

Current Delegation	Proposed Delegation
<p>That pursuant to Section 377 of the <i>Local Government Act 1993</i> (the Act) and any other Acts enabling, the General Manager be delegated the following powers, authorities, duties and functions:</p> <ul style="list-style-type: none"> (a) To carry on the regular services and operations of the Council within the sums voted by the Council for expenditure thereon and in accordance with the resolutions of the Council; (b) To give effect to the provisions made by or under the Act and any other Act conferring powers, functions or duties on the Council and to any resolution or policy that has been adopted by the Council; (c) To take such actions and do such acts (not inconsistent with the Act or any other Act conferring powers, functions or duties on the Council or with any resolution or policy that has been adopted by the Council) as deemed necessary to generally manage, control and administer the affairs of the Council. (d) The delegations set out in Attachment A1. 	<p>General delegation:</p> <p>That Council delegates to the General Manager all functions of the Council under the Local Government Act 1993 and any other Act, which can be delegated, excluding:</p> <ul style="list-style-type: none"> (i) those functions specified in clauses (a) to (u) of section 377(1) of the Local Government Act 1993; (ii) the acceptance of tenders for an amount greater than \$150,000; (iii) writing off any debts for an amount greater than \$10,000; (iv) writing off any rates or charges for an amount greater than \$100; (v) any functions expressly required, by a resolution of Council made after this date, to be exercised by resolution of Council.

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
<p>A1 Legal Proceedings</p> <ol style="list-style-type: none"> 1. To institute, conduct and defend legal proceedings including the matter of consent orders where appropriate with respect to Council's activities in all Courts and instruct and engage Council's solicitors and counsel where necessary except where they are called to Council prior to the execution of appropriate delegations. 2. <ol style="list-style-type: none"> a. To authorise the laying of any information or complaint for the recovery of any penalty or the making of any order for or in respect of any offence, nuisance or other matter or thing whatsoever under the <i>Local Government Act 1993</i> and the <i>Environmental and Planning Assessment Act 1979</i> and Regulations, or any Regulation thereunder or any other Act, or Regulation and to lay any such information. b. To order the institution of proceedings by way of any penalty and/or the making of any order for or in respect of any offence, nuisance or other matter or thing whatsoever under the <i>Local Government Act 1993</i>, or any Regulation made thereunder or any other Act or Regulation. 3. To issue and serve all orders, lay Information and complaints and take, institute or commence all proper proceedings, actions and prosecutions against all persons committing any offence under the relevant Acts, Regulations including and without limiting of the foregoing: <ol style="list-style-type: none"> a. for the recovery of any rate charge fee or money under the provisions of the <i>Local Government Act 1993</i> and the <i>Environmental Planning and Assessment Act 1979</i> and Regulations or of any other Act; 	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p>

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
<ul style="list-style-type: none"> b. for the recovery of any penalty or in respect of any offence under the provisions of the <i>Local Government Act 1993</i> or any other Act or of any Regulation; c. for any purpose that the Delegate deems proper and to take all such steps as may be necessary for the conduct of such proceedings; d. <i>Environmental Planning and Assessment Act 1979</i> and Regulations thereunder in respect to any matter associated with the erection or demolition of buildings; e. Any other Act which enables the Council to authorise a staff member to enter upon any land or building and in and upon any such land or building to make inspections. <p>4. To represent the Council in all respects in any proceedings at the Land and Environment Court, any Local Court or before any Justice.</p> <p>5. To authorise the withdrawal of legal proceedings commenced on behalf of Council where the circumstances are of compelling justification.</p>	
<p>A2 Fees Generally</p> <ul style="list-style-type: none"> 1. To exercise discretion and interpret application of fee based on existing scales provided that any such common usage of a multiple of existing fees be included in future additions of Council's annual list of Fees and Charges. 2. To waive or reduce various general fees chargeable by Council in those circumstances where the use is a charitable organisation or where the fee charged by Council is not consistent with the degree of use envisaged by a hirer. 	<p>Delegation to waive fees covered by general delegation to General manager above.</p> <p>Section 610E (1) of the Local Government Act 1993 states: "A council may waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the council is satisfied that the case falls within a category of hardship or any other category in respect of which the council has determined payment should be so waived or reduced"</p> <p>The circumstances in which fees may be waived or reduced are limited by provisions of 610E and adopted Council policies.</p>

