

SUTHERLAND SHIRE COUNCIL
INSTRUMENT OF DELEGATION BY THE CHIEF EXECUTIVE OFFICER

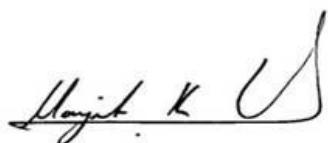
In accordance with section 378 of the *Local Government Act 1993*, I hereby:

1. Delegate to the position of:

Director Shire Planning

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

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



Manjeet Grewal

Chief Executive Officer

24 June 2020

DELEGATIONS

02 BUSINESS OF COUNCIL

02.02 Business papers

Determine matters to be included in the business papers of the Council and its Committees. However, the following items must be included when they arise:

- Reports on matters which cannot be determined under delegated authority
- Reports required to be submitted under any law
- Matters requiring a determination of policy
- Reports directed by the Council or the relevant Committee to be submitted
- Matters essential for the information of the Council or its Committees

- Matters requiring the voting of funds

02.04 Consultants

02.04.04 < \$20,000

Engage, and authorise the payment of, consultants but only where, in the opinion of the delegate, Council does not have the capacity or the expertise to undertake the project through its own staff. Further, other than in an emergency, the engagement must be in accordance with a specific decision of the Council, or a general budgetary provision and not exceed \$20,000.

02.05 Correspondence

02.05.01 Sign

Sign and send correspondence that, in the opinion of the delegate, does not require the consideration of the Council or the signature of the General Manager or the Mayor.

02.07 Execution of Documents

02.07.02 Easements, covenants etc

For the purpose of enabling registration at the NSW Land and Property Information, execute documents, dealings and the like (for example, plans and those that create, vary, modify, release or extinguish, easements, restrictions and covenants). However, the delegate is not authorised to do so where Council is the beneficiary or the document or dealing concerns land owned by Council or land under Council's care control and management.

02.07.03 General

02.07.03.03 < \$100,000

Execute agreements, contracts and other documents provided expenditure does not exceed \$100,000 and any relevant condition in the authorities 'Disposal of plant, equipment and goods etc' or 'Procurement' is satisfied.

02.07.03.10 Certification

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

02.07.04 Grants

Execute agreements, contracts and other documents concerning grants and the acceptance of funding provided any contribution by Council is budgeted for.

02.12 Operations and Services

Exercise the functions of the position to which the delegate is appointed or acting, generally in accordance with the position description and responsibilities for that position and if applicable, the sums voted by the Council and Budget allocation.

03 CERTIFICATES

03.01 Companion Animals Act 1998

03.01.01 Companion Animals Act 1998 - Enclosure Compliance

Issue and revoke a certificate of compliance in relation to the enclosure in which a dangerous dog or restricted dog is required to be kept, pursuant to section 58H of the *Companion Animals Act 1998* and regulation.

03.02 Conveyancing Act 1919

Issue a certificate of amount due, pursuant to section 88G of the *Conveyancing Act 1919*.

03.03 Environmental Planning and Assessment Act 1979

03.03.01 Part 8

Assess and determine an application for and issue a building certificate, pursuant to Part 8 of the *Environmental Planning and Assessment Act 1979* and regulation.

03.03.02 Environmental Planning and Assessment Act 1979 (Part 4)

Assess and determine an application for and issue a complying development certificate (including an application to modify a complying development certificate), pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* and Regulation.

03.03.03 Section 150

Issue a certified copy or extract of a document, pursuant to section 150 of the *Environmental Planning and Assessment Act 1979*.

03.03.04 Section 121

Issue a certificate as to outstanding orders or notices, pursuant to section 121ZP of the *Environmental Planning and Assessment Act 1979*.

03.03.05 Part 4A

03.03.05.01 Part 4A

Assess and determine an application for and issue a Part 4A certificate, pursuant to Division 1 of Part 4A of the *Environmental Planning and Assessment Act 1979* and regulation

03.03.06 Section 10.7 Planning Certificates

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

03.04 Local Government Act 1993

03.04.01 Local Government Act 1993 (section 54)

Issue a certificate as to the classification of public land, pursuant to section 54 of the *Local Government Act 1993*.

