



# DELEGATIONS REGISTER

(Sections 377 – 381 Local Government Act 1993)

## DATE

- Ordinary Meeting of Council 13.08.2013
- Ordinary Meeting of Council 10.07.2018
- Ordinary Meeting of Council 14.08.2018

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## Part A – Mayor

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Local organisations applying for donations should be non-profit, have a minimum 50% local content of membership on enrolment and a community based charter. The organisation should also not conduct a door-knock appeal unless it is a registered charity. (eg Salvation Army, Red Cross Calling, Sydney City Mission).

Subject to the requirements of the Act and Regulations thereunder and any expressed policy or direction of the Council, the Council pursuant to the provision of Section 377 of the Act and every other enabling statutory power, delegates to the person who occupies the position of Mayor, to exercise or perform on behalf of the Council the following powers, authorities, duties or functions as well as those specifically described under Section 226 of the Act:-

### 1. Common Seal

To attest to the affixing of the Council Seal to any document relating to the business of the Council and upon which Council has resolved to affix the Seal.

### 2. Conveyancing

To negotiate and execute (with the General Manager) the purchase or sale of land within a maximum range adopted by Council and, subject to any other conditions the Council may require, where Council has resolved to purchase or sell land.

### 3. Conferences, Seminars and Meetings

To approve the attendance of Councillors at any seminar, conference, meeting or training course, where funds have been provided in the budget, provided that such delegation shall not be exercised if there is a Council meeting prior to the closing date of registration unless the Mayor and General Manager are of the view that a delay in registration will preclude Councillors' attendance.

### 4. Correspondence

To sign outgoing correspondence on behalf of the Council.

### 5. Legal

To authorise legal advice or legal representation in any matter in which the Council (as the corporate body) is already or likely to become involved.

To have briefing sessions for Councillors provided by external consultancies in matters considered by the Mayor to be important to Council.

### 6. Meeting Recess

To deal (with the General Manager) with matters requiring determination between the last Ordinary Meeting of the Council for the year and the first Ordinary Meeting of Council for the following year.

### 7. Media Relations

To advise and respond to enquiries from the media and to issue media releases and statements in respect of the affairs of Council on behalf of the governing body and the local government area generally.

**8. Temporary Appointment of General Manager**

To appoint a temporary replacement should the holder of the position of General Manager be suspended from duty, sick or absent pursuant to Section 351 of the Act.

**9. Day to Day Oversight of the General Manager**

To authorise the payment of salaries and wages (including overtime, time in lieu, leave and allowances) to staff who report to the position within Council's adopted budget.

To authorise reimbursement of Council expenses incurred by staff who report to the position, in accordance with the "Reimbursement of Council Expenses incurred by staff (including petty cash)" procedure.

To authorise staff to incur expenditure using procurement cards where there is a budget and with a financial delegation authorised by the General Manager, in accordance with the "Reimbursement of Council Expenses incurred by staff (including petty cash)" and "procurement Cards" procedures.

Approve the attendance of the General Manager at any seminar, conference or course that is related to the functions and duties of the position and Council business where there is a budget.

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**Part B – Deputy Mayor**

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In the absence of the Mayor and subject to compliance with the requirements of the Act and any expressed policy or direction of the Council, the Council pursuant to the provisions of Section 377 of the Act and every other enabling statutory power, delegates to the person who occupies the position of Deputy Mayor to exercise and perform on behalf of the Council the powers, authorities, duties and functions of the Mayor including the powers, authorities, duties and functions which the Council has delegated by this Instrument to the Mayor as well as those prescribed by Section 226 of the Act.

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**Part C – Audit Committee**

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**Powers, Authorities, Duties and Functions**

Subject to compliance with the requirements of the Act, any expressed policy of the Council or direction of the Council, the Council pursuant to the provisions of Section 377 of the Act and every other enabling statutory power, delegates to the Audit Committee the following:

- a) The Audit Committee is an independent advisory Committee of Council.
- b) The primary objective of the Audit Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, maintaining a reliable system of internal controls and facilitating the organisation's efficiency, effectiveness and accountability. The Audit Committee is established to assist the co-ordination of relevant activities of the internal audit function and the external auditor to facilitate achieving overall organisational objectives in an efficient and effective manner.
- c) The Audit Committee does not have executive powers or authority to implement actions in areas over which management has responsibility. It does not have any delegated financial responsibility but can request the General Manager to act if it has accepted recommendations from the Internal Auditor, where management has failed to act. The Audit Committee does not have any management functions and is, therefore, independent of management. The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Charter (and not subject to delegation) in order to facilitate decision-making by Council in relation to the discharge of its responsibilities.
- d) The Audit Committee will be comprised of the Mayor, four (4) Councillors as determined by Council from time to time and three (3) independent community representatives.
- e) The Committee shall meet at least quarterly.
- f) The Audit Committee shall, after every meeting, forward the minutes of that meeting to the next appropriate Ordinary Meeting of the Council, including a report explaining any specific recommendations and key outcomes.
- g) The duties and responsibilities of the Audit Committee are as outlined in its Charter.
- h) The Audit Committee, through the General Manager or following authorisation from the Council and within the scope of its responsibilities, may seek information or obtain expert advice on matters of concern, subject to budget requirements.

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## Part D – Local Traffic Committee (LTC)

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### Powers, Authorities, Duties and Functions

Subject to compliance with the requirements of the Act, regulations thereunder, any expressed policy or direction of the Council, the delegation of powers from the Roads and Maritime Services of New South Wales and subject to any Council direction, the Council pursuant to the provisions of Section 377 of the Act, and every other enabling statutory power delegates to The Hills LTC as duly constituted to exercise and perform on behalf of the Council the powers, authorities, duties and functions which are specified in the Roads and Maritime Services Instrument of Delegation to Council being subject to the terms and conditions set out in written notification to Council from the Roads and Maritime Services by way of circular from time to time which shall form part of this Instrument as well as those to be exercised by Council.

#### 1. Limitations

Those expressly reserved for the Council by virtue of Section 377 of the Act. The revision and/or amendments of Council's Management Plan.

The approval of:-

- a proposal which is of major local, regional or environmental significance.
- a proposal which does not comply with the adopted objectives or policies of Council.

Council must not exercise its delegation of these functions without first obtaining the technical advice of a LTC which consists of representatives from Council, Police, RMS and the relevant State Member of Parliament.

The LTC then makes recommendations to Council on traffic issues and facilities on local roads. Council then takes these recommendations into consideration when making a decision in relation to the local road network.

#### 2. Membership and Meeting Times

Members: Chairperson (Representative of Council (the Mayor or his/her nominee); Representative of Police Department; Representative of Roads and Maritime Services of New South Wales; State Member of Parliament (or his/her representative) to whose electorate the item relates (Seven Hills, Baulkham Hills, Castle Hill and Hawkesbury)

Meetings are held monthly and conducted by electronic referral system on the 3rd Monday of the month.

In the case of electronic referrals, the recommendations from the individual LTC members will be incorporated in a monthly report that is included in an Ordinary Meeting of Council.

Face to face meetings are held only as required on the 3rd Monday of the month commencing at 2pm.

Where a face to face meeting of the LTC is to be held, it will be publicised on Council's website and in the Council notices section in the local newspapers. An Agenda for such meetings will also be available on Council's website on the second



Friday of the month. A separate report with the recommendation from any face to face meetings of the LTC will also be included in an Ordinary Meeting of Council.

### 3. **Mandatory Notice of Business**

Delegations contained in this instrument is restricted to those matters/items which are forwarded electronically to the Committee each month in accordance with the requirements of this instrument.

All reports each month are distributed electronically to each member of the Committee no later than the Friday immediately preceding the meeting.

### 4. **Majority Vote**

Any decision in respect of matters being considered in terms of this Instrument shall be in accordance with a majority vote of:-

- the representative of Council;
- the representative of the Police Department;
- the representative of the Roads and Maritime Services of New South Wales; and
- the representative of the State Member of Parliament to whose electorate the matter relates.

Where the Committee is unable to arrive at a decision, the matter shall be referred to the Ordinary Meeting of Council for decision with advice as to the majority view of the voting members or if there be no majority view the views of each voting member.

### 5. **Voting Rights**

At any face to face meetings of the Committee a Councillor other than the Mayor or his/her nominee may attend and participate in the discussion and consideration of any matter before the Committee but without voting rights.

### 6. **Implementation of Decision**

Any determination of the Committee shall not take effect as a decision of the Council until 5pm on the second working day following receipt of minutes of the Council Meeting by Councillors.

Furthermore, no decision of the Committee that is amended by the Council is to be implemented until a period of fourteen (14) days has elapsed to respect the appeal rights available to the Roads and Maritime Services and Police in the original delegation to Council.