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
3. To waive or reduce fees in individual cases of pressing financial or social need.	
<p>A3 Approve the Consumption of Alcoholic Liquor</p> <p>To approve the consumption of alcoholic liquor at public reserves pursuant to the provisions of Section 632 of the <i>Local Government Act 1993</i>.</p>	Separate delegation not required. Covered by general delegation to General Manager above.
<p>A4 Tenders & Quotations</p> <p>1. To invite, evaluate and report on public tenders in accordance with Council's <i>Procurement Policy</i> and related procedures.</p> <p>2. To invite, evaluate and accept oral and/or written quotations in accordance with Council's <i>Procurement Policy</i> and related procedures.</p> <p>3. To determine the method of calling of tenders in accordance with Clause 166 of the <i>Local Government (General) Regulation 2005</i>.</p>	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p> <p>The Local Government Act was changed 23 September 2016 to allow for the delegation of the acceptance of tenders for any monetary value to the General Manager, except when tendering out services currently provided in house by council staff. Previously all tenders of \$150,000 or more had to be approved by Council. The proposed delegations limit the delegation of tenders to the General Manager by providing a threshold of \$150,000 above which the acceptance of tenders must be approved by Council.</p>
<p>A5 Tenders - Opening</p> <p>To act as the appropriate person in accordance with Clause 175 of the <i>Local Government (General) Regulation 2005</i> for the opening of tenders received in Council's Tender Box.</p>	Separate delegation not required. Covered by general delegation to General Manager above.
<p>A6 General Authorities - Power of Entry to any premises</p> <p>Subject to compliance with the requirements of the <i>Local Government Act 1993</i>, (Chapter 8, Part 2) and Regulations and the <i>Environmental & Planning and Assessment Act 1979</i> (Part 6, Division 1A), and any expressed policy of the Council, or regulation of any public authority concerned other than the Council, to exercise or perform on behalf of the Council the following powers, duties and functions:</p>	Separate delegation not required. Covered by general delegation to General Manager above.

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
<p>1. At any reasonable hour to enter and examine any premises, vehicles, vessels or articles situated within the Council area of Ku-ring-gai for any purpose relating to the administration of the <i>Local Government Act 1993</i>, the <i>Environmental Planning and Assessment Act 1979</i>, the <i>Food Act 2003</i> and all other Acts which the Ku-ring-gai Council is required by law to administer.</p> <p>2. To issue or serve all orders, lay informations and complaints and take, institute or commence all proper proceedings, actions and prosecutions against all persons committing any offences under relevant Acts and Regulations lawfully given and which may be dealt with by Ku-ring-gai Council.</p>	
<p>A7 Urgent Works</p> <p>To approve work which is considered urgent and in the public interest, and for which there is no budget provision but where funds are available within the Department voted funds as set out in the adopted Management Plan. Where such expenditure occurs, it be reported to the next Council Meeting.</p>	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p> <p>Budget variations reported to Council at quarterly budget reviews.</p>
<p>A8 Protection of the Environment Operations Act 1997</p> <p>To appoint, and exercise the functions of, an authorised officer under Chapter 7 of the <i>Protection of the Environment Operations Act 1997</i>.</p>	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p>
<p>A9 Appeals - Discretion to Negotiate</p> <p>When Council is the respondent to any appeal or application before the Land and Environment Court, after obtaining the advice of the Solicitors for the Council, to negotiate settlement of such appeal or application on terms which in the opinion of the General Manager are likely to be more advantageous to</p>	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p> <p>All settlements and appeals are reported quarterly in the legal expenses report.</p>

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
the Council than a decision or award by the Land and Environment Court PROVIDED THAT the General Manager shall report any such settlement of any such appeal or application to the next meeting of Council.	
<p>A10 Abandoned Articles</p> <p>To appoint, and act as "impounding officer" and to exercise the powers conferred by the <i>Impounding Act 1993</i> including in respect of any article (including a motor vehicle) abandoned or left unattended in a public place and to deal with that article in accordance with that Act.</p>	Separate delegation not required. Covered by general delegation to General Manager above.
<p>A11 Disposal of Old Stock, Plant, Tools etc</p> <ol style="list-style-type: none"> 1. To authorise the disposal or destruction of stores and materials that have deteriorated, or become damaged or are surplus to requirements and are therefore unusable. 2. To authorise the destruction of old stock and small items of plant that have worn out, or become damaged, and therefore are unusable. 3. To authorise the disposal of old stock, tools, plant, other assets etc, by the calling and acceptance of quotations, tenders or by other approved means of disposal in accordance with Council's Asset Disposal Policy. <p>A certified list of all such items disposed of or destroyed shall be submitted to the Director Corporate for the adjustment of records.</p>	Separate delegation not required. Covered by general delegation to General Manager above.
<p>A12 Care, Control & Management of all Public Parks, Reserves, Recreation Areas & Free Parking Areas.</p> <p>Pursuant to Part 2 of Chapter 16 of the <i>Local Government Act 1993</i> and Section 650 of the <i>Local Government Act 1993</i> to:</p>	Separate delegation not required. Covered by general delegation to General Manager above.

