

**SUTHERLAND SHIRE COUNCIL**  
**INSTRUMENT OF DELEGATION BY THE CHIEF EXECUTIVE OFFICER**

In accordance with section 378 of the *Local Government Act 1993*, I hereby:

1. Delegate to the position of:

**Director Planning and Growth**

and to those people who may act in that position from time to time, the following functions subject to the limitations stated in this Instrument of Delegation and any subsequent written direction made by the Chief Executive Officer; and

2. Revoke any previous Instrument of Delegation to that position.



**Manjeet Grewal**

**Chief Executive Officer**

**13 May 2024**

**DELEGATIONS**

**AM Asset Management Functions**

**AM01 Approval of work and costs incurred for Street Lighting**

Approve work to proceed and for Council to bear the additional annual charge where the relevant energy provider has agreed to a scheme of street lighting improvement.

Approve the replacement of street lamps or variations in wattage or type of street lamps.

Approve the installation of street lights in new areas where it is considered that street lighting is required and for Council to bear the additional annual charges.

**FS Finance Functions**

**FS12 Write off debts (other than rates and charges) up to \$2,000**

Write off debts for fees due other than rates, charges and accrued interest to a maximum of \$2,000 in any one instance, but only where the debt is not lawfully recoverable, it is the result of a decision of a court, or the delegate believes on reasonable grounds that an attempt to recover the amount would not be cost effective, under the *Local Government Act 1993* and *Regulation*.

*Note: Clause 213(2) of the Local Government (General) Regulation 2021 provides that a council must, from time to time, by resolution, fix the amount above which debts to the council may be written off only by resolution of the council. Clause 213 also requires the decision to write off a debt to be in writing and to contain certain information.*

#### **FS17 Council Timesheets Approval**

Approve and certify staff timesheets within the position holder's area of responsibility.

#### **FS25 Refunds – Overpayments and adjustments**

Approve or refuse refunds in accordance with applicable legislation and Council policy for over payment or adjustment of monies, subject to appropriate evidence of the over payment.

#### **FS26 Sell plant, equipment, goods and the like <\$150,000**

Authorise the disposal of assets by sale, of written down book value less than \$150,000 (including GST), other than land or assets of potentially historical or cultural significance and, in any case, not by donation, in accordance with the Infrastructure, Property, Plant and Equipment Asset Accounting Determination and Guideline, and sign documents arising therefrom.

#### **FS27 Refunds – Approve Refund of Security Bonds and Deposits**

Draw on, release or authorise the refund of security fund deposits provided that the purpose for which the deposit is held has been satisfied or the deposit is no longer required.

#### **FS32 Hold Corporate Credit Card \$5000**

Hold a Corporate Credit Card for the supply, purchase, or hire of goods, works, services, plant, equipment in accordance with the Credit Card Determination and Procurement Policy and Guidelines to the value of \$5000

#### **CG Compliance - General Functions**

##### **CG02 Appointed as an Authorised Person under the Biosecurity Act 2015 (Certificate of Authority Required)**

Appointed under Section 372 of the *Biosecurity Act 2015*, as and to exercise the functions of an authorised officer and exercise all other functions under the *Biosecurity Act 2015*. This includes (but is not limited to) entering and inspecting premises, applying for search warrants, erecting notices, giving notices and serving penalty notices.

##### **CG05 Appointed as Authorised Officer under the Boarding Houses Act 2012 (Certificate of Authority Required)**

Appointed as an Authorised Officer to undertake initial compliance investigations for registered boarding houses under Division 4 of the *Boarding Houses Act 2012*. This includes (but is not limited to) entering and inspecting premises, open ground and remove flooring, taking of photographs, and giving notices.

##### **CG06 Appointed as Authorised Officer under the Food Act 2003 (Certificate of Authority Required)**

Appointed as an Authorised Officer and authorised to exercise all other functions under the *Food Act 2003* and *Regulation*. This includes (but is not limited to) entering and inspecting premises, applying for search warrants, seizing items, serving notices and orders, and serving penalty notices.

##### **CG07 Appointed as Authorised Officer under the Protection of the Environment Operations Act 1997 (Certificate of Authority Required)**

Appointed as and to exercise the functions of an authorised officer and enforcement officer and authorised to exercise all other functions under the *Protection of the Environment Operations Act 1997* and *Regulation*. This includes (but is not limited to) entering and inspecting premises, seizing items, applying for search warrants, requiring the furnishing of information and records, requiring answers to questions, giving directions and notices and serving penalty notices.

