

**SUTHERLAND SHIRE COUNCIL**  
**INSTRUMENT OF DELEGATION BY THE GENERAL MANAGER**

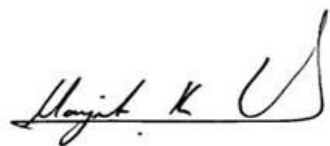
In accordance with section 378 of the *Local Government Act 1993*, I hereby:

1. Delegate to the position of:

**Senior Buildings Regulation Officer (Swimming Pool 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.

## **03 CERTIFICATES**

### **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.

#### **03.03.05 Part 4A**

##### **03.03.05.02 Part 4A Except Subdivision (includes Flood and Bushfire Prone Cert.)**

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

## **04 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

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

#### **04.02.02 External Assessment of Applications**

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

#### **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.

## **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**

#### **10.02.08 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)**

#### **10.02.13 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)**

##### **10.02.13.08 Part 1 (Approvals) of Chapter 7**

##### **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)**

##### **10.02.22 Boarding Houses Act 2012 (C of A required)**

Appointed pursuant to Division 4 of the *Boarding Houses Act 2012*, as and to exercise the functions of an authorised officer and authorised to exercise all other functions under the *Boarding Houses Act 2012* and regulation. This includes (but is not limited to) entering and inspecting premises, open ground and remove flooring, taking of photographs, and giving 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.