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
<ol style="list-style-type: none"> 1. Act on behalf of Council in determining the nature and extent of appropriate activities in a public place and the placement of appropriate notices in accordance with Chapter 16 of the <i>Local Government Act 1993</i>. 2. Act on behalf of Council in the removal of offenders in accordance with Section 681 of the <i>Local Government Act 1993</i>. 3. Act on behalf of Council with respect to the confiscation of recreational equipment in accordance with Section 681A of the <i>Local Government Act 1993</i>. 4. Act on behalf of Council as Manager of Crown Reserve Trusts where Council has been appointed by the Minister for Land and Water Conservation under the provisions of the <i>Crown Lands Act 1989</i>. 5. Act on Council's behalf to regulate the use and management of Community Land in accordance with the provisions of Section 35 of the <i>Local Government Act 1993</i>. 6. Act on Council's behalf to approve, approve subject to conditions, or refuse applications for use of public open space for activities which are consistent with the relevant Plans of Management and Council Policy. 7. Act on Council's behalf to approve, subject to conditions, or refuse applications for use of public open space for activities which are consistent with the relevant Plans of Management and Council Policy. 	
<p><i>A13 Emergency Management</i></p> <ol style="list-style-type: none"> 1. To act on Council's behalf in fulfilling the duties and obligations for emergency management at a district level as prescribed in Part 2 Division 2 of the <i>State Emergency and Rescue Management Act 1989</i>; including to act as Council's representative on the Sydney North 	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p>

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
<p>District Emergency Management Committee.</p> <p>2. To act on Council's behalf in fulfilling the duties and obligations for emergency management at a local level as prescribed in Part 2 Division 3 of the <i>State Emergency and Rescue Management Act 1989</i>; including to act as the Chairperson of that Local Emergency Management Committee or as the Local Emergency Management Officer, as appropriate, in accordance with the agreement with Hornsby Council.</p>	
<p>A14 Roads & Traffic</p> <p>1. To act on Council's behalf to administer and implement the traffic management arrangements delegated by the Roads & Traffic Authority to Council under the <i>Transport Administration Act 1988</i>; including:</p> <p style="padding-left: 40px;">to issue works instructions to the Roads and Traffic Authority of New South Wales or other service provider for constructing, erecting, affixing or removing a traffic control facility authorised by Council.</p> <p>2. To act on behalf of Council as the Roads Authority in accordance with the provisions of Section 7 of the <i>Roads Act 1993</i> for all public roads for which Council is the owner, including carrying out works, regulating traffic, controlling the carrying out of activities and other operational functions as conferred by that Act or any other Act.</p> <p>3. To act on Council's behalf to administer and implement the financial arrangements agreed between the Roads & Traffic Authority and Council for road management under Part 13 Division 1 of the <i>Roads Act 1993</i>.</p>	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p>

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
4. To act on Council's behalf to issue, or serve, notices pursuant to the provisions of Section 103 of the <i>Roads Act 1993</i> .	
<p>A15 Fire Management</p> <p>1. To act on behalf of Council to perform the duty with respect to preventing bushfires as prescribed in Part 4 Division 1 of the <i>Rural Fires Act 1997</i>.</p> <p>2. To act on behalf of Council to require bushfire hazard reduction according to Part 4 Division 2 of the <i>Rural Fires Act 1997</i>.</p> <p>3. To act on behalf of Council to deal with bushfire hazard complaints according to Part 4 Division 2A of the <i>Rural Fires Act 1997</i>.</p> <p>4. To act on behalf of Council to vary the bushfire danger period under Part 4 Division 4 of the <i>Rural Fires Act 1997</i>.</p> <p>5. To act on behalf of Council to refuse, approve, or approve with conditions the lighting, use or maintenance of a fire under Part 4 Division 5 of the <i>Rural Fires Act 1997</i>.</p> <p>6. To act on behalf of Council to perform the duties with respect to total fire bans as prescribed in Part 4 Division 6 of the <i>Rural Fires Act 1997</i>.</p> <p>7. To act on behalf of Council to perform the duties with respect to lighting fires without authority (offences) as prescribed in Part 4 Division 7 of the <i>Rural Fires Act 1997</i>.</p> <p>8. To act on behalf of Council to perform the duties with respect to preventing bushfires as prescribed in Part 7 of the <i>Rural Fires Act 1997</i>.</p> <p>9. To act on behalf of Council to perform the duties with respect to preventing</p>	Separate delegation not required. Covered by general delegation to General Manager above.