##### **CG09 Appointed as Authorised Officer under the Public Health Act 2010 (Certificate of Authority Required)**

Appointed as and to exercise the functions of an Authorised Officer and authorised to exercise all other functions under the *Public Health Act 2010* and *Regulation*. This includes (but is not limited to) entering and inspecting premises, giving directions, applying for search warrants, taking of samples, requiring answers to questions, serving penalty notices and serving notices and orders.

#### **CG10 Appointed as Authorised Officer under the Rural Fires Act 1997**

Appointed as an Authorised Officer to exercise the functions conferred on the Council under the *Rural Fires Act 1997* and *Regulation*.

#### **CG12 Appointed as Authorised Officer under the Swimming Pools Act 1992 (Certificate of Authority Required)**

Appointed as an Authorised Officer to exercise the functions conferred on the Council under Section 27 of the *Swimming Pools Act 1992* and *Regulation*. This includes (but is not limited to) entering and examining premises, applying for search warrants, serving orders, and serving penalty notices.

#### **CG13 Appointed as Authorised Officer, Authorised Person, Inspector, Enforcement Officer or similar on behalf of Council (Certificate of Authority Required)**

Appointed as an Authorised Officer/Person/Inspector/Enforcement Officer and the like under any law under which Council has functions and authorised to exercise all other functions under those laws, subject to the qualifications listed below. The functions referred to in this clause include (but are not limited to): entering, inspecting and searching land, premises and property; applying for search warrants; giving directions; requiring answers to questions; requiring the furnishing of information and records; giving directions; issuing, giving and serving notices and orders; revoking orders; and issuing and serving penalty notices. Qualifications:

1. Subject to this Delegation, only the following functions can be exercised under the *Environmental Planning and Assessment Act 1979* and *Regulation*: (a) The delegate is appointed as and to exercise the functions of an authorised person, including the functions under Division 1A (Local Enforcement Powers) of Part 6; and (b) Council's functions under Part 6 Division 2A (Orders); and (c) Serve penalty notices as an authorised person, under section 127A and clause 284; and (d) Council's inspection functions.
2. Subject to this Delegation, only the following functions can be exercised under the *Local Government Act 1993* and *Regulation*: (a) The delegate is appointed as and to exercise the functions of an authorised person, including the functions as a 'person authorised' under Part 2 (Entry on to land and other powers) of Chapter 8; and (b) Council's functions under Part 2 (Orders) of Chapter 7; and (c) Serve penalty notices as an authorised person, under section 679; and (d) Council's inspection functions.

#### **CG14 Appointed as Authorised Person for Entry on to land and other powers under Local Government Act 1993 Chapter 8 Part 2 (Certificate of Authority Required)**

Appointed as and Authorised Person to exercise the functions conferred on Council (including the 'person authorised' referred to in Part 2 of Chapter 8) under the *Local Government Act 1993* and *Regulation*. This includes (but is not limited to) entering and inspecting premises, giving directions, applying for search warrants, requiring answers to questions and serving penalty notices.

#### **CG16 Appointed as Council Authorised Person under the Environmental Planning and Assessment Act 1979**

Appointed as a Council Authorised Person pursuant Division 9.3 and clause 284 of the *Environmental Planning and Assessment Act 1979* and *Regulation*, for the purposes of serving penalty notices relating to any offence committed under this Act or Regulation.

#### **CG22 Consider Representations on Penalty Notices, Direction or Order**

Consider representations in relation to penalty infringement notices, direction or order issued in accordance with Council's Compliance and Enforcement Policy and guidelines. The delegate can decide whether to caution the person, suspend, discontinue or continue enforcement of the notice (which may involve court proceedings), other than notices, directions or orders issued by the position holder.

#### **CG25 Issue Interim Heritage Orders under the Heritage Act 1977**

Issue an Interim Heritage Order under Part 3 Section 25 of the *Heritage Act 1977* and *Regulation*, only under the direction of the Minister for Heritage.

#### **CG26 Conduct Inspections under the Environmental Planning and Assessment Act 1979**

Exercise Council's inspection functions under the *Environmental Planning and Assessment Act 1979* and *Regulation*.

