

SUTHERLAND SHIRE COUNCIL
INSTRUMENT OF DELEGATION BY THE CHIEF EXECUTIVE OFFICER

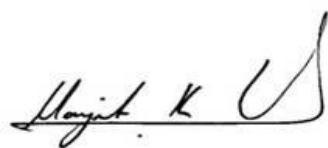
In accordance with section 378 of the *Local Government Act 1993*, I hereby:

1. Delegate to the position of:

Development Engineer

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

22 February 2023

DELEGATIONS

CG Compliance - General Functions

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.

CG15 Appointed as Council Investigation Officer under the Environmental Planning and Assessment Act 1979 (Certificate of Authority Required)

Appointed as a Council Investigation Officer pursuant Division 9.2, and clause 284 of the *Environmental Planning and Assessment Act 1979* and *Regulation*. For the purposes of entry, search, inspecting premises, obtaining information, requiring the answering of questions.

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*.

CN Contract Functions

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.

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.

PD08 Development Assessment, Review and Appeals

Exercise Council's 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.

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

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.

PD16 Exercise Council's Approval functions under 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.