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
bushfires as prescribed in <i>Rural Fires Regulation 2002</i> , Part 4, Divisions 1, 2 and Part 6.	
<p>A16 Notices in Parks</p> <p>To authorise erection and display of notices and signs in parks and reserves, etc.</p>	Separate delegation not required. Covered by general delegation to General Manager above.
<p>A17 Parking on Footways</p> <p>To initiate actions, including prosecutions, against persons responsible for the parking of motor vehicles on footways, where such parking contravenes the <i>NSW Road Rules 2008</i>.</p>	Separate delegation not required. Covered by general delegation to General Manager above.
<p>A18 Fencing - Private Land below level of road - Service of Notices</p> <p>To issue, or serve, notices pursuant to the provisions of Section 103 of the <i>Roads Act 1993</i>, requiring the fencing of any entrance, area, garden or other open space adjoining the footway or roadway, where such entrance, area, garden or open space is beneath the level of the footway or roadway.</p>	Separate delegation not required. Covered by general delegation to General Manager above.
<p>A19 Use of Public Parks, Reserves & Playing Fields</p> <p>To act on Council's behalf to approve, approve subject to conditions, or refuse applications for use of public open space for activities which are consistent with the relevant Plans of Management and Council Policy.</p>	Separate delegation not required. Covered by general delegation to General Manager above.
<p>A20 Load Limits - Legal Proceedings</p> <ol style="list-style-type: none"> 1. To stop vehicles on public roads, check the gross weight of such vehicles and determine whether such vehicles comply with any load limit imposed upon the road. 2. To institute legal proceedings and to 	Separate delegation not required. Covered by general delegation to General Manager above.

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
conduct prosecutions under the provisions of the <i>Roads Act 1993</i> .	
<p>A21 Bad Debts</p> <p>To approve the writing off of any debts subject to Clause 213 of the Local Government (General) Regulation 2005 to the limit of \$10,000.</p>	<p>Clause 213 of the Local Government (General) Regulation requires that a council must fix an amount above which debts may be written off only by resolution of the council. A debt can be written off under this clause only if the debt is not lawfully recoverable, or as a result of a decision of a court, or if the General Manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.</p> <p>It is proposed to retain the limit of \$10,000 for debts to be written off under delegation by the General Manager.</p>
<p>A22 State Environmental Planning Policy No 1</p> <p>To approve, with or without conditions, or refuse, objections made under <i>State Environmental Planning Policy No 1 (Development Standards)</i> in respect of variations to development standards not exceeding 10% of any numeric standard.</p> <p>(Note: now covered by clause 4-6 variations)</p>	<p>This relates to the exercise of planning functions, which is no longer a responsibility of the elected Council.</p>
<p>A23 Grants</p> <p>To apply for and accept grants in accordance with any Council plans or policies.</p>	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p>
<p>A24 Renewal of Consents</p> <p>To approve or refuse, with or without conditions, applications submitted under Section 95A of the <i>Environmental Planning and Assessment Act 1979</i> for extensions of the term of Development consents in accordance with the requirements of that Act; but notwithstanding the foregoing, no approval shall be granted where changes in any newly proclaimed Environmental Planning Instrument have occurred and where the Council by</p>	<p>It is not recommended to maintain the condition on this delegation, as the application of the restriction is problematic and may lack clarity, and is unlikely to have any practical effect.</p>

