DELEGATION TO THE BUDGET AND STRATEGIC ISSUES COMMITTEE OF COUNCIL PURSUANT TO SECTION 377 OF THE LOCAL GOVERNMENT ACT, 1993

That, subject to compliance with the requirements of the Local Government Act 1993, and Regulations thereunder, any expressed policy of the Council, and subject to any direction given by the Council, the Council pursuant to the provisions of Section 377 of the Local Government Act 1993, and every other enabling legislation, delegates to the Budget and Strategic Issues Committee of the Council to exercise, or perform on behalf of the Council, all of the Council's powers, authorities, duties and functions in relation to such matters as the General Manager, or his delegate, shall from time to time refer to that Committee for consideration.

This delegation excludes the following functions expressly reserved in Section 377, which cannot be delegated

(a) the appointment of a general manager,
(b) the making of a rate,
(c) a determination under section 549 as to the levying of a rate,
(d) the making of a charge,
(e) the fixing of a fee,
(f) the borrowing of money,
(g) the voting of money for expenditure on its works, services or operations,
(h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
(i) the acceptance of tenders which are required under this Act to be invited by the council,
(j) the adoption of an operational plan under section 405,
(k) the adoption of a financial statement included in an annual financial report,
(l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
(m) the fixing of an amount or rate for the carrying out by the council of work on private land,
(n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
(o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,
(p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,

(q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons (this includes companies, incorporated associations and charitable bodies)

(r) a decision under section 234 to grant leave of absence to the holder of a civic office,

(s) the making of an application, or the giving of a notice, to the Governor or Minister,

(t) this power of delegation,

(u) any function under this or any other Act that is expressly required to be exercised by resolution of the council (including decisions to use Council's Common Seal)

1. Exercising of the aforementioned delegations are subject to the following limitations and conditions:

   A) The Committee shall not make any decision under delegated authority where a contribution from council’s fund is sought or income is to be forgone.

   B) Any decision, by majority vote, in respect of matters being considered in terms of the delegated authority shall not take effect as a decision of the Council until 12.00pm. on the second working day next following the meeting date of the Committee that makes the decision and PROVIDED FURTHER, HOWEVER, that if any two duly elected Councillors of the Council of Sutherland Shire advise the General Manager or the Director, Corporate Services at any time after the aforesaid meeting of the Committee but before 12.00 pm (Midday) on the second working day next following such aforesaid meeting, that they each seek the rescission of any such aforesaid decision, THEN IN THAT EVENT any such aforesaid decision of the Committee as specifically advised to the General Manager or the Director - Corporate Services shall not take effect and the whole of the subject matter that gave rise to such aforesaid decision shall be referred to the next immediate Ordinary Meeting of the Council for its consideration and determination whereupon the aforesaid decision of the Committee shall be null and void and of no effect except that it shall be deemed to be and treated as a recommendation to the Council and the Committee shall have no further power in relation to the aforesaid subject matter unless the same be subsequently redirected to the Committee by the Council for the Committee's further consideration and decision pursuant to its Delegated Authority.

   C) That the Delegated Authority of the Committee to take a delegated decision may only be exercised on consideration of a report from the Mayor or the proper employee of the Council.

   D) That the Delegated Authority to take a delegated decision be restricted to those matters which are included on the Business Paper of the Committee as prepared and distributed in accordance with the requirements of the Local Government Act 1993, and Regulations thereunder.