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**Part E – 355 Committees**

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Subject to compliance with the requirements of the Act, any expressed policy of the Council or direction of the Council, the Council, pursuant to the provisions of Section 377 of the Act and every other enabling statutory power, delegates authority to each 355 Committee (*as specified in their individual delegation instruments held in Council's 355 Committee Register*) to carry out its function.

Each Committee has a delegation by Council as approved from time to time.

This instrument does not include powers, authorities, duties and functions expressly reserved for the Council by virtue of Section 377 of the Act and any duties and functions expressly reserved for the Council under any other Act/Regulation.

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**Part F – General Manager**


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## 1. General and Specific Delegations

Subject to compliance with the requirements of the Act, and any expressed policy or direction of the Council, and any regulations of any public authority other than the Council, and subject to any direction given by the Council, the Council pursuant to Section 377 of the Local Government Act 1993 (as amended) and Section 2.4 of the Environmental Planning and Assessment Act 1979 (as amended) and every other enabling statutory power delegates to its General Manager to exercise and perform on behalf of the Council, the following powers, authorities, duties and functions. In accordance with Section 335 of the Local Government Act, 1993 (as amended):-

### 1.1 General Delegations

The General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the Council.

The General Manager has the following particular functions:

- The day-to-day management of the Council.
- To exercise such of the functions of the Council as are delegated by the Council to the General Manager.
- To appoint staff in accordance with an organisation structure and resources approved by Council.
- To direct and dismiss staff.
- To implement the Council's equal employment opportunity management plan.

The General Manager has such other functions as may be conferred or imposed on the General Manager by or under this or any other Act/Regulation (as amended).

#### 1.1.1. General Delegations

To appoint staff in accordance with an organisation structure and resources approved by Council.

### 1.2 Specific Delegations

The following specific delegations do not limit the general delegations outlined above.

#### 1.2.1 Cemetery Plots

To authorise the re-purchase of burial plots at the original price paid.

#### 1.2.2 Awards Evenings

The Mayor and General Manager be delegated authority to book tables to Award Evenings where Council is a member of the hosting organisation.

### 1.2.3 Financial Assistance – Community Groups

The annual grants program continue being reported to Council and the General Manager and Mayor be delegated the authority to provide financial assistance to community groups for the monthly donations program in accordance with the Act Section 377 subsection (1A).

## 2. Administration

(Information Management, Community Centres, Correspondence)

### 2.1 Records/Minutes

To authorise the destruction of records pursuant to Section 12 of the Local Government Act 1993 (as amended) and following consideration to the historical significance of the records.

To rectify any mistake of fact discovered on a file or record by any person inspecting that file or record upon the written request by and verification of that person.

### 2.2 Community Centres

#### 2.2.1 Hiring

To authorise the hiring of community centres and halls.

#### 2.2.2 Waiving of Deposits

To waive deposits for permanent hirers as deemed appropriate having regard for the circumstances of the case.

#### 2.2.3 Refusal of Applications to Hire

To refuse applications to hire where it is considered that the hiring would be detrimental to Council's interest due to perceived lack of supervision or the nature of a function.

#### 2.2.4 Negotiate Discount Rate

To negotiate with permanent weekly hirers, hiring fees at a discounted rate, not exceeding 20% of the fee and subject to the signing of an agreement of at least one (1) year's duration.

### 2.3 Correspondence

#### 2.3.1 Authority to sign all correspondence

Authorised to sign all correspondence including to Ministers of the Crown and Members of Parliament.

#### 2.3.2 Authority to sign correspondence (except Parliamentarians)

Authorised to sign all correspondence except to Ministers of the Crown and Members of Parliament.

### 2.3.3 Authority to sign general correspondence

Authorised to sign all correspondence, except to Ministers of the Crown, Members of Parliament and Mayors of other Councils.

### 2.3.4 Authority to sign general correspondence (involving decisions made at Council Meetings)

Authorised to sign all correspondence including decision's made at Council Meetings or considered at Council Meetings.

### 2.3.5 Authority to sign general correspondence (with Manager's approval)

Authorised to sign all correspondence except to Ministers of the Crown, Members of Parliament and Mayors of other Councils, decisions made at Council Meetings after approval by the responsible Manager.

## 2.4 Access to Information

Authorised to make a reviewable decision in connection with an access application made pursuant to the Government Information (Public Access) Act 2009 (as amended).

## 3. Annual Fire Statement

Authority to sign Annual Fire Safety Statements as building owner in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 (as amended).

## 4. Approvals (*Local Government Act 1993 as amended*)

To determine applications made in accordance with Section 68 of the Local Government Act 1993 (as amended) for the following:-

### 4.1 Part A (*Structures*)

Install a manufactured home, moveable dwelling or associated structure on land.

### 4.2 Part B (*Water/Sewerage/Stormwater*)

Water supply, sewerage and stormwater drainage work:-

#### 4.2.1 Water Supply

Carry out water supply work.

#### 4.2.2 Draw Water

Draw water from a council water supply or a standpipe or sell water so drawn.

#### 4.2.3 Meter connection

Install, alter, disconnect or remove a meter connected to a service pipe.

#### **4.2.4 Sewerage**

Carry out sewerage work.

#### **4.2.5 Stormwater Drainage**

Carry out stormwater drainage work.

#### **4.2.6 Drain/Sewer Connection**

Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer.

### **4.3 Part C (*Management of Waste*)**

#### **4.3.1 Transport Waste**

For fee or reward, transport waste over or under a public place.

#### **4.3.2 Waste (Public Place)**

Place waste in a public place.

#### **4.3.3 Waste Storage (Public Place)**

Place a waste storage container in a public place.

#### **4.3.4 Disposal of Waste**

Dispose of waste into a sewer of the council.

#### **4.3.5 Waste Treatment/Storage Facility**

Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.

#### **4.3.6 Sewage Management**

Operate a system of sewage management (within the meaning of section 68A).

### **4.4 Part D (*Community Land*)**

#### **4.4.1 Trade/Business**

Engage in a trade or business.

#### **4.4.2 Entertainment**

Direct or procure a theatrical, musical or other entertainment for the public.

#### **4.4.3 Temporary Enclosure**

Construct a temporary enclosure for the purpose of entertainment.

#### **4.4.4 Musical Instrument**

For fee or reward, play a musical instrument or sing.

#### **4.4.5 Loudspeaker/Amplifier**

Set up, operate or use a loudspeaker or sound amplifying device.

#### **4.4.6 Public Meetings**

Deliver a public address or hold a religious service or public meeting.

### **4.5 Part E (Public Roads)**

#### **4.5.1 Lift/Hoist/Tackle**

Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.

#### **4.5.2 Overhang**

Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.

### **4.6 Part F (Other Activities)**

- Operate a public car park.
- Operate a caravan park or camping ground.
- Operate a manufactured home estate.
- Install a domestic oil or solid fuel heating appliance, other than a portable appliance.
- Install or operate amusement devices.
- Use a standing vehicle or any article for the purpose of selling any article in a public place.
- Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations.

## **5. Approvals (Other than Section 68, Local Government Act 1993, as amended)**

### **5.1 Approvals under EP&A Act 1979, LG Act 1993 (Other than Section 68) & Roads Act 1993**

To grant, amend, extend, renew approvals pursuant to the Environmental Planning and Assessment Act 1979 (as amended), the Local Government Act 1993 (as amended) and the Roads Act 1993 (as amended).

### **5.2 Tree Preservation - Private Land**

To approve, refuse or approve subject to conditions, applications made to the Council for the ringbarking, cutting down, topping, lopping, pruning or removing of trees.

### **5.3 Approval of Amusement Device**

To approve an application to install or operate an amusement device pursuant to the Local Government (Approvals) Regulation (1999), as amended.

### **5.4 Telecommunications (Interception & Access) Act 1979 (Cth)**

Authorisation for access to information under the Telecommunications (Interception and Access) Act 1979 (Cth)

### **5.5 Approval to burn vegetation**

Approval to burn vegetation under the Protection of the Environment (Control of Burning) Regulation 2010.

## **6. Building**

### **6.1 Approval of Applications (Section 94, 95 & 96 of Local Government Act 1993), as amended**

To grant approval to applications where the application:-

- a) complies with the provisions of the relevant environmental planning instruments, the Building Code of Australia, the Local Government Act 1993, as amended, and Local Government (Approvals) Regulations 1993, as amended, or has a variation (see "Restricted Development Areas");
- b) is substantially in accordance with development consent;
- c) complies with adopted policies or Development Control Plans or has a variation (see "Variations to Development Control Plan(s)")
- d) does not conflict with any exhibited draft Local Environmental Plan;
- e) complies with the adopted local policy;
- f) has not attracted objections.



