



## **Business Paper**

### **Council Meeting**

**Monday, 24 October 2016**

**6:30pm**

**Council Chambers,  
Level 2, Administration Building  
4-20 Eton Street, Sutherland**

























































































































































# Shire Planning Committee

## DELEGATION

October 2016

**DELEGATION TO THE SHIRE PLANNING 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 Shire Planning 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 to provide services currently provided by members of the staff of 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, unless the financial assistance is part of a specified program in council's Operational Plan for the year,
- (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*)

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

1. That the Delegated Authority of the Committee to make a delegated decision may only be exercised on consideration of a report from the Mayor or the proper employee of the Council.
2. 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.
3. Any decision in respect of matters being considered in terms of the delegated authority shall be in accordance with a decision by unanimous vote of all members appointed by Council to the Committee EXCEPT for the absence of the Mayor PROVIDED THAT in the absence of one or more members of the Committee, the appointed Chairperson, Deputy Chairperson or the elected member presiding at a meeting of the Committee may appoint an alternative Committee member to replace an absent Committee member to either form a quorum or full Committee membership so as to allow the Committee to make a decision under delegated authority.
4. A decision made under delegated authority shall not take effect as a decision of the Council until 12.00pm on the second working day following the date of the meeting at which the Committee makes the decision.
5. If any two duly elected Councillors advise the General Manager or the Director Corporate Support prior to the time specified in clause 3, that they seek the rescission of any such decision, the decision shall not take effect and the decision will be referred to the next Ordinary Meeting of the Council for consideration and determination.
6. If a decision is rescinded in accordance with clause 5 the decision shall be treated as a recommendation to the Council from the Committee.
7. That the Delegated Authority to make 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.
8. Notwithstanding the provisions of clause 3, the Committee may, by Majority vote of all members in attendance, refer for further consideration or report, any item/s or matter on the Committee's Business Paper, to any Standing Committee or Council Meeting within the same cycle of Meetings.























**Sutherland Shire Crime Prevention Community Safety Precinct Committee**

(Meets quarterly)

One Councillor

**Sydney Airport Community Forum**

(Meets minimum quarterly)

One Councillor

One Alternate Councillor

**Sydney Coastal Councils**

One Councillor