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
resolution has adopted a strategy plan which would conflict with the application in respect of which an extension or renewal of development consent is being sought.	
<p>A25 Strata Title</p> <p>To approve or refuse applications submitted for Strata Plan, Strata Plan of Subdivision of properties or Community Title of properties and to approve or refuse applications made for alterations to by-laws under the <i>Strata Schemes Management Act 1996</i> or <i>Community Land Management Act 1989</i>, provided however, that in the event of approval the proposed Strata Plan or Community Titles Plan accords with the requirements of the various acts, relating to the circumstances of the case and the public interest, and subject further to signing and issuing of Strata Plan or Strata Plan of Subdivision or Community Title Plan by the General Manager.</p>	Separate delegation not required. Covered by general delegation to General Manager above.
<p>A26 Cash Contributions</p> <p>To enter into a time payment arrangement with a contributor as a result of a condition of a Development Consent or Order of the Land and Environment Court in exceptional circumstances on the following conditions:</p> <ol style="list-style-type: none"> 1. That the contributor provides a Bank Guarantee of any amount, the payment of which is deferred. 2. That interest at the rate of 2% per annum above ruling bank overdrafts be charged upon reducing balance outstanding. 3. That the Director Corporate be immediately advised of such decision. 	Separate delegation not required. Covered by general delegation to General Manager above. The conditions are superseded by Council's adopted Development Contributions Plan.
<p>A27 Re-draft Conditions for Approvals/Consents</p> <p>To re-draft conditions for approvals/consents so as to re-word phrases, etc that might be</p>	This relates to the exercise of planning functions, which is no longer a responsibility of the elected Council.

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
capable of a different interpretation and to make clear the intention of the Committee or Council and to review standard conditions of consent to respond to legislative changes.	
<p><i>A28 Development Applications Lacking Sufficient Information</i></p> <p>To refuse all development and related applications in respect of which insufficient information has been submitted to allow a full and proper assessment pursuant to Section 79C of the <i>Environmental Planning & Assessment Act 1979</i>.</p>	This relates to the exercise of planning functions, which is no longer a responsibility of the elected Council.
<p><i>A29 Merit-based Refusal of Certain Applications</i></p> <p>To refuse development applications (except applications called to Council by a Councillor) that on merit would warrant refusal.</p>	This relates to the exercise of planning functions, which is no longer a responsibility of the elected Council.
<p><i>A30 Local Development - Section 76A Environmental Planning & Assessment Act 1979</i></p> <p>To approve with or without conditions or to refuse applications for development which are classified as Local Development in any Environmental Planning Instrument, provided that the delegate shall not approve any application:</p> <ul style="list-style-type: none"> a. which is an application for multiunit housing in the Residential 2(d3), R3 Medium Density Residential or R4 High Density Residential zones b. which is an application for development under SEPP Seniors Living c. which is an application for Torrens Title subdivision upon land: <ul style="list-style-type: none"> - that is within a "hatched area" on Council's Bushfire Prone Land Map - that contains a heritage item - that contains remnant bushland vegetation or endangered ecological species d. which is an application for any other 	This relates to the exercise of planning functions, which is no longer a responsibility of the elected Council.

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
<p>Torrens Title subdivision, which creates four or more additional allotments</p> <p>e. which is an application for a gunshop/fire arms retailing or a business that requires licensing under the <i>Firearms Act 1996</i></p> <p>f. which is the subject of a written request by the Director Development & Regulation, General Manager or by any Councillor, for the application to be referred to Council</p> <p>g. which conflicts with the aims and objectives of Council's policies, codes and guidelines.</p>	
<p><i>A31 Review of Determination - (S82A, S82B and S96AB Environmental Planning & Assessment Act 1979)</i></p> <p>1. To review a determination under section 82A, 82B or 96AB of the Environmental Planning and Assessment Act 1979 other than where the decision is the subject of a written request by the Director Development and Regulation, General Manager or by any Councillor, for the application to be referred to Council.</p> <p>2. To waive the fee for a request for a review of minor significance.</p>	<p>This relates to the exercise of planning functions, which is no longer a responsibility of the elected Council.</p>
<p><i>A32 Complying Development - Sections 85 & 85A Environmental Planning & Assessment Act 1979</i></p> <p>Subject to Section 76A (5) of the Act, to determine applications for complying development and issue or refuse complying development certificates on developments that are identified in environmental planning instruments as complying development and to apply conditions.</p> <p>The delegate shall not approve applications:</p> <p>Which do not comply with the prescribed standards or the aims and objectives of Council's policies, codes and guidelines.</p>	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p> <p>The exception requirements expressed here are already embodied in the applicable statutory criteria.</p>
<p><i>A34 Modification of Consents - Section 96</i></p>	<p>This relates to the exercise of planning functions, which is no longer a responsibility of</p>