## **6.2 Approval of Applications outside Local Government Act 1993, as amended**

To grant approval to applications outside the provisions of "Approval of Applications (Sections 94, 95 & 96 of Local Government Act 1993, as amended)" provided the application is subject to a report to the Development Assessment Unit (DAU).

## **6.3 Refund of Security Deposits (Section 97 Local Government Act 1993), as amended**

To refund security deposits in accordance with Council's procedures.

## **6.4 Review of Determination**

To review the determination of an application, pursuant to Section 100 of the Local Government Act 1993, as amended, and Clause 82A of the Environmental Planning & Assessment Act 1979, as amended, providing that determination was not made initially by Council.

## **6.5 Issue Building Information Certificates**

To issue building information certificates pursuant to the Environmental Planning & Assessment Act 1979, as amended, and Regulations, as amended

## **6.6 Refuse Building Information Certificates**

To refuse building information certificates pursuant to the Environmental Planning & Assessment Act 1979, as amended, and Regulations, as amended.

## **6.7 Assess & Determine Applications**

Assess and determine applications pursuant to the Environmental Planning and Assessment Act 1979, as amended, and Regulations, as amended.

## **6.8 Fire Safety**

To approve alterations to buildings, pursuant to the Environmental Planning & Assessment Act 1979, as amended, and Regulations, as amended.

## **6.9 Change of Use**

To approve applications to change the use of buildings pursuant to the Environmental Planning & Assessment Act 1979, as amended, and Regulations, as amended.

## **6.10 Upgrading Building**

Upgrading of Buildings, pursuant to the Environmental Planning & Assessment Regulations, as amended, which allows Council to require an upgrade to an existing building with a Development Application for a change of use or for a Development Application for alterations or additions.

### **6.11 Walls of Class 1 Buildings Setbacks**

To permit variations to the setback of the walls under The Hills Development Control Plan.

### **6.12 Eaves/Gutters Setbacks**

To permit variations to the setback of eaves and gutters under The Hills Development Control Plan.

### **6.13 Building Setbacks**

To permit variations to the setback of buildings under The Hills Development Control Plan.

### **6.14 Building Certification**

To act as an authorised officer to make recommendations to the Building Professionals Board in relation to Council staff undertaking building certification work for accreditation under the Board's Accreditation Scheme.

### **6.15 Issue of Certificates - Flood Controlled Land**

To issue certificates relating to flood controlled land pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, as amended.

## **7. Bush Fire Control and Emergency Services**

### **7.1 Bush Fire**

#### **7.1.1 Determine Territory**

To determine the territory in which any Rural Fire Brigade is to operate pursuant to Section 18 of the Rural Fires Act 1997, as amended (conferred per Service Agreement with Rural Fire Service).

#### **7.1.2 Appoint Officers**

To appoint Officers to Rural Fire Brigades pursuant to Section 18 of the Rural Fires Act 1997, as amended (conferred per Service Agreement with Rural Fire Service).

#### **7.1.3 Issue Notices**

To issue written notice and take appropriate action in respect of bush fire hazard work pursuant to Section 66, 67, 69 and 70 of the Rural Fires Act 1997, as amended (conferred per Service Agreement with Rural Fire Service).

**7.1.4 Consider Objectives**

To consider objectives lodged pursuant to Section 67 of the Rural Fires Act 1997, as amended (conferred per Service Agreement with Rural Fire Service).

**7.1.5 Enter Property**

To enter property as an authorised Officer to inspect the property to form an opinion of existing bush fire hazard and the need to carry out bush fire hazard reduction work pursuant to Section 69 of the Rural Fires Act 1997, as amended (conferred per Service Agreement with Rural Fire Service).

**7.1.6 Sell or Dispose of Equipment**

To sell or dispose of, subject to the written consent of the Commissioner, any fire fighting equipment wholly or partly funded by the Rural Fires Fund pursuant to Section 119 (3)(4) of the Rural Fires Act 1997, as amended. (Not conferred per Service Agreement with Rural Fire Service).

**7.1.7 Authorise Use of Equipment**

To authorise the use of fire fighting equipment not reasonably required by Council for use by the Commissioner outside the area pursuant to Section 119 (6) of the Rural Fires Act 1997, as amended. (Not conferred per Service Agreement with the Rural Fire Service.)

**7.2 Emergency**

To co-ordinate a Local Emergency Management Committee (LEMC) pursuant to the requirements of the State Emergency and Rescue Management Act 1989, as amended.

To co-ordinate and make available the use of Council's resources in the event of, preparation for, responses to and recovery from emergencies as deemed appropriate and in respect to a reasonable request from the Local Emergency Operators Controllers (LEOCON) and the District and State Emergency Management Committees.

**8. Children's Services**

To remove a child from Council run long day care centres if the child's actions are posing safety or behavioural problems provided that such authority is exercised after all alternative courses of action have been pursued and following consultation with the Department of Community Services.

**9. Development Assessment Unit****9.1 Determination of Applications**

To establish a unit (Development Assessment Unit) to determine development, building and subdivision applications subject to compliance with the requirements of the Local Government Act 1993, as amended, and Environmental Planning and Assessment Act 1979, as amended, and subject to following limitations:-

## 9.2 Limitations

Where there is another Statutory Government Instrument that applies to the matter that requires it to be dealt with by a panel constituted by the State.

## 9.3 Notice of Business

The Development Assessment Unit will meet every Tuesday and only matters contained in the formal Agenda of the Unit may be considered by the Unit. The Agenda shall be prepared and distributed to all Councillors on the Friday preceding the meeting.

# 10. Development

## 10.1 Approval of Applications

(Unless otherwise specified, a reference to an application shall include Development, Applications, Subdivision Applications, Building Certificate Applications, Complying; Integrated or Designated Development.) To grant development consent to applications pursuant to the provisions of the Environmental Planning & Assessment Act 1979, as amended, where the application: a) is not of major regional environmental significance; or b) complies with the provisions of the relevant environmental planning instruments (or satisfies requirements "SEPP 1"); or Clause 4.6 of the LEP; or c) complies with adopted policies or Development Control Plans (or satisfies the requirements of "Variations to Development Control Plan(s)"; or d) does not conflict with any exhibited draft Local Environmental Plan. Exceptions:- i) The application seeks a variation to an LEP or SEPP standard of between 7% and 10% To grant a development consent to applications that are subject to the exception(s) outlined above provided the applications are subject to a report to the Development Assessment Unit (DAU).

## 10.2 Refusal of Applications

To refuse development applications, provided the refusals are the subject of a report to the Development Assessment Unit, where the application:-

- a) does not comply with the provisions of the relevant environmental planning instrument or where any variation is not considered justified; or
- b) does not comply with adopted objectives, policies, Development Control Plans and Codes of Council or where any variation is not considered justified; or
- c) conflicts with any exhibited draft local environmental plan; or
- d) has attracted objections which are considered to warrant the refusal of the application.

Or where,

- i) inadequate information has been submitted notwithstanding a request for this information; or
- ii) is unclear or not legible.

### 10.3 Review of Determination

To review the determination of an application pursuant to the provisions of Section 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning & Assessment Act 1979, as amended, other than Complying, Integrated or Designated development.

### 10.4 Determine Applications under SEPP 1 or Clause 4.6 of the LEP

To determine Development Applications accompanied by a written request to vary an LEP Standard where an application:-

- a) seeks to vary a statutory development standard where the proposed variation to the development standard does not exceed 7%; and
- b) is supported by a suitable written objection to the relevant development standard;
- c) the proposal is minor in nature and unlikely to undermine the development standard or result in any adverse environmental impact; and
- d) the proposed development is consistent with the State, Regional or local planning objectives for the locality; and
- e) the cumulative effect of any approval will not undermine the objective of the planning objectives for the locality and furthermore set an undesirable precedent.

### 10.5 Restricted Development Areas

To grant development consent to development applications involving encroachments into Restricted Development Areas where:-

- a) no mature stand of vegetation is proposed to be removed from within the Restricted Development Area; or
- b) land filling is not excessive within the Restricted Development Area; or
- c) no natural exposed rock ledges or escarpments within the Restricted Development Area are affected by the proposal; or
- d) there is no disturbance to existing natural watercourses; or
- e) a geotechnical report prepared by a suitably qualified engineer accompanies an application in areas of identified geotechnical risk and supports the proposal; or
- f) the proposal is considered to be minor in nature and is unlikely to result in any adverse environmental impact.

This delegation shall be exercised following consideration of the provisions for Approval of Applications.

### 10.6 Amendment to Development Consents

#### 10.6.1 Grant Approval

To grant approval to an amendment to development consents in compliance with Section 4.55 of the Environmental Planning and Assessment Act 1979, as amended, providing no objections have been received and the proposed amendments are of a minor nature.