#### **CG30 Issue documents under the Environmental Planning and Assessment Act 1979**

Issue a certified copy or extract of a document, pursuant to section 10.8 of the *Environmental Planning and Assessment Act 1979*.

## **CR Compliance - Roads Act 1993 Functions**

### **CR04 Roads Act 1993 Section 100 Issue Directions regarding Private Railway**

Make a direction in relation to a private railway under Section 100 of the *Roads Act 1993*.

### **CR10 Roads Act 1993 Section 116 Applications to the Roads and Maritime Service**

Apply to the RTA for consent to the erection of any notice or barrier, the carrying out of any work or the taking of any other action for the purpose of regulating traffic on a public road and the removal of any notice or barrier, the demolition of any work or the ceasing of any action for which it has been given consent under Part 8 Division 2 of Section 116 of the *Roads Act 1993*.

### **CR17 Roads Act 1993 Section 144 Grant permits in relation to conduct a road event**

Grant a permit to any person to conduct a road event on a public road, subject to any requirements of the Sutherland Traffic Committee and any relevant authority under Section 144 of the *Roads Act 1993*.

### **CR25 Roads Act 1993 Section 238 Take Action and Recover Costs**

Take action to give effect to a direction given under the Act and to recover the costs incurred in exercising any function under Division 2 and Section 248 of the *Roads Act 1993*.

### **CR27 Roads Act 1993 Section 248 Issue Evidentiary certificates**

Issue evidentiary certificates under Section 248 of the *Roads Act 1993*.

### **CR41 Roads Act 1993 Section Division 3 Part 9 Revoke consent other than street vending**

Revoke a consent (other than a street vending consent) under Division 3 of Part 9 of the *Roads Act 1993* at any time and for any reason by notice in writing served on the holder of the consent.

## **CN Contract Functions**

### **CN02 Grants- Execute agreements, contracts and other documentation**

Sign grant agreements and associated documentation and the acceptance of funding, on behalf of Council, provided any contribution by Council is budgeted for.

### **CN03 Sign a Deed of Agreement - Replanting Trees on Public Land**

Sign on behalf of Council, Deeds of Agreement in respect of the replanting of trees on public lands and the acceptance of associated funds.

### **CN04 Execute Contracts in relation to development certification work**

Sign contracts and other documents, on behalf of Council, in relation to certification work between Council and an applicant provided there is no requirement for the expenditure of funds.

### **CN05 Execute contracts - DIRECTORS ONLY**

Execute contracts, on behalf of Council, in accordance with the Delegations of Authority Determination and Guidelines, provided the expenditure does not exceed \$250,000 over the life of the contract.

Execute subcontracts up to the value of \$1,000,000 over the life of the contract for goods, works and services under an existing Council / CEO approved:

- prescribed contract (within the meaning of clause 163 of the Local Government (General) Regulation 2021); and/or
- Preferred Supplier Agreement / Contract.

### **CN08 Terminate contracts (to align with existing execute delegation function provision) - DIRECTORS ONLY**

Terminate contracts, on behalf of Council, in accordance with the Delegations of Authority Determination and Guidelines, provided the contract value does not exceed \$250,000 (to align with existing execute delegation function provision).

Terminate subcontracts up to the value of \$1,000,000 over the life of the contract for goods, works and services under an existing Council / CEO approved:

- prescribed contract (within the meaning of clause 163 of the Local Government (General) Regulation 2021); and/or
- Preferred Supplier Agreement / Contract.

**CN11 Execute contracts for the purposes of Natural Disaster Relief and Recovery Arrangements up to the value of \$500,000**

Authority to arrange, enter into and manage a contract with a value of up to \$500,000 for the purpose of responding to, or recovering from, a declared natural disaster within 12 months of the declaration of the natural disaster in accordance with *Local Government (General) Regulation 2021*.

**ES Emergency Situation and Urgent Works Functions**

**ES03 Authorise the Use of Council's personnel, plant and equipment in Emergency Situations**

Authorise the use of Council's plant, equipment and personnel as required emergency situations and in response to any lawful direction given under the *State Emergency and Rescue Management Act 1989*

**ES04 Authority to take Action - State Emergency and Rescue Management Act 1989**

Take action under the *State Emergency Rescue Management Act 1989*

**LE Legislative Functions**

**LE04 Appointed as Public Interest Disclosure Officer under the Public Interest Disclosure Act 2022**

Appointed as a Public Interest Disclosure Officer under the requirements of the Public Interest Disclosure Act 2022 to receive reports of voluntary public interest disclosures.