03.04.02 Local Government Act 1993 (section 735A)

Issue a certificate as to outstanding notices, pursuant to section 735A of the *Local Government Act 1993*.

03.05 Strata Certificates

Assess and determine an application for and issue a strata certificate, pursuant to Part 2 of the *Strata Schemes (Freehold Development) Act 1973* and regulation or Part 2 of the *Strata Schemes (Leasehold Development) Act 1986* and regulation.

Assess and determine an application to terminate a strata certificate, pursuant to Part 3 of the *Strata Schemes (Freehold Development) Act 1973* and regulation or Part 3 of the *Strata Schemes (Leasehold Development) Act 1986* and regulation.

03.06 Swimming Pools Act 1992

Assess and determine an application for and issue a certificate of compliance and certificate of exemption in relation to a swimming pool, pursuant to Division 4 of Part 2 of the *Swimming Pools Act 1992* and regulation.

04 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

04.01 Local environmental plans, development control plans and contributions plans

Exercise Council's functions under Part 3 (Planning Instruments) and Part 7 Infrastructure Contributions and Finance of the *Environmental Planning and Assessment Act 1979* and regulation in relation to environmental planning instruments, development control plans and contributions plans. However, the delegate is not authorised to prepare a planning proposal or place a draft local environmental planning instrument, draft development control plan or draft contributions plan on public exhibition unless authorised by a resolution of the Council.

04.02 Functions under Part 4 of the Environmental Planning and Assessment Act 1979 and Regulation

04.02.01 - Development applications, modification of consents etc

04.02.01.01 - Grant Consents – Director

Exercise Council's functions under Part 4 (Development Assessment) of the *Environment Planning and Assessment Act 1979* and *Regulation* **EXCEPT:**

(1) Grant development consent or modify consent or review a determination (as the case may be) where:

(a) For all applications:

(i) if, before the application is determined, Council advises the Manager Administration and Risk they wish for the Development Assessment and Planning Committee to consider calling the matter to Council for determination, and the Council resolves that the matter should be determined by it.

(ii) if a Councillor or Council is the applicant or landowner, unless the Director Planning and Environment consultation the General Manager determines is appropriate to do so after giving consideration to the following:

- the extent to which the development complies with the controls in Council's LEP and DCP;
- whether any objections have been received on the reasonableness of the objections, taking into account any guidance from Council's LEP and DCP on the issues raised; and
- whether circumstances warrant assessment by an external professional, a peer review of assessment undertaken by Council staff, and/or referral of the application to IHAP.

(iii) if a member of Council staff is the applicant or landowner or where a declaration of affiliation has been completed by the applicant or property owner, unless the Director Planning and Environment determines that it is appropriate to do so after giving consideration to the following:

- the extent to which the development complies with the controls in Council's LEP and DCP's in the:
- whether any objections have been received and the reasonableness of the objections, taking into account any guidance from Council's LEP and DCP on the issues raised;
- whether the circumstances warrant assessment by an external professional, a peer review and assessment undertaken by Council staff, and/or referral of the application to IHAP;
- the relationship of the staff member or person identified in the declaration to the Council and staff involved in assessing applications.

(b) For development applications:

(i) the delegate does not have authority to vary a development standard pursuant to the provisions of State Environmental Planning Policy No.1 - Development Standards or Clause 4.6 of Sutherland Shire Local Environmental Plan 2015.

(2) notwithstanding any other provision of this instrument, the delegate is authorised to determine any application in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979* where the application has been referred to the General Manager for determination by a decision of the Development Assessment and Planning Committee or The Council.

04.02.02 External Assessment of Applications

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

04.02.03 Rejecting Applications

Reject a development application pursuant to clause 51 of the *Environmental Planning and Assessment Regulation 2000*.

04.02.04 Requesting Further Information

Request further information pursuant to clauses 53 and 54 of the *Environmental Planning and Assessment Regulation 2000*.