And;

To grant approval to an amendment to development consents in compliance with Section 4.55 of the Environmental Planning and Assessment Act 1979, as amended, provided no further variations to DCP controls are proposed and no more than one objection has been received and the proposed amendments are of a minor nature and provided the application is the subject of a report to the Coordinator, Principal Executive Planner, Manager or Group Manager.

#### **10.6.2 Grant Approval outside normal provisions**

To grant approval to an amendment to development consents outside the provisions of Section 4.55 of the Environmental Planning and Assessment Act 1979, as amended, provided the application is subject to a report to the Development Assessment Unit.

#### **10.7 Extension of Development Consents**

To grant a one (1) year extension to development consents pursuant to Section 4.54 of the Environmental Planning and Assessment Act 1979, as amended.

#### **10.8 Assume Concurrence**

Process applications and exercise Council's right to assume concurrence to certain matters (Section 4.13, Environmental Planning and Assessment Act 1979, as amended) pursuant to Circular B1 from the Department of Planning.

#### **10.9 Section 10.7 Planning Certificates**

To issue Planning Certificates pursuant to the provision of Section 10.7 of the Environmental Planning and Assessment Act 1979, as amended.

#### **10.10 Section 6.26 Building Information Certificates**

To issue Building Information Certificates pursuant to the provisions of Section 6.26 of the Environmental Planning and Assessment Act 1979, as amended.

#### **10.11 Variations to DCP(s)**

To determine applications involving variations to Development Control Plan(s) where an application is accompanied by a request to vary the Development Control Plan(s) and where an application:

- a) is consistent with the aims and objectives of the relevant planning controls;
- b) No more than one objection has been received;
- c) the variation is subject to a report to a Coordinator, Principal Executive Planner, the Manager or Group Manager.

#### **10.12 Part 5 Assessments**

To assess and determine applications for an activity made pursuant to Part V of the Environmental Planning & Assessment Act 1979, as amended, where the proposal:-

- a) is not of major regional or environmental significance;
- b) complies with the provisions of the relevant environmental planning instruments or satisfies the requirements of "SEPP 1";

- c) complies with adopted policies or Development Control Plans or satisfies the requirements of "Variations to Development Control Plan(s)";
- d) does not conflict with any exhibited draft Local Environmental Plan;
- e) has not attracted objections.

### **10.13 Naming of New Subdivision Roads**

To determine whether names submitted by developers for new subdivision roads are acceptable.

### **10.14 Signing of Final Plan of Subdivision**

To sign and release Final Plans of Subdivision, 88B Instrument and 88G Certificates in accordance with relevant approvals and regulation.

### **10.15 Power of Entry (Legislation listed)**

To enter premises under the provisions of the following legislation:-

#### **10.15.1 Power of Entry (Local Government Act 1993 & Regulations)**

Power of Entry pursuant to the Local Government Act 1993, as amended, and Regulations, as amended.

#### **10.15.2 Power of Entry (Environmental Planning & Assessment Act 1979 & Regulations)**

Power of Entry pursuant to the Environmental Planning & Assessment Act 1979, as amended, and Regulations, as amended.

#### **10.15.3 Power of Entry (Protection of the Environment Operations Act 1997 & Regulations)**

Power of Entry pursuant to the Protection of the Environment Operations Act 1997, as amended, and Regulations, as amended.

#### **10.15.4 Power of Entry (Swimming Pools Act 1992)**

Power of Entry pursuant to the Swimming Pools Act 1992, as amended.

#### **10.15.5 Power of Entry (Companion Animals Act 1998)**

Power of Entry pursuant to the Companion Animals Act 1998, as amended.

#### **10.15.6 Power of Entry (Roads Act 1993)**

Power of Entry pursuant to the Roads Act 1993, as amended.

#### **10.15.7 Power of Entry (Public Health Act 2010)**

Power of Entry pursuant to the Public Health Act 2010, as amended.

**10.15.8 Power of Entry (Food Act 2003)**

Power of Entry pursuant to the Food Act 2003, as amended.

**10.15.9 Power of Entry (Sydney Water Act 1994)**

Power of Entry pursuant to the Sydney Water Act 1994, as amended.

**10.16 Certification work under the EP and A Act and Regulations**

Certification work under the EP and A Act and Regulations as required to be carried out only by an Accredited Certifier pursuant to Section 74A of the Building Professionals Act 2005 subject to the limitations of the accreditation level and specific conditions of accreditation held by the individual staff member

**11. Drainage Construction and Maintenance**

To approve applications for minor encroachments within residential allotments upon drainage easements registered in Council's favour subject to:-

- a) the surface level of the easement being maintained so as to permit the flow of surface water along the easement in times of peak rainfall;
- b) all supporting columns being located so as not to restrict the flow of water, preferably at the boundaries of the easement;
- c) completion of an agreement acceptable to and in favour of Council and registration of same under Section 88E of the Conveyancing Act 1919, as amended;
- d) all costs associated in preparation, examination and registration of the Agreement being the responsibility of the applicant;
- e) no impediment be caused to the flow of water in accordance with the 1 in 100 year flood.

**12. Executive Functions****12.1 Inspections and Conferences**

To arrange inspections and conferences in accordance with a resolution of Committee or the Council or as otherwise deemed appropriate.

**12.2 Appointment of Consultant Services**

Subject to a budget allocation being identified, to select and appoint consultants as defined in the Council's Procedure: Purchasing Guidelines. All requests for legal services and all referrals for litigation must be approved by the General Manager. All consultant appointments (other than legal) over \$10,000 must be approved by the Group Manager.



### **12.2.1 Consultancy Contract - Financial Variations**

Where a consultancy contract has not been signed under seal:

To approve a variation (in accordance with the Variation Workflow outlined in the Councils Purchasing Guideline) up to \$5,000 above the contract value approved by the General Manager, where the full value of the contract including the variation is within your approved financial delegation.

All variations to the contract value above \$5,000 must be approved by the General Manager.

### **12.2.2 Other Contract - Financial Variations**

Where a contract (other than a consultancy contract) has not been signed under seal:

To approve a variation (in accordance with the Variation Workflow outlined in the Councils Purchasing Guideline) up to \$10,000 above the approved contract value where the full value of the contract including the variation is within your approved financial delegation.

All variations to the contract value above \$10,000 must be approved by the General Manager.

## **12.3 Submissions**

To prepare and submit written submissions on behalf of Council to any Commission, Inquiry or Body in consultation with the Mayor (where there is insufficient time to report to Council) provided such action is reported to Council.

## **12.4 Grant Applications/Funding Arrangements**

To prepare and lodge applications on behalf of Council and to accept grants, however application must be approved by Manager – Finance before application can be submitted.

To negotiate funding agreements with various government or incorporated Associations and sign funding applications on behalf of Council.

## **12.5 Legal**

### **12.5.1 Sign Agreements (Resolution/Policy)**

To sign legally binding agreements on Council's behalf, in accordance with a resolution or stated policy of the Council.

### **12.5.2 Sign Agreements (Operational)**

To sign operational agreements on behalf of Council where the common seal is not required.

### **12.5.3 Issue/Serve Notices (including Declarations)**

To lay information, summonses and commence the issuing of Notices, Orders, Declarations, Penalty Infringement Notices, Court Attendance Notices, any prosecution or any other legal proceeding pursuant to any relevant legislation or regulation.

### **12.5.4 Instigate Proceedings**

To instigate proceedings in respect of any applicable Act/Regulation, as amended, on behalf of Council.

### **12.5.5 Engage Legal Representation**

To engage legal representation from Council's Panel or where appropriate, other specialist legal representatives.

### **12.5.6 Represent Council before Commission or Inquiry**

To represent Council before any Commission or Inquiry.

### **12.5.7 Represent Council under legislation**

To represent the Council in any proceedings under any legislation, ordinance or regulation.

### **12.5.8 Represent Council and lay information under legislation**

To represent the Council and lay information in all respects in any proceedings or any relevant legislation, ordinance or regulation which may be dealt with by the Council.

### **12.5.9 Issue/Serve Notices (excluding Declarations)**

To lay information, summonses and commence the issuing of Notices, Orders, Penalty Infringement Notices, Court Attendance Notices, any prosecution or any legal proceeding pursuant to any relevant legislation or regulation.

### **12.5.10 Administer Liquor Licenses**

To administer applications for liquor licences in accordance with the requirements of the relevant legislation.

### **12.5.11 Temporary Vehicle Lease**

To authorise agreements between Council and Staff for lease of vehicles for official use and travel between home and work, for periods of up to three (3) months.

### **12.5.12 Sign Agreements (Financial)**

To sign contract agreements on behalf of Council where a common seal is not required and where the recommendation report has been approved by the General Manager and the full value of the contract you are to sign is within your approved financial delegation.

