

SUTHERLAND SHIRE COUNCIL
INSTRUMENT OF DELEGATION BY THE GENERAL MANAGER

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

1. Delegate to the position of:

Inspector- Public Safety

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 General Manager or the Mayor; and

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



M Grewal

Acting General Manager

14 December 2018

DELEGATIONS

02 BUSINESS OF COUNCIL

02.05 Correspondence

02.05.02 General

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, except correspondence addressed to:

- The Mayor and Councillors
- The Governors General of any State
- Mayors and councillors of other councils
- Members of Parliament
- The New South Wales Ombudsman
- Heads of Statutory Authorities and Government Departments
- The Independent Commission Against Corruption
- The Local Government and Shires Association
- The legal profession (other than standard acknowledgement letters)

- Council's insurers

and any other correspondence which, in the opinion of the delegate:

- (a) will, in any significant way, bind or commit Council, or
- (b) concerns a matter which the Council or the community are likely to deem to be of a sensitive nature,

other than correspondence conveying a decision of the Council.

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.

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.

10 REGULATION AND ENFORCEMENT

10.02 Functions

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.

10.02.07 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 1C - 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 1C (Investigative Powers) of Part 6 (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 section 9.58 of the Act and clause 284 of the regulation. **(Certificate of Authority required)**

10.02.08.02 Inspection functions

Exercise Council's inspection functions under the *Environmental Planning and Assessment Act 1979* and regulation.

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.

10.02.11 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.

10.02.13 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.

10.02.13.08 Part 1 (Approvals) of Chapter 7

10.02.13.08.04 Other staff no variation

Exercise Council's functions under Part 1 (Approvals) of Chapter 7 of the *Local Government Act 1993* and regulation **EXCEPT:**

1. 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.
2. Approve an application where the activity does not comply with the requirements of a Council adopted Policy or Code unless, in the opinion of the delegate, the non-compliance can be addressed by conditions of approval.
3. Revoke an approval.

10.02.14 Biosecurity Act 2015 - Appointment as Authorised Officer (C of A required)

Appointed pursuant to Section 372 of the *Biosecurity Act 2015*, as and to exercise the functions of an authorised officer and exercise all other functions under the *Biosecurity Act 2015*. This includes (but is not limited to) entering and inspecting premises, applying for search warrants, erecting notices, giving notices and serving penalty notices. **(Certificate of Authority required)**

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.

10.02.17 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)**

INTERPRETATION

Where appearing in this Instrument of Delegation:

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