04.02.05 Trees and Bushland

Assess and determine an application for and issue a permit or approval (as the case may be) pursuant to clause 56 (Preservation of trees or vegetation) of Sutherland Shire Local Environmental Plan 2006 and Sutherland Shire Development Control Plan 2006, or the Sutherland Shire Tree and Bushland Vegetation Preservation Order.

04.03 Clause 4.6 of Sutherland Shire Local Environmental Plan 2015

04.03.01 Clause 4.6 - Director

Exercising Council's authority under Clause 4.6 of Sutherland Shire Local Environmental Plan 2015 in relation to the determination of applications, EXCEPT:

(a) in respect of an applications for any of the following types of development:

- dual occupancy;
- residential flat building;
- multi – dwelling housing;
- seniors housing; or
- Shop top housing;

if any of the development standards for height, floor space ratio or landscaped area in Sutherland Shire Local Environmental Plan 2015 are exceeded by more than 10%, unless all Councillors have been notified by email that the application is going to be approved and allowed two working days to consider calling the matter to Council for determination. These exceptions do not apply to pre-existing variations.

04.04 Environmental Assessment under Part 5 of the Environmental Planning and Assessment Act 1979

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

04.05 Telecommunication Low Impact Facilities

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

04.06 DCP Maps

Amend the flood maps forming part of Council's Development Control Plan to reflect whether property should still be subject to flood related development controls after consideration of changes in knowledge of flood risk or changes to physical characteristics of the property.

05 FINANCE

05.01 Accounts

05.01.02 Authorise Payment - Procurement

Determine whether the amounts and calculations in accounts, invoices and tax invoices comply with any relevant agreement or are, in the opinion of the delegate, otherwise fair and reasonable and, if found to be so, authorise payment or so much as is found to be fair and reasonable, up to the amount(s) shown in the authority 'Procurement'.

05.02 Amounts Due to Council

05.02.01 Collection

Collect amounts due to Council and issue a receipt for the payment.

05.02.02 Repayment Agreements

Determine applications to pay by instalments amounts due to Council and vary repayment agreements.

05.06 Disposal of Plant, Equipment and Goods etc

05.06.04 < \$5,000

Sell, exchange or surrender plant, equipment, goods and the like as recorded in Council's Asset Register at a written down book value not exceeding \$5,000.

05.07 Fees, Charges and Quotations

05.07.01 Prepare Quotes

Prepare quotations for services provided by Sutherland Shire Certification Services and Southern Sydney Building Certifiers where Council's Adopted Schedule of Fees and Charges for Goods and Services provides for individual quotations.

05.07.02.01 Reduce or Waive up to \$1,500

Reduce or waive the payment of fees and charges up to \$1,500 in any one instance, but only where the delegate is of the opinion that it is appropriate to do so.

05.07.03 Refunds and Overpayments

Approve refunds for all overpayments and credit adjustments to fees and charges that, in the opinion of the delegate, are not legitimately due to Council.

05.07.04.01 Refund < \$50,000

Authorise the refund, reduction or waiver of fees and charges in relation to a pre-application discussion (PAD), development application, modification application, review application, subdivision certificate or construction certificate application where, in the opinion of the delegate, it is appropriate to do so or required by law, up to \$50,000 in any one instance, pursuant to the *Environmental Planning and Assessment Regulation 2000*. Note: No limit applies where Council is required by law to refund the fee or charge.

05.07.05.01 Refund Part 4A Certificate and PCA < \$5,000

Authorise the refund, reduction or waiver of fees and charges in relation to a complying development application, modification application, application for a Part 4A Certificate and PCA appointment where, in the opinion of the delegate, it is appropriate to do so or required by law, up to \$5,000 in any one instance, pursuant to the *Environmental Planning and Assessment Regulation 2000*. No limit applies where Council is required by law to refund the fee or charge

05.10 Petty Cash

05.10.01 < \$200

Authorise petty cash up to \$200 in any one instance.

05.12 Procurement

05.12.01 Expressions of Interest

Prepare and call for the submission of expressions of interest and tenders, including deciding whether the tender process is to be by way of open tendering or selective tendering, pursuant to clause 166 of the *Local Government (General) Regulation 2005*.