Where the contract agreement concerns consultant services the appointment, where relevant, must be approved by the General Manager in accordance with delegation 12.2.

Where a Manager is the Project Manager of the project, the contract agreement is to be signed by the Group Manager.

### **12.6 Common Seal**

To attest to the affixing of the Council Seal to any document relating to the business of the Council and upon which Council has resolved to affix the Seal.

### **12.7 (Section 355)**

To administer and control the operations and activities of a Committee appointed by Council under Section 355 of the Local Government Act 1993, as amended, for any specific purpose, such authority to include the right to require any Committee to account for actions or inactions which threaten Council's operations, security and protection of assets.

Each Committee has a delegation by Council as approved from time to time.

### **12.8 Tenders**

To determine the method of tendering to be used in the tendering process.

To call for tenders in respect of any contract relating to the execution of any work directed or authorised by or under Section 55 of the Local Government Act 1993, as amended and associated regulations (and Council's Purchasing Guidelines) to be done by Council or for the furnishing of materials.

### **12.9 Community Services and Support**

To negotiate funding agreements with various government or incorporated Associations and sign funding applications on behalf of Council.

### **12.10 Designated Persons**

To determine Designated Persons in terms of Sections 441 and 449 of the Local Government Act 1993, as amended.

### **12.11 Media Relations (Including social media, website and media)**

To advise and respond to enquiries from the media and issue media releases and statements in respect of the affairs of Council and the local government area generally, subject to approval by Mayor or General Manager.

### **12.12 Filming Permits**

To authorise filming within public roads, public reserves, and community facilities throughout the local government area in accordance with Council's Guidelines for

Activities in Public Roads and the NSW Filming Protocol or any other related documents.

## **13. Financial Services**

### **13.1 Financial**

#### **13.1.1 Authorise orders and Expenditure**

Authorise orders for goods and services and authorise expenditure of funds within Council's adopted budget and within financial delegation limits authorised by the General Manager. These financial limits are reflected in Finance One and in the Accounts Payable Section of Council.

#### **13.1.2 Authorise Investments**

To authorise the investment of Council funds with accredited financial institutions.

#### **13.1.3 Authorise Payment of Accounts**

To authorise the payment of accounts provided the payment relates to goods or services which have been duly ordered and received and provided that funds are available within Council's adopted budget and/or the purchase is in accordance with the Council's Purchasing Guidelines.

#### **13.1.4 Authorise Refunds of Moneys**

To authorise refunds of moneys held by Council of moneys overpaid to Council.

#### **13.1.5 Authorise Salaries & Wages (incl. overtime, TIL, Leave & Allowances)**

To authorise the payment of salaries and wages (including overtime, time in lieu, leave and allowances) to staff who report to the position within Council's adopted budget.

#### **13.1.6 Authorise Work (Not Budgeted)**

To authorise any work (not budgeted) which in the General Manager's opinion is urgent at a cost not exceeding \$50,000 provided that such expenditure is reported to the Council at its next Ordinary meeting.

#### **13.1.7 Authorise the reimbursement of Council Expenses incurred by Council staff (including Petty Cash)**

To authorise the reimbursement of Council expenses incurred by Council staff who report to the position, in accordance with the "Reimbursement of Council Expenses incurred by Staff (including Petty Cash) Procedure".

#### **13.1.8 Loan Funding**

To negotiate and secure renewal or new loan funding but only in respect of that loan schedule as set out in the adopted budget.

**13.1.9 Disposal of Plant and Equipment**

To dispose of plant and equipment by auction, by inviting tenders or by trade-in provided at least three quotations have been received.

**13.1.10 Authorise Writing Off of Moneys**

To authorise the writing off of amounts due to Council up to \$5,000 provided that such amounts are reported to the Council at its next Ordinary meeting.

**13.1.11 Authorise Expenditure Using Procurement Cards**

To authorise staff to incur expenditure using Procurement Cards where there is a budget and within financial delegation authorised by the General Manager, in accordance with the "Reimbursement of Council Expenses incurred by Staff (including Petty Cash) Procedure" and the "Procurement Cards Procedure".

**13.1.12 Authorise changes to invoices due to errors in pricing**

Authorise changes to invoices due to errors in calculations or incorrect debtor

**13.1.13 Vacancy Approvals**

To authorise Vacancy Approvals and initiate the recruitment process to fill existing positions within their team structure.

**13.1.14 ATO payments(GST and PAYG), Planning Reform Fees and Long Service Levy Fees**

To authorize ATO payments(GST and PAYG),Planning Reform Fees and Long Service Levy Fees .

**13.1.15 Advance Payments or Deposits**

Any request from a supplier for advance payments or deposits must be approved by the General Manager, Chief Financial Officer, Manager Finance or Manager Corporate & Strategic Planning prior to any arrangements being entered into

**13.1.16 Approve Rebates for HCC Customers**

Approve rebates for HCC customers in situations where customers are assessed, at the outset of offering services, as unable to pay the scheduled fee because of financial hardship. Limit: \$1,000 for an individual customer annually, subject to available grant funding

### **13.1.17 To appoint staff in accordance with Councils approved organisation structure and budgeted resources**

To appoint staff in accordance with Councils approved recruitment process, organisation structure and budgeted resources approved by Council.

### **13.2 Rates - Categorisation of land/Levy/Pensioner Rebates**

To determine, in accordance with Section 567 of the Local Government Act 1993, as amended, applications to have accrued interest written off.

To determine categorisation of land in accordance with Section 514 of the Local Government Act 1993, as amended.

To determine applications for pensioner rate rebates in accordance with the requirements of the Local Government Act 1993, as amended.

### **13.3 Authorise arrangements payment of arrears of rates/Waste and miscellaneous charges.**

To authorise arrangements for the payment of arrears of rates, garbage and miscellaneous charges.

### **13.4 Creating New Trading Accounts**

To authorise the opening and closing of trading accounts with the suppliers of goods and services to Council.

### **13.5 Playing Field Fees**

To authorise hire fee offsets in cases where clubs contribute to the maintenance of a playing field.

### **13.6 Regular Donations**

To authorise, pursuant to the Local Government Act 1993, as amended, the granting of donations to organisations included in the regular donations list adopted by Council. Any such donations to be up to the amount shown in the adopted list.

### **13.7 Insurance/Risk Management**

To settle claims against Council's insurance up to the in-house deductible under each policy.

To issue Council's concurrence to the appointment of loss assessors for claims against Council.

To issue Council's concurrence to the settlement of claims against Council.

### **13.8 Tenders**

The General Manager be delegated to accept public tenders to a maximum value of \$500,000 and accept selective tenders from a Council approved panel to a maximum project value of \$750,000 project value provided the following conditions are met;

- Evaluation criteria for price remain at 50%;

- If it's not awarded to the lowest price tenderer, then it is within 10% of the lowest price tender; and
- Tendered amount including contingency is within adopted budget.

## **14. General Powers (Authorised Officers)**

### **14.1 Law Enforcement (Powers & Responsibilities) Act 2002 & Regulations (General Powers)**

To act as an authorised officer to exercise, perform any power, function, duty, conferred upon the authorised officer pursuant to the Law Enforcement (Powers & Responsibilities) Act 2002, as amended, and Regulations, as amended.

### **14.2 Local Government Act 1993 & Regulations (General Powers)**

To act as an authorised officer to exercise, perform any power, function, duty, conferred upon the authorised officer pursuant to the Local Government Act 1993, as amended, and Regulations, as amended.

### **14.3 Environmental Planning & Assessment Act 1979 and Regulations (General Powers)**

To act as an authorised officer to exercise, perform any power, function, duty, conferred upon the authorised officer, pursuant to the Environmental Planning & Assessment Act 1979, as amended, and Regulations, as amended.

### **14.4 The Protection of the Environment Operations Act 1997 & Regulations (General Powers)**

To act as an authorised officer to exercise, perform any power, function, duty, conferred upon the authorised officer pursuant to the Protection of the Environment Operations Act 1997, as amended, and Regulations, as amended.

### **14.5 Companion Animals Act 1998 & Regulations 2008 (General Powers)**

To act as an authorised officer to exercise, perform any power, function, duty, conferred upon the authorised officer pursuant to the Companion Animals Act 1998, as amended, and Regulations 2008, as amended.

### **14.6 Food Act 2003 & Regulations (General Powers)**

To act as an authorised officer to exercise, perform any power, function, duty, conferred upon the authorised officer pursuant to the Food Act 2003, as amended, and Regulations, as amended.

### **14.7 Food Act 2003 (Reports by Enforcement Agencies)**

To report to the NSW Food Authority such information as required under Section 113 of the Food Act 2003, as amended, and/or the protocols prepared by the Food Authority.