**LE 13 Exercise of Delegation Under 3I(1) of Transport Administration Act 1988**

To exercise the temporary Delegation afforded to councils on 24 February 2023 by the Secretary, Department of Transport (to 30 June 2026, unless revoked earlier) for Traffic Management and Pedestrian Works.

**LP Land and Property Functions**

**LP08 Enter into and Execute hire agreements in relation to a Community Facility on Public Land (up to 1yr or \$100,000)**

Enter into hire agreements for the use of community facilities located on public land provided:

- (a) the term does not exceed 12 months and
- (b) the fee or charge does not exceed \$1,000 per annum and
- (c) the fee or charge is in accordance with Council's Schedule of Fees and Charges (where applicable)

**LP12 Execute Documents for Land Registration**

For the purpose of enabling registration at the NSW Land Registry Services, execute documents, dealings and the like (for example, plans and those that create, vary, modify, release or extinguish, easements, restrictions and covenants).

EXCLUSION: the delegate is not authorised to do so where Council is the beneficiary or the document or dealing concerns land owned by Council or land under Council's care control and management.

**LP19 Issue Certificate under the Conveyancing Act 1919**

Issue a certificate of amount due or works required, under Section 88G of the *Conveyancing Act 1919*

**LP20 Terminate hire agreements in relation to Community Facility on Public Land (up to 1yr or \$100,000)**

Terminate hire agreements for the use of community facilities located on public land provided:

- (a) the term does not exceed 12 months and
- (b) the fee or charge does not exceed \$100,000 per annum and
- (c) the fee or charge is in accordance with Council's Schedule of Fees and Charges (where applicable)

## **LP21 Terminate leases, licences and hire agreements in relation to Community and Operational Land (5yrs or \$25,000)**

Terminate leases, licences and hire agreements for the use of public land, Crown land for which Council is Crown Land Manager, and public roads provided:

- (a) the term does not exceed five years; and
- (b) the fee and charge does not exceed \$25,000 per annum; and
- (c) the transaction is authorised by the relevant Plan of Management (where applicable); and
- (d) the fee or charge is in accordance with Council's Schedule of Fees and Charges (where applicable); and
- (e) in respect of residential leases, the lease has been authorised by a resolution of the Council.

## **LP22 Terminate leases, licences and hire agreements in relation to Community and Operational Land (1yr or \$5,000)**

Terminate leases, licences and hire agreements for the use of public land, Crown land for which Council is Crown Land Manager, and public roads provided:

- (a) the term does not exceed one year; and
- (b) the consideration does not exceed \$5,000 per annum; and
- (c) the transaction is authorised by the relevant Plan of Management (where applicable); and
- (d) the fee or charge is in accordance with Council's Schedule of Fees and Charges (where applicable).

## **PD Planning and Development Functions**

### **PD01 Assess and Determine Applications for Certificates**

Assess and determine an application for and issue certificates, (such as but not limited to construction certificate, subdivision works certificate, occupation certificate, subdivision certificate, building information certificate) pursuant to Part 6 of the *Environmental Planning and Assessment Act 1979* and *Regulation* and where relevant, in accordance with the accreditation as per the *Building and Development Certifiers Act 2018* and *Regulation* specifically issued to the delegate.

### **PD02 Assess and Determine Complying Development Certificates**

Assess and determine an application for and issue a complying development certificate (including an application to modify a complying development certificate), pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* and *Regulation* and in accordance with the accreditation as per the *Building and Development Certifiers Act 2018* and *Regulation* specifically issued to the delegate.

### **PD03 Issue Certificates for Outstanding Orders or Notices**

Issue a certificate as to outstanding orders or notices, pursuant to section 10.11 of the *Environmental Planning and Assessment Act 1979*

### **PD04 Issue Planning Certificates**

Issue a planning certificate, pursuant to section 10.7 of the *Environmental Planning and Assessment Act 1979* and *Regulation*.