05.12.06 Obtain Quotes and Authorise Expenditure

05.12.06.15 < \$250,000

Obtain quotations and authorise expenditure for the supply, purchase, lease or hire of goods, works, services (including consultants engaged by the General Manager or Director), plant, equipment and the like subject to:

- (a) expenditure being less than \$250,000 for any one transaction; and
- (b) funds for such expenditure having been allocated in the Budget (where relevant); and
- (c) compliance with any limit on incurring such expenditure which the Council may have fixed (where relevant),

unless authorised by a resolution of the Council.

Note:

1. This authority extends to the execution of procurement type contracts and agreements only associated and consistent with the delegate's authorised Position Description. All other documents and agreements may only be executed if this delegation includes

an authority under item 02.07.

2. This authority does not extend to authorising petty cash claims.

05.13 Security

05.13.01 Accept Guarantees

Accept security in the form of monetary deposits, guarantees, certificates, bonds and the like in respect of a condition of development consent under the *Environmental Planning and Assessment Act 1979*, an approval under the *Local Government Act 1993*, a consent under the *Roads Act 1993*, an order of a court or otherwise relating to the business of Council.

05.13.02 Draw On or Release

Draw on or release any security provided the delegate is of the opinion that it is appropriate to do so having regard to the reason why the security is held.

06 LEGAL PROCEEDINGS AND CLAIMS

06.03 Legal

06.03.02 Witness

Appear as a witness or delegate of Council in any court or forum.

06.03.05 Instruct Lawyers - Local Court

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

06.05 Trees (Disputes Between Neighbours) Act 2006

Exercise Council's functions under the *Trees (Disputes Between Neighbours) Act 2006*.

07 PERSONNEL

07.02 Personnel and Organisational Matters

07.02.02 Category 2

Attend to the following matters:

- With the prior concurrence of the Manager – Personnel, appoint persons to a vacant position
- With the prior concurrence of the Manager – Personnel, authorise staff requisition forms for staff
- Appoint and terminate temporary and casual staff
- Determine staff permanency following the completion of the probation period
- Appraise staff performance
- Determine change of hours arrangements for staff
- Determine variations to span of hours by work groups and individuals
- Determine requests for overtime and time in lieu
- Carry out disciplinary actions including termination of employment in consultation with the Manager Personnel
- Sign and issue disciplinary letters in accordance with the provisions of the Local Government (State) Award
- Represent Council in industrial matters, including at the Industrial Relations Commission and Anti Discrimination Board
- Recommend and determine remuneration levels and the allocation of positions within Council's salary system
- Determine higher grade pay for staff
- Determine leave applications
- Direct staff to take leave
- Authorise staff attendance at conferences, seminars, meetings, courses and the like and the payment of all associated expenses provided:
 - attendance does not exceed 2 days duration
 - attendance does not involve a professional association conference
 - attendance does not involve overnight accommodation

- attendance does not involve air travel
- Issue references on Council letterhead
- Determine the Organisational Structure below the level of Director subject to any consultation required under any relevant Enterprise Agreement, Award and Council Policy
- Authorise timesheets for payment
- Responsibilities under any Work Health and Safety legislation and any other applicable law or Policy

07.03 Training strategy

Approve a training strategy (long term) and an annual program as recommended by the Manager Personnel.

09 PUBLIC LAND AND WORKS

09.01 Community land

Prepare a draft local environmental plan for the purposes of Part 2 (Public land) of Chapter 6 of the *Local Government Act 1993* and regulation. However, the delegate is not authorised to place a draft plan on public exhibition unless authorised by a resolution of the Council.

Prepare and exhibit draft Plans of Management for community land in accordance with Part 2 (Public land) of Chapter 6 of the *Local Government Act 1993* and regulation.

Adopt a Plan of Management which, in the opinion of the delegate, is procedural or minor and does not require the consideration of the Council.

Hold public hearings for the purposes of reclassification and recategorisation of community land under the *Local Government Act 1993* and regulation.