### **14.8 Public Health Act 2010 & Regulations (General Powers)**

To act as an authorised officer to exercise, perform any power, function, duty, conferred upon the authorised officer pursuant to the Public Health Act 2010, as amended, and Regulations, as amended.

**14.9 Swimming Pools Act 1992 & Regulations (General Powers)**

To act as an authorised officer to exercise, perform any power, function, duty, conferred upon the authorised officer pursuant to the Swimming Pools Act 1992, as amended, and Regulations, as amended.

**14.10 Impounding Act 1993 & Regulations (General Powers)**

To act as an authorised officer to exercise, perform any power, function, duty, conferred upon the authorised officer pursuant to the Impounding Act 1993, as amended, and Regulations, as amended.

**14.11 Road Act 1993 & Regulations (General Powers)**

To act as an authorised officer to exercise, perform any power, function, duty, conferred upon the authorised officer pursuant to the Road Act 1993, as amended, and Regulations, as amended.

**14.12 Road Transport (General) Act 2005 & Regulations (General Powers)**

To act as an authorised officer to exercise, perform any power, function, duty, conferred upon the authorised officer pursuant to the Road Transport (General) Act 2005, as amended, and Regulations, as amended.

**14.13 Road Transport (Safety & Traffic Management) Act 1999 & Regulations (General Powers)**

To act as an authorised officer to exercise, perform any power, function, duty, conferred upon the authorised officer pursuant to the Road Transport (Safety and Traffic Management) Act 1999, as amended, and Regulations, as amended.

**14.14 Rural Fires Act 1997 & Regulations (General Powers)**

To act as an authorised officer to exercise, perform any power, function, duty, conferred upon the authorised officer pursuant to the Rural Fires Act 1997, as amended, and Regulations, as amended.

**14.15 Sydney Water Act 1994 & Regulations (General Powers)**

To act as an authorised officer to exercise, perform any power, function, duty, conferred upon the authorised officer pursuant to the Sydney Water Act 1994, as amended, and Regulations, as amended.

**14.16 Recreational Vehicles Act 1993 & Regulations (General Powers)**

To act as an authorised officer to exercise, perform any power, function, duty, conferred upon the authorised officer pursuant to the Recreational Vehicles Act 1983, as amended, and Regulations, as amended.

**14.17 Recovery of Impost Act 1963 & Regulations (General Powers)**

To act as an authorised officer to exercise, perform any power, function, duty, conferred upon the authorised officer pursuant to the Recovery of Impost Act 1963, as amended, and Regulations, as amended.

**14.18 Conveyancing Act 1919 & Regulations (General Powers)**

To act as an authorised officer to exercise, perform any power, function, duty, conferred upon the authorised officer pursuant to the Conveyancing Act 1919, as amended, and Regulations, as amended.



**14.19 Surveyors Act 2002 (General Powers)**

To act as an authorised officer to exercise, perform any power, function, duty, conferred upon the authorised officer pursuant to the Surveyors Act 2002, as amended, and Regulations, as amended.

**14.20 Graffiti Control Act 2008 & Graffiti Control Regulation (2009) (General Powers)**

To act as an authorised officer to exercise, perform any power, function, duty, conferred upon the authorised officer pursuant to the Graffiti Control Act 2008, as amended and Graffiti Control Regulation (2009), as amended.

**14.21 Inclosed Lands Protection Act 1901 (General Powers)**

To act as an authorised officer to request persons to leave inclosed lands if those persons are conducting themselves in a manner that would be regarded by a reasonable person as offensive behaviour pursuant to the Inclosed Lands Protection Act 1901 (as amended). This delegation relates to Council land only.

**14.22 National Heavy Vehicle Regulator**

To consider and approve applications received from the National Heavy Vehicle Regulator (NHVR) for the use of Council managed roads by Restricted Access Vehicles (RAVs) in accordance with Division 3 of Part 4.5, Division 4 of Part 4.6 and Division 2 of Part 4.7 of the Heavy Vehicle National Law (NSW)

**14.23 Class 1 Land & Environment Court Appeals**

- a) To reach agreement on behalf of the Council during a Conciliation Conference with the applicant in a Class 1 appeal, pursuant to Section 34(3) of the Land & Environment Court Act 1979.
- b) To give consent on behalf of Council to a Commissioner disposing of a Class 1 appeal during a Conciliation Conference pursuant to Section 34(4)(b) of the Land & Environment Court Act 1979.

**15. Library Services****15.1 Library Penalties**

To instigate recovery action with regards to overdue library penalties.

**15.2 Suspend/restrict library membership**

To suspend or restrict library membership for failure to comply with library regulations.

**15.3 Close any branch library**

To close any branch library during the adopted hours due to exceptional circumstances.

**15.4 Library Promotional Activities**

To develop and conduct library promotional activities.

**15.5 Negotiate funding agreements (Library)**

To negotiate funding agreements with various funding bodies and sign funding applications on behalf of Council.

**15.6 Disposal of Library Resources**

To dispose of resources no longer required by the library service.

**15.7 Withdrawal of Incorrect Charges**

Authorise staff in the Library positions listed below (\*) to withdraw incorrectly issued overdue fees in accordance with Library fee withdrawal procedure 01/2018  
 (\*)Principal Coordinator Library Services, Library Coordinators, Senior Customer Service Officers, Customer Service Officers, Casual Customer Service Officers, Projects & Promotions Officer, Development Officers, Technical Services Officer - Bibliographic Services and Trainees.

**15.8 Withdrawal of Library Overdue Charges - Other Circumstances**

Withdraw Library charges and Library penalty notices in accordance with Library fee withdrawal procedure 01/2018

**16. Local Environmental Plans****16.1 Preparation of Minor LEPs**

To proceed with the preparation of minor Local Environmental Plans, pursuant to the Environmental Planning and Assessment Act 1979, as amended, provided Council is informed of such action.

**16.2 Certify Draft LEP**

To certify that a draft plan may be publicly exhibited pursuant to the Environmental Planning and Assessment Act 1979, as amended.

**16.3 Determine Exhibition Period for Draft LEP**

To determine the exhibition period of draft Local Environmental Plans pursuant to the Environmental Planning and Assessment Act 1979, as amended, applying to the land to which the draft plan applies.

**16.4 Report on Suitability of Draft LEP**

To report on the suitability of any draft Local Environmental Plan pursuant to the Environmental Planning and Assessment Act 1979, as amended.

**16.5 Development Control Plans**

To determine a Development Control Plan may be made or amended or proceeded with pursuant to the Environmental Planning and Assessment Act 1979, as amended, and Regulations, as amended.

## 16.6 Developer Contribution Plans

To prepare individual Section 7.11 Contribution Plans and to proceed with such under the provisions of the Environmental Planning and Assessment Act 1979, as amended, and Regulations, as amended.

To exhibit draft Section 7.11 Contributions Plans in accordance with the provisions of the Environmental Planning and Assessment Act 1979, as amended, and Regulations, as amended.

To authorise the refund of Section 7.11 Contributions pursuant to the Environmental Planning and Assessment Act 1979, as amended, and the Recovery of Imposts Act 1963, as amended.

## 16.7 To make a draft Local Environmental Plan under Section 3.36 of the EP&A Act 1979

To undertake the plan making functions of the Minister for Planning and Infrastructure under Section 3.36 of the Environmental Planning and Assessment Act 1979, where an authorisation has been issued as part of a Gateway Determination and the draft plan is entirely consistent with the planning proposal adopted by Council.

- The final legal Plan must be in accordance with the resolution to finalise the Planning Proposal adopted by Council post exhibition in respect of:
- Policy Intent;
- Land Use Zone;
- Floor Space Ratio;
- Building Height;• Lot Size;
- Property acquisition (where appropriate); or
- Any other element controlled by the Local Environmental Plan.

## 17. Notices / Orders

### 17.1 Issue Notices / Orders

#### 17.1.1 Issue Clean-up Notice

Issue a Clean-up Notice pursuant to the Protection of the Environment Operations Act 1997, as amended.

#### 17.1.2 Issue Prevention Notice

Issue a Prevention Notice pursuant to the Protection of the Environment Operations Act 1997, as amended.

#### 17.1.3 Issue Compliance Cost Notice

Issue a Compliance Cost Notice pursuant to the Protection of the Environment Operations Act 1997, as amended and the Environmental Planning & Assessment Act 1979.

**17.1.4 Issue Improvement Notice**

To issue an Improvement Notice pursuant to the Public Health Act 2010, as amended.

**17.1.5 Issue Improvement Notice**

To serve on the proprietor of a food store, food vehicle or appliance in an unclean or insanitary condition an improvement notice pursuant to the Food Act 2003, as amended.