### **PD05 Assess and Determine Strata Certificates**

Assess and determine an application for and issue a strata certificate, pursuant to Part 4 of the *Strata Schemes Development Act 2015* and *Regulation*.

### **PD06 Assess and Terminate Strata Certificates**

Assess and determine an application to terminate a strata certificate, pursuant to Part 9 of the *Strata Schemes Development Act 2015* and *Regulation*.

### **PD07 Planning Instruments – Local Environment Plans**

Exercise Council's functions under Part 3 (Planning Instruments) of the *Environmental Planning and Assessment Act 1979* and regulation in relation to environmental planning instruments, development control plans. However, the delegate is not authorised to submit a planning proposal to DPIE for Gateway Determination unless authorised by resolution of Council. With the exception of matters that fall under Clause 3.22.

### **PD08 Development Assessment, Review and Appeals**

Exercise Councils functions under Part 4 (Development Assessment) and under Part 8 (Review and Appeals) of the *Environmental Planning and Assessment Act 1979* and Regulation by way of determining applications.

#### **PD10 Refer Applications to Other Bodies**

Refer applications to other councils, external bodies and consultants for assessment and comment.

#### **PD11 Application Acceptance and Requests**

Exercise Council's functions with respect to Application Acceptance and Request for additional information under Part 6 (Procedures relating to development applications) of the *Environmental Planning and Assessment Regulation*;

1. Reject an application pursuant to clause 51 of the Regulation and
2. Request further information pursuant to clause 54 of the Regulation

#### **PD12 Infrastructure and Environmental Impact Assessment**

Exercise Council's functions under Part 5 (Infrastructure and Environmental Impact Assessment) of the *Environmental Planning and Assessment Act 1979* and *Regulation*.

#### **PD13 Assess under Telecommunications Act 1997 and Low Impact Facilities Determination 2018**

Assess, finalise and deal with a notification by a licensed carrier within the meaning of the *Telecommunication Act 1997* and the *Low Impact Facilities Determination 2018* for the construction, maintenance and operation of telecommunication facilities on land under the ownership of Council and land under Council's care, control and management.

#### **PD15 Issue Notices and Certificates as a Registered Certifier**

Issue notices and certificates as a registered certifier pursuant to Part 6 Building and Subdivision Certification of the *Environmental Planning and Assessment Act* and *Regulation*, and in accordance with the appropriate accreditation as per the *Building and Development Certifiers Act 2018* and *Regulation 2020*.

#### **PD16 Exercise Council's Approval functions under the Local Government Act 1993**

Exercise Council's functions under Part 1 (Approvals) of Chapter 7 of the *Local Government Act 1993* and *Regulation*

#### **PD17 Prepare Quotations for provision of Certification Services by Sutherland Shire Council**

Prepare quotations for the provision of certification services provided by Sutherland Shire Council where Council's adopted schedule of Fees and Charges for goods and services provides for individual quotations.

#### **PD18 Amend Notations to Planning Certificates – Council Resolution**

Amend notations on Section 10.7 Planning Certificates with resolution of Council only, as per the *Environmental Planning and Assessment Act 1979*

#### **PD19 Amend Notations to Planning Certificates – with Sufficient evidence**

Amend on the basis of sufficient evidence

Amend notations on Section 10.7 Planning Certificates on the basis of sufficient evidence, as per the *Environmental Planning and Assessment Act 1979*

#### **PD20 Planning Instruments – Development Control Plans**

Exercise Council's functions under Part 3 (Planning Instruments) of the *Environmental Planning and Assessment Act 1979* and *Regulation* in relation to development control plans. However, the delegate is not authorised to exhibit a draft development control plan unless authorised by resolution of Council.

#### **PD21 Infrastructure Contributions and Finance**

Exercise Council's functions under Part 7 Infrastructure Contributions and Finance of the *Environmental Planning and Assessment Act 1979* and *Regulation* in relation to contribution plans and finance.

However, the delegate is not authorised to place a draft contribution plan on public exhibition unless authorised by a resolution of the Council

## **PD22 Reclassification of Council land – Prepare and Exhibit Draft LEP**

Prepare a draft local environmental plan for the purposes of Part 2 (Public land) of Chapter 6 of the *Local Government Act 1993* and *Regulation* and exhibit in accordance with the terms of Gateway Determination

## **PC People and Culture Functions**

### **PC01 Represent Council and Industrial Courts and Tribunals**

Represent Council in industrial matters, including at the Industrial Relations Commission and Anti-Discrimination Board

### **PC04 Authorise Payment Untaken Sick Leave**

Authorise untaken sick leave payments, in accordance with the Core Enterprise Agreement (clause 6.5), provided the employee meets the criteria for payment.