09.05 Private Works

09.05.01 Authorise Work

Authorise work on private land by agreement with the owner or occupier of that land in accordance with the approved fees determined by the Council, pursuant to section 67 of *Local Government Act 1993*.

09.06 Risk management

09.06.04 Footpaths

Attend to the following matters in relation to footpaths and the like, as and when necessary in the opinion of the delegate:

1. Approve any change, alteration or addition to the level, type, style and quality of footpath lighting.
2. Approve the erection of all signs, including general or specific information, hazard, safety, caution and prohibition signs in English only and, where considered necessary, approve the support of such signs by pictogram symbol signs adopted by the relevant Australian Standard.
3. Approve the replacement of all existing signs irrespective of type in accordance with the paragraph above over time, or a progressive basis as and when existing signs require replacement due to physical deterioration, vandalism or damage.
4. Approve the inspection of all existing signs, but subject to paragraph (6) below.
5. Approve the installation of new signs.
6. Approve the variation of supervision, inspection, maintenance and prohibition enforcement activities.
7. Approve the erection of footpath fencing

09.09 Trees

Supply trees, shrubs and other vegetation to any person for planting in the Shire, within the budget allocation approved by the Council.

10 REGULATION AND ENFORCEMENT

10.01 Complaints about accredited certifiers

Make a complaint to the Building Professionals Board concerning the conduct of an accredited certifier, pursuant to the provisions of the *Building Professionals Act 2005*.

10.02 Functions

10.02.01 Authorised officer/person/inspector/enforcement officer etc and Council's other functions (C of A required)

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

Qualifications:

1. Subject to this Delegation, only the following functions can be exercised under the *Environmental Planning and Assessment Act 1979* and regulation:

- (a) The delegate is appointed as and to exercise the functions of an authorised person, including the functions under Division 1A (Local Enforcement Powers) of Part 6; and
- (b) Council's functions under Part 6 Division 2A (Orders); and
- (c) Serve penalty notices as an authorised person, pursuant to section 127A and clause 284; and
- (d) Council's inspection functions.

2. Subject to this Delegation, only the following functions can be exercised under the *Local Government Act 1993* and regulation:

- (a) The delegate is appointed as and to exercise the functions of an authorised person, including the functions as a 'person authorised' under Part 2 (Entry on to land and other powers) of Chapter 8; and
- (b) Council's functions under Part 2 (Orders) of Chapter 7; and
- (c) Serve penalty notices as an authorised person, pursuant to section 679; and
- (d) Council's inspection functions. **(Certificate of Authority required)**

10.02.04 Companion Animals Act 1998

Appointed as and to exercise the functions of an authorised officer and authorised to exercise all other functions under the *Companion Animals Act 1998* and regulation. This includes (but is not limited to) entering property, seizing dogs, issuing and giving orders and notices, making declarations and serving penalty notices.

10.02.05 Contaminated Land Management Act 1997

Exercise Council's functions under the *Contaminated Land Management Act 1997* and regulation.

10.02.07 Crown Lands Act 1989

Exercise Council's functions under the *Crown Lands Act 1989* and regulation.

10.02.08 Environmental Planning and Assessment Act 1979

(Note: See also *ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979*)

10.02.08.01 Functions under Division 9.2 - Investigative Powers (C of A required)

Appointed as and to exercise the functions of a council investigation officer under the *Environmental Planning and Assessment Act 1979* and regulation. This includes (but is not limited to) the functions under Division 9.2 Investigative Powers (e.g. entering and

inspecting premises, giving directions, applying for search warrants, requiring answers to questions) and serving penalty notices as an authorised person pursuant to Division 9.3 of the Act and clause 284 of the regulation. **(Certificate of Authority required)**

10.02.08.03 Functions under Part 6 Division 2A (Orders)

Exercise Council's functions under Part 6 Division 2A (Orders) of the *Environmental Planning and Assessment Act 1979* and regulation.

10.02.08.04 Issue notices pursuant to Division 1 Part 4A

Issue notices as an accredited certifier pursuant to Division 1 of Part 4A (Certification of work and other matters) of the *Environmental Planning and Assessment Act 1979* and regulation.