**17.1.6 Issue Prohibition Order**

To serve on the proprietor of a food store, food vehicle or appliance to which an improvement notice relates an order for closure if not satisfied that a clean and sanitary condition has been achieved pursuant to the Food Act 2003, as amended.

**17.1.7 Issue Nuisance Orders**

To issue Nuisance Orders pursuant to the Companion Animals Act 1998, as amended.

**17.1.8 Declaration of menacing dangerous and restricted dogs**

To declare a dog menacing dangerous or restricted pursuant to the Companion Animals Act 1998, as amended.

**17.1.9 Issue a Certificate of Compliance**

Issue a Certificate of Compliance - dangerous and restricted dog enclosures, pursuant to the Companion Animals Act 1998, as amended.

**17.1.10 Issue a Certificate of Clearance**

To issue a Certificate of Clearance pursuant to the Public Health Act, as amended.

**17.1.11 Issue a Certificate of Compliance**

Issue a certificate of compliance pursuant to the Swimming Pools Act 1992, as amended.

**17.1.12 Issue Notices and Orders (LG Act 1993 & EP&A Act 1979)**

To issue Notices and Orders pursuant to the Local Government Act 1993, as amended, and the Environmental Planning & Assessment Act 1979, as amended.

**17.1.13 Issue Notices (Impounding Act 1993)**

To issue Notices pursuant to the Impounding Act 1993, as amended.

**17.1.14 Issue a Noise Control Notice**

To issue a Noise Control Notice pursuant to the Protection of the Environment Operations Act 1997, as amended.

**17.1.15 Issue Notice of Direction Concerning Fires**

To give direction by notice in writing to extinguish a fire immediately and/or not to light or maintain a similar fire on the premises as specified in the notice, pursuant to the Protection of the Environment Operations Act 1997, as amended.

**17.1.16 Issue a Noise Abatement Direction**

To issue a Noise Abatement Direction pursuant to the Protection of the Environment Operations Act 1997, as amended.

**17.1.17 Issue a Stop Work Order**

To issue a Stop Work Order pursuant to the Environmental Planning & Assessment Act 1979, as amended.

**17.1.18 Supervision of Exhumations**

To supervise exhumations or to order the exhumation to stop pursuant to the Public Health Regulation 2012, as amended.

**17.1.19 Registration of Animals**

To register animals pursuant to the Companion Animals Act 1998, as amended.

**17.1.20 Access to Companion Animals Register**

To access information on the Companion Animals Register pursuant to the Companion Animals Act 1998, as amended.

**17.1.21 Exemption from Impracticable Barrier Requirements**

To exempt swimming pools from all or any of the requirements pursuant to the Swimming Pools Act 1992, as amended.

**17.1.22 Certificate of Clearance**

To give the proprietor a certificate of clearance certifying that the food store, food vehicle or appliance has been put into and is in a clean and sanitary condition pursuant to the Food Act 2003, as amended.

**17.1.23 Issue Notice of dangerous and restricted breed declarations**

Issue notices of dangerous or restricted breed declarations pursuant to the Companion Animals Act, 1998, as amended.

**17.1.24 Issue Prohibition Order**

To issue a Prohibition Order pursuant to the Public Health Act 2010, as amended.

**17.2 Modification of Orders****17.2.1 Modification of Orders (Local Government Act 1993)**

To modify an order pursuant to the Local Government Act 1993, as amended.

**17.2.2 Modification of Orders (Environmental Planning & Assessment Act 1979)**

To modify an order pursuant to the Environmental Planning & Assessment Act 1979, as amended.

**17.3 Revocation of Orders/Notices/Declarations****17.3.1 Revocation of Orders (Local Government Act 1993)**

To revoke an order, pursuant to the Local Government Act 1993, as amended.

**17.3.2 Revocation of Orders (Environment Planning & Assessment Act 1979)**

To revoke an order, pursuant to the Environmental Planning & Assessment Act 1979, as amended.

**17.3.3 Revocation of Declarations of Dangerous Dogs and Restricted Breeds (Companion Animals Act 1998)**

To revoke a dangerous dog or restricted breed declaration pursuant to the Companion Animals Act 1998, as amended.

**17.3.4 Revocation of Certificate of Compliance**

To revoke a Certificate of Compliance - dangerous and restricted dog enclosures, pursuant to the Companion Animals Act 1998, as amended.

**17.3.5 Revocation of Improvement Notices and Prohibition Orders (Public Health Act 2010)**

To revoke an Improvement Notice or Prohibition Order issued under the Public Health Regulation 2010, as amended.

**17.3.6 Revocation of a Noise Control Notice**

As an authorised officer to revoke a Noise Control Notice pursuant to the Protection of the Environment Operations Act 1997, as amended.

**17.3.7 Revocation of a Noise Abatement Direction**

To revoke a Noise Abatement Direction, pursuant to the Protection of the Environment Operations Act 1997, as amended.

**17.3.8 Revocation of Clean Up Notices or Prevention Notices**

To revoke a Clean Up Notice or Prevention Notice pursuant to the Protection of the Environment Operations Act 1997)

**18. Penalty Infringement Notices****18.1 Protection of the Environment Operations Act 1997 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Protection of the Environment Operations Act 1997, as amended.

**18.2 Protection of the Environment Operations (Clean Air) Regulation 2002 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Protection of the Environment Operations (Clean Air) Regulation 2002, as amended.

**18.3 Protection of the Environment Operations (Noise Control) Reg. 2008 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Protection of the Environment Operations (Noise Control) Regulation 2008, as amended.

**18.4 Protection of the Environment Operations (Waste) Regulation 2005 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Protection of the Environment Operations (Waste) Regulation 2005, as amended.

**18.5 Environmental Planning & Assessment Act 1979 & Regulation 2000 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Environmental Planning & Assessment Act 1979, as amended, and Regulation 2000, as amended.

**18.6 Companion Animals Regulation 2008 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Companion Animals Regulation 2008, as amended.

**18.7 Companion Animals Act 1998 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Companion Animals Act 1998, as amended.

**18.8 Local Government Act 1993 & Regulation (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Local Government Act 1993, as amended, and Local Government (General) Regulation 1999, as amended.

**18.9 Swimming Pools Act 1992 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Swimming Pools Act 1992, as amended.

**18.10 Swimming Pools Regulation 1998 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Swimming Pools Regulation 1998 (NSW), as amended.

**18.11 Impounding Regulation 2003 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Impounding Regulation 2003, as amended.

**18.12 Roads Act 1993 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Roads Act 1993, as amended.

**18.13 Roads (Gen) Regulation 2000 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Roads (General) Regulation 2000, as amended.

**18.14 Roads Regulation 2008 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Roads Regulation 2008, as amended.

**18.15 Road Transport (Gen) Act 2005 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Road Transport (General) Act 2005, as amended.

**18.16 Road Transport (Gen) Regulation 2005 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Road Transport (General) Regulation 2005, as amended.

**18.17 Road Transport (Safety & Traffic Management) Regulation 1999 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Road Transport (Safety & Traffic Management) Regulation 1999, as amended.

**18.18 Road Transport (Mass Loading & Access) Regulation 2005 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Road Transport (Mass Loading & Access) Regulation 2005, as amended.

**18.19 Australian Road Rules 2008 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Australian Road Rules 2008, as amended.



**18.20 Recreational Vehicles Act 1993 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Recreational Vehicles Act 1983, as amended.

**18.21 Rural Fire Act 1997 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Rural Fire Act 1997, as amended.

**18.22 Rural Fires Regulation 2002 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Rural Fires Regulation 2013, as amended.

**18.23 Food Act 2003 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Food Act 2003, as amended.

**18.24 Sydney Water Act 1994 (Penalty Infringement Notices)**

Issue Penalty Infringement Notices pursuant to the Sydney Water Act 1994, as amended.

**18.25 Sydney Water Regulation 2006 (Penalty Infringement Notices)**

Enforce water restrictions and issue Penalty Infringement Notices pursuant to the Sydney Water Regulation 2006 (NSW), as amended.

**18.26 Withdrawal of Penalty Infringement Notices**

To withdraw a penalty notice.

**18.27 Public Health Act 2010 and Public Health Regulation 2012 (Penalty Infringement Notices)**

To Issue Penalty Infringement Notices pursuant to the Public Health Act 2010, as amended and Public Health Regulation 2012, as amended.

**19. Property Management and Development****19.1 Conveyancing****19.1.1 Purchase/Sale of Land**

To negotiate and execute (with the Mayor) the purchase or sale of land within a maximum range adopted by Council and subject to any other conditions the Council may require where Council has resolved to purchase or sell land.

**19.1.2 Date of Completion of Sale**

To extend for a period of not more than four (4) weeks the date of completion set down in a contract for sale where deemed appropriate.

## 19.2 Development

To issue the owner (the Council) consent as required to enable Development Applications to be lodged in respect of property owned by the Council.