### **PC05 Determine Overtime and Time in Lieu Requests**

Determine requests for the accrual of overtime and time in lieu

### **PC06 Direct Employee Leave**

Direct employee to take leave in accordance with the *Local Government (State) Award* and Council policy

### **PC07 Authorise Disciplinary Actions; general**

Sign and issue;

- 1st Written Warning,
- 2nd Written Warning and
- 3rd and Final Written Warning

disciplinary letters in accordance with the provisions of the *Local Government (State) Award* and Council policy.

### **PC08 Authorise Disciplinary Actions; verbal warnings and performance improvement plans**

Issue verbal warnings and Performance Improvement Plans.

### **PC09 Authorise Show Cause Notices**

Authorise Show Cause Notices.

### **PC10 Authorise Suspension or Stand Down Employees**

Suspend and stand down employees in accordance with the *Local Government (State) Award* and Council policy with the concurrence of the Manager People and Culture

### **PC11 Authorise termination of employment**

Terminate the employment of Employees with the concurrence of the Manager People and Culture

### **PC12 Amend conditions of employment**

With the concurrence of the Chief Executive Officer, interpret and make amendments to conditions of employment, except for the Delegates own position and, in relation to the Manager of P&C, positions within their team.

### **PC13 Appoint to Vacant Positions**

Appoint persons to vacant positions in accordance with the provisions of the *Local Government Act 1993*, *except for the Delegates own position and, in relation to the Manager of P&C, positions within their team.*

### **PC14 Authorise Permanent Appointment of Employees following Probation**

Determine the permanent appointment of Employees following the probation period, except for the Delegates own position and, in relation to the Manager of P&C, positions within their team.



### **PC15 Determine Organisational Structure**

Determine the Organisational Structure below the level of Director, with the concurrence of the Chief Executive Officer, subject to any consultation required under any relevant Enterprise Agreement, Industrial Agreements, Award, Council Agreements, Industrial Instruments and Council policy

### **PC16 Authorise to Evaluate Position Grading**

Authorise the evaluation of position grading in accordance with requirements under any relevant Enterprise Agreement, Industrial Agreements, Award, Council Agreements, Industrial Instruments and Council policy except for the Delegates own position and, in relation to the Manager of P&C, positions within their team

### **PC17 Authorise the Advertisement of Vacancies**

Authorise the advertisement of vacant positions, except for the Delegates own position and, in relation to the Manager of P&C, positions within their team.

### **PC18 Authorise the Engagement of Temporary Staff**

Authorise the engagement of temporary staff.

### **PC19 Authorise the Engagement of Casual Staff**

Authorise the engagement of casual staff

### **PC21 Approve Allowances - Operational**

Approve operational allowances in accordance with requirements under any relevant Enterprise Agreement, Industrial Agreements, Award, Council Agreements, Industrial Instruments and Council policy.

### **PC22 Approve Allowances - Discretionary**

Approve discretionary allowances in accordance with requirements under any relevant Enterprise Agreement, Industrial Agreements, Award, Council Agreements, Industrial Instruments and Council policy.

### **PC23 Approval Allowances – Percentage or Package**

Approve percentage or package allowances in accordance with requirements under any relevant Enterprise Agreement, Industrial Agreements, Award, Council Agreements, Industrial Instruments and Council policy.

### **PC26 Authorise Temporary Unfit Stand Down**

Temporarily stand down an employee in accordance with Council's Alcohol & Other Drugs Determination and Guidelines, Code of Conduct for Council Staff, Work Health and Safety Policy and the Local Government (State) Award.

## **PR Procurement Functions**

### **PR11 Submit Tenders**

Submit tenders to external bodies, organisations, authorities and the like to provide works and services to them.

### **PR12 Submit Quotations Other than Those Included in Fees and Charges**

Submit quotations to external bodies, organisations, authorities and the like to provide works and services to them, outside of those included in Fees and Charges.

