambiguous effect; and
- (b) where the vehicle is a station wagon or van, have the words "Ranger", "Ranger Services", or words to similar unambiguous effect clearly set out on the back of the vehicle.

This condition 7 is not intended to prevent the use of additional words on the vehicle.

Christopher Davers
Assistant Director, Strategy and Policy
Driver and Vehicle Services
Department of Transport

Dated the 5th day of September 2017



ROAD TRAFFIC ACT 1974

Road Traffic Code 2000

RTC-2017-202046.2

APPROVAL UNDER REGULATION 289(1)(a)(ii) TO DISPLAY YELLOW FLASHING WARNING LIGHTS ON RANGER VEHICLES

Pursuant to regulation 289(1)(a)(ii) of the *Road Traffic Code 2000* (the Code), I, Christopher Davers, Assistant Director Strategy and Policy, Driver and Vehicle Services, Department of Transport, and delegate of the Chief Executive Officer of the Department of Transport by way of a delegation instrument dated 7 August 2017, hereby approve vehicles ("Approved Vehicles"), owned by a local government while used by a person authorised or appointed by that local government ("Authorised Person") to perform functions on the behalf of the local government under:

- (a) the *Local Government Act 1995*;
- (b) regulations made under the *Local Government Act 1995*;
- (c) a local law;
- (d) any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the *Dog Act 1976*); or
- (e) any combination of the above paragraphs (a) to (d);

in the course of carrying out their duties, to use yellow flashing warning lights subject to the following conditions:

CONDITIONS

1. The yellow flashing warning lights may only be used when the Authorised Person is using the vehicle in the course of carrying out their duties.
2. The yellow flashing warning lights may only be used while the vehicle is occupying a hazardous position on a road, while stationary, or while manoeuvring at a speed not exceeding 20 km/h.
3. Approved Vehicles must only use yellow flashing warning lights and no other colours of flashing warning lights.
4. The yellow flashing warning lights must be removed or covered when an Approved Vehicle is not being operated in accordance with the conditions of this approval.
5. This approval only applies to a vehicle if it:
 - (a) has words clearly set out on the sides of the vehicle which state the name of the local government in question together with the words "Ranger", "Ranger Services", or words to similar unambiguous effect; and



Government of **Western Australia**
Department of **Transport**

Driver and Vehicle Services

- (b) where the vehicle is a station wagon or van, has the words "Ranger", "Ranger Services", or words to similar unambiguous effect clearly set out on the back of the vehicle.

This condition 5 is not intended to prevent the use of additional words on the vehicle.

Christopher Davers
Assistant Director, Strategy and Policy
Driver and Vehicle Services
Department of Transport

Dated the 5th day of September 2017