## 19.3 Signing Documents/Registered Owner

### 19.3.1 Resumed Land

To sign all applications for compulsory acquisition addressed to the Registrar General to record the Council as the registered owner of resumed land.

### 19.3.2 Council Land

To sign documents addressed to statutory authorities to record the Council as the registered owner of Council's land.

## 20. Public Land

### 20.1 Tree Management

To approve, refuse or approve, subject to conditions, applications made to the Council for the ringbarking, cutting down, topping, lopping, pruning or removing of trees, which are subject to the LEP and the Environmental Planning & Assessment Act 1979, as amended.

To supply trees, shrubs and other vegetation to any person for planting in the local government area.

### 20.2 Dividing Fences

To approve the construction of dividing fences between private land and Council property. This does not apply to land held for open space and public reserve purposes, public roads and pathways or any other public places which are exempt from the provision of the Dividing Fences Act 1991, as amended. This delegation is subject to the existing fences being in a condition to warrant replacement and/or restoration, not less than two competitive quotations being obtained and the adjoining owner contributing not less than half the cost.

### 20.3 Approve Applications for Use

To approve, refuse or approve with conditions, in accordance with any fee schedule fixed by Council, applications for the use of public parks, reserves and other lands and buildings thereon under the control of Council. Such approvals to be in accordance with any adopted procedures of the Council and to be for uses which, in his/her opinion are not detrimental to the accepted use of such parks, reserves and other land including public meetings, public performances, carnivals, circuses and to regulate the use of loud speakers, the lighting of fires, vehicular and pedestrian movement, bathing and the consumption of liquor and any other activity incidental to the consent.

### 20.4 Honorary Rangers

To cancel authority to existing honorary rangers in accordance with Council's adopted procedures.

## 21. Roads Construction and Maintenance

### 21.1 Street Lighting

Subject to funds being available in Council's Management Plan:

To request the responsible authority to prepare schemes for installation and improvement of street lighting.

To authorise the work to proceed and Council to bear the additional annual charge where the responsible authority has agreed to a scheme of street lighting improvement.

To approve replacement of street lamps or variation in wattage or type of street lamps in accordance with proposals submitted by the responsible authority.

To approve of the installation and energising of street lights in new urban areas.

### 21.2 Street Banners (Approval/Refusal)

To approve, refuse or approve with conditions, the display of banners on roads in parks and reserves under Council's control.

### 21.3 Vehicular Crossings

To approve or refuse applications from property owners or occupiers in accordance with the charges fixed by Council, for the construction of crossings or for repairs or renewals to be effected to the vehicular crossings which serve their properties.

To construct entrances and vehicular crossings to properties where the full cost of such work is paid in advance.

### 21.4 Works for Private Owners

To undertake on behalf of private persons, upon payment of the amount to cover the costs, and government bodies or instrumentalities where the expenditure is recoverable, footpath, paving, kerb and guttering, drainage and pavement and other works and to prepare designs for such works both within the public roads and private property.

To undertake, in conjunction with works by or on behalf of other parties, footpath, paving, kerbing and guttering, drainage and pavement works, both within public roads and private property and to incur expenditure from funds voted within Council's adopted budget and Capital Works Program.

### 21.5 Works by Private Owners

To approve, refuse or approve subject to conditions, applications from property owners for footpath paving, kerbing and guttering, drainage and pavement works within public roads abutting their properties or within their properties subject to any such works being carried out at the owners full cost.

## **21.6 Carparking**

### **21.6.1 Approve Use/Carparking**

To approve the use of Council's carparking areas for use other than carparking subject to the proposed use being compatible with the area and not adversely interfering with normal carparking.

### **21.6.2 Set Parking Areas**

To set apart and delineate vehicle parking areas.

## **21.7 Section 94 Expenditure**

To authorise expenditure in accordance with annual Section 94 Capital Works Program as adopted by Council.

## **21.8 Plant Hire Rates**

To revise internal plant hire rates.

## **21.9 Use of Footway**

To approve to use a footway for restaurant purposes pursuant to the requirements of Section 125 of the Roads Act 1993, as amended, any Council planning instrument and Council's Guidelines for Activities in Public Roads.

## **21.10 Erect Structures**

To authorise to erect structures pursuant to the requirements of the Roads Act 1993, as amended, any Council planning instrument and Council's Guidelines for Activities in Public Roads.

### **21.10.1 Portable Traffic Control Lights**

To authorise the use of portable traffic control lights that are used in connection with the carrying out of road works on public roads as authorised by the Roads Act 1993 where no fixed equipment or fixed cables are used and are operated generally in compliance with the RMS's publication for Traffic Control at Worksites, Section 10 on Portable Traffic Signals.

### **21.11 Traffic Control Devices**

To authorise prescribed traffic control devices in accordance with the Road Transport (Safety & Traffic Management) Act 1999, as amended.

### **21.12 Special Event Parking**

To authorise special event parking schemes in accordance with the Road Transport (Safety & Traffic Management) Act 1999, as amended, on public roads other than classified roads in accordance with the Roads and Traffic Authority Delegations to Councils dated 23 February 2009.

## 22. Search Warrants

### 22.1 Protection of the Environment Operations Act 1997 (Search Warrants)

Apply for a search warrant to an authorised justice pursuant to the Protection of the Environment Operations Act 1997, as amended.

### 22.2 Local Government Act 1993 (Search Warrants)

Apply for a search warrant to an authorised justice pursuant to the Local Government Act 1993, as amended.

### 22.3 Environmental Planning & Assessment Act 1979 (Search Warrants)

Apply for a search warrant to an authorised justice pursuant to the Environmental Planning & Assessment Act 1979, as amended.

### 22.4 Public Health Act 2010 (Search Warrants)

Apply for a search warrant to an authorised justice pursuant to the Public Health Act 2010, as amended.

### 22.5 Food Act 2003 (Search Warrants)

Apply for a search warrant to an authorised justice pursuant to the Food Act 2003, as amended.

### 22.6 Swimming Pools Act 1992 (Search Warrants)

Apply for a search warrant to an authorised justice pursuant to the Swimming Pools Act 1992, as amended.

### 22.7 Roads Act 1993 (Search Warrants)

Apply for a search warrant to an authorised justice pursuant to the Roads Act 1993, as amended.

## 23. Sponsorship

To negotiate sponsorship and in kind support for special events, tourist orientated activities and Council approved activities.

## 24. Tourism

- a) To establish and cancel tourism agency agreements where considered warranted.
- b) To enter into and cancel commission agencies associated with Council's tourism operations.
- c) To close the Tourist Information Centre at times of exceptional circumstances prevailing.

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## Part G – Development Assessment Unit (DAU)

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### 1. Determination of Applications

To establish a unit (Development Assessment Unit) to determine development, building and subdivision applications subject to compliance with the requirements of the Local Government Act 1993, as amended, and Environmental Planning and Assessment Act 1979, as amended, and subject to following limitations:-

### 2. Limitations

Where there is another Statutory Government Instrument that applies to the matter that requires it to be dealt with by a panel constituted by the State.

### 3. Notice of Business

The Development Assessment Unit will meet every Tuesday and only matters contained in the formal Agenda of the Unit may be considered by the Unit. The Agenda shall be prepared and distributed to all Councillors on the Friday preceding the meeting.

### 4. Approval of Applications

(Unless otherwise specified, a reference to an application shall include Development, Applications, Subdivision Applications, Building Certificate Applications, Complying; Integrated or Designated Development.) To grant development consent to applications pursuant to the provisions of the Environmental Planning & Assessment Act 1979, as amended, where the application: a) is not of major regional environmental significance; or b) complies with the provisions of the relevant environmental planning instruments (or satisfies requirements "SEPP 1"); or Clause 4.6 of the LEP; or c) complies with adopted policies or Development Control Plans (or satisfies the requirements of "Variations to Development Control Plan(s)"; or d) does not conflict with any exhibited draft Local Environmental Plan. Exceptions:- i) The application seeks a variation to an LEP or SEPP standard of between 7% and 10% To grant a development consent to applications that are subject to the exception(s) outlined above provided the applications are subject to a report to the Development Assessment Unit (DAU).

### 5. Refusal of Applications

To refuse development applications, provided the refusals are the subject of a report to the Development Assessment Unit, where the application:-

- a) does not comply with the provisions of the relevant environmental planning instrument or where any variation is not considered justified; or
- b) does not comply with adopted objectives, policies, Development Control Plans and Codes of Council or where any variation is not considered justified; or
- c) conflicts with any exhibited draft local environmental plan; or
- d) has attracted objections which are considered to warrant the refusal of the application.

Or where,

- i. inadequate information has been submitted notwithstanding a request for this information; or
- ii. is unclear or not legible.