### **PR19 Authorise Expenditure (DIRECTORS ONLY)**

- Authorise expenditure for the procurement of goods, works and services, in accordance with the Procurement Policy and Guidelines up to the value of \$250,000
- Authorise expenditure up to the value of \$1,000,000 for the procurement of goods, works and services under an existing Council/CEO approved:
  - prescribed contract (within the meaning of clause 163 of the Local Government (General) Regulation 2021); and / or
  - Preferred Supplier Agreement / Contract

## **CF Correspondence Functions**

### **CF01 Authorise Correspondence to Members of Parliament, Head of Department or Agency**

Authorise correspondence to Members of Parliament or those for the direct attention of heads of government departments and agencies

### **CF02 Authorise Correspondence of a Non-standard Nature**

Authorise correspondence of a non-standard nature such as interpretation of Council policy or position in accordance with other delegations granted to the position or in accordance with the responsibilities of the position

### **CF03 Respond with Council's Position**

Correspondence that is making a submission in relation to draft legislation or government position, on behalf of Council, in accordance with the responsibilities of the position

## **GF Governance Functions**

### **GF01 Determine Matters to be Included in Business Papers**

Determine matters to be included in the business papers of the Council and its Committees and published as required by the Code of Meeting Practice.

## **LG Legal Functions**

### **LG06 Instruct External Lawyer - Administrative Law Matters**

Instruct external lawyers to provide advice, act for Council, defend and do all things necessary in court proceedings or other matters in relation to administrative law matters brought against Council.

### **LG07 Instruct External Lawyer - Commercial and Property Matters**

Instruct external lawyers to provide advice, act for Council, defend and do all things necessary in court proceedings or other matters in relation to commercial and property matters brought against Council.

### **LG08 Instruct External Lawyer - Employment Disputes**

Instruct external lawyers to provide advice, act for Council, defend and do all things necessary in court proceedings or other matters in relation to Employment Disputes brought against Council.

### **LG09 Instruct External Lawyer – Regulatory Enforcement**

Instruct external lawyers to provide advice and to commence, defend, prosecute, settle, discontinue and withdraw any proceedings or other matters or actions in relation to matters under the relevant legislation or Regulation governing enforcement action associated with the responsibilities of the Delegate.

### **LG14 Instruct External Lawyer Local Court and Land and Environment Court**

Instruct external lawyers to provide advice and to commence, defend, prosecute, settle, discontinue and withdraw any proceedings or actions in the Local Court and the Land and Environment Court.

### **LG17 Instruct Lawyers - Land and Environment Court**

Instruct Lawyers to provide advice and to commence, defend, prosecute, settle, discontinue and withdraw any:

(i) planning and development and order appeals, objections and applications, including under sections 4.55, 8.7, 8.8, 8.9, 8.16, 8.18, 8.21, 8.22, 8.23 and 8.25 of, and clause 35 of Schedule 5 to, the Environmental Planning and Assessment Act 1979; and

(ii) planning and development and order appeals or objections, including sections 176, 177, 178, 180 and 182 of the Local Government Act 1993.

## INTERPRETATION

Where appearing in this Instrument of Delegation:

- Headings are for convenience only and do not affect interpretation.
- Monetary amounts are inclusive of GST, unless the contrary is expressly stated.
- *Law* includes an Act, regulation, instrument and the like and any amendment, re-enactment, consolidation or replacement of that law by a similar provision in that law or any other law.
- A reference to a policy means a policy adopted by resolution of the Council and includes an amendment or replacement of that policy where adopted by resolution of the Council.
- A reference to “written objections” or “public submission” refers to objections or submissions received from the general public and not from a Commonwealth or State Government department, authority, agency and the like.
- A petition, objection or submission that is signed by or contains the names of more than one person is taken to be one objection or submission as the case may be.
- A reference to a Commonwealth or State Government department, authority, agency and the like includes any successor to it.
- A reference to a concurrence includes any later or amended concurrence.
- A reference to a function includes a reference to a power, authority, duty and the like and to the exercise or performance of such.
- Where the exercise or performance of a function requires other functions to be exercised or performed or requires the delegate to do other things to exercise or perform that function, the delegate is authorised to exercise or perform those other functions and to do those other things.
- A word which denotes the singular denotes the plural and vice versa.
- An authority to ‘approve’ includes approve with conditions or to refuse.