10.02.09 Food Act 2003 (C of A required)

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

10.02.11 Impounding Act 1993

Appointed as and to exercise the functions of an authorised person and impounding officer and authorised to exercise all other functions under the *Impounding Act 1993* and regulation. This includes (but is not limited to) impounding, giving notices and serving penalty notices.

10.02.12 Liquor Act 2007

Exercise Council's functions under the *Liquor Act 2007*.

10.02.13 Local Government Act 1993

10.02.13.01 Appointed Persons and Exercising Functions (C of A required)

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

10.02.13.05 Part 2 (Orders) of Chapter 7

Exercise Council's functions under Part 2 (Orders) of Chapter 7 of the *Local Government Act 1993* and regulation.

10.02.13.06 Part 3 Adoption of Local Policies concerning Approvals and Orders

Exercise Council's functions under Part 3 (Adoption of local policies concerning approvals and orders) of Chapter 7 of the *Local Government Act 1993*. However, the delegate is not authorised to place a draft policy on public exhibition unless authorised by a resolution of the Council.

10.02.13.07 Reject a Section 68 Application

Reject an unclear or illegible application for a section 68 Approval, pursuant to section 85 of the *Local Government Act 1993* and regulation.

10.02.13.08 Part 1 (Approvals) of Chapter 7

10.02.13.08.01 Director

Exercise Council's functions under Part 1 (Approvals) of Chapter 7 of the *Local Government Act 1993* and regulation **EXCEPT** determine an application where the Council directs or a Councillor requests, in accordance with Council Policy, that the application be referred to the Development Assessment and Planning Committee for evaluation. However, such an application can be determined where the Land and Environment Court Forum of the Council, the Development Assessment and Planning Committee or the Council thereafter refer the application to the General Manager or relevant Director for determination.

10.02.13.09 Carrying out of works by council (s678)

In accordance with s678 of the Local Government Act do all such things as are necessary or convenient to give effect to the terms of an order issued under Part 2 of Chapter 7 of the Act, including the carrying out of any work required by the order.

10.02.15 Protection of the Environment Operations Act 1997

10.02.15.01 Protection of the Environment Operations Act 1997

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

10.02.16 Public Health Act 2010 (C of A required)

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

10.02.17 Recreation Vehicles Act 1983

Appointed as and to exercise the functions of an authorised officer and authorised to exercise all other functions under the *Recreation Vehicles Act 1983* and regulation. This includes (but is not limited to) inspecting vehicles and giving directions.

10.02.18 Road Transport (General) Act 2013

Appointed as and to exercise the functions of an authorised officer and authorised to exercise all other functions under the *Road Transport (General) Act 2013* and regulation and the 'road transport legislation' as defined in that Act. This includes (but is not limited to) inspecting and searching vehicles and premises, giving directions and serving penalty notices.

10.02.19 Roads Act 1993

10.02.19.01 Exercise functions of authorised officer (C of A required)

Appointed as and to exercise the functions of an authorised officer and authorised to exercise all other functions under the *Roads Act 1993* and regulation. This includes (but is not limited to) entering and inspecting land, applying for search warrants, granting consent, issuing notices and orders and serving penalty notices. **(Certificate of Authority required)**

10.02.20 Rural Fires Act 1997

Appointed as and to exercise the functions of an authorised officer and authorised to exercise all other functions under the *Rural Fires Act 1997* and regulation.

10.02.21 Swimming Pools Act 1992 (C of A required)

Appointed as and to exercise the functions of an authorised officer and authorised to exercise all other functions under the *Swimming Pools Act 1992* and regulation. This includes (but is not limited to) entering and examining premises, applying for search warrants, serving orders, and serving penalty notices. **(Certificate of Authority required)**

10.03 Representations – penalty notices

Consider representations in relation to penalty infringement notices and decide whether to caution the person, suspend, discontinue or continue enforcement of the notice (which may involve court proceedings), other than in respect of notices which have been issued by the delegate.

Where appearing in this Instrument of Delegation:

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