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
<p><i>Environmental Planning & Assessment Act 1979</i></p> <p>1. Section 96(1)</p> <p>To modify (on application) a development consent to correct a minor error, misdescription or miscalculation.</p> <p>2. Section 96(1A) and (2) and Section 96AA</p> <p>To otherwise determine applications for modification for consents subject to the restrictions of the Act. The delegate shall not approve any application which is the subject of a written request by the Director Development & Regulation, General Manager or by any Councillor, for the application to be referred to Council.</p>	<p>the elected Council.</p>
<p><i>A35 Part 4A Certificates - Section 109C Environmental Planning & Assessment Act 1979</i></p> <p>a. To issue Compliance Certificates - to the effect that:</p> <ul style="list-style-type: none"> i. specified building work or subdivision work has been completed as specified in the certificate and complies with specified plans and specifications, or ii. a condition with respect to specified building work or subdivision work (being a condition attached to a development consent or complying development certificate) has been duly complied with, or iii. a specified building or proposed building has a specified classification identified in accordance with the <i>Building Code of Australia</i>, or iv. any specified aspect of development complies with the requirements of any other provisions prescribed by 	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p>

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
<p>the regulations.</p> <p>b. To issue Construction Certificates - being a certificate to the effect that work completed in accordance with specified plans and specifications will comply with the requirements of the regulations referred to in Section 81A.</p> <p>c. To issue Occupation Certificates(if Council is appointed as Principal Certifying Authority) - being a certificate that authorises for Class 2 to 9 buildings only:</p> <p>i. the occupation of a new building, or</p> <p>ii. a change of building use for an existing building.</p> <p>d. To issue Subdivision Certificates* (interim or final, if Council is appointed as Principal Certifying Authority) - being a certificate that authorises the registration of a plan of subdivision under Division 3 of Part 23 of the <i>Conveyancing Act 1919</i>.</p>	
<p>A36 Certificates</p> <p>To issue certificates under the <i>Local Government Act 1993</i>, the <i>Environmental Planning and Assessment Act 1979</i> and any other act.</p>	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p>
<p>A37 Giving of Orders - Part 6, Division 2A Environmental Planning & Assessment Act 1979</p> <p>To issue orders pursuant to the Table in Section 121B of the Act subject to the restrictions and procedures specified in the Part except orders that are likely to make persons homeless.</p> <p>A38 Giving of Orders which are likely to make persons homeless - Part 6, Division 2A Environmental Planning & Assessment Act 1979</p>	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p> <p>The exception in A37 only serves to separate the function for the purpose of sub-delegation.</p>

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
To issue orders which are likely to make persons homeless.	
<p><i>A39 Certificates as to Orders - Section 121ZP Environmental Planning & Assessment Act 1979</i></p> <p>To issue certificates regarding any outstanding orders or notices of intention to issue orders.</p>	Separate delegation not required. Covered by general delegation to General Manager above.
<p><i>A40 Issue of Building Certificates - Section 149A Environmental Planning & Assessment Act 1979</i></p> <p>To issue building certificates pursuant to the requirements of the Act.</p>	Separate delegation not required. Covered by general delegation to General Manager above.
<p><i>A41 Applications for Approval - Alterations to Existing Buildings</i></p> <p>To exercise or perform on behalf of the Council all powers, authorities, duties and functions of the Council pursuant to Clause 41 of the <i>Environmental Planning and Assessment Regulation 2000</i> including, and without limiting the generality of the foregoing, the power to form any opinions as the certifying authority required to be formed by the said clause to permit alterations to existing buildings where the certifying authority is satisfied that completion of the building work:</p> <ol style="list-style-type: none"> 1. Will not unduly reduce the existing level of fire protection afforded to persons accommodated in or resorting to the building; 2. Will not unduly reduce the existing level of resistance to fire of the building structure; and 	This relates to the exercise of planning functions, which is no longer a responsibility of the elected Council.

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
<p>3. <i>Will not unduly reduce the existing safeguards against spread of fire to adjoining buildings.</i></p>	
<p>A42 Applications for Approval – Activities and Structures</p> <p>To exercise or perform on behalf of the Council all powers, authorities, duties and functions of the Council pursuant to Section 68 of the <i>Local Government Act 1993</i>.</p>	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p>
<p>A43 Development Applications - Notification to Persons other than Adjoining Owners</p> <p>To form an opinion as to which persons other than adjoining and adjacent owners need to be notified of the receipt of a Development Application pursuant to the provisions of and in accordance with Council's Development Control Plan 56 - Notification.</p>	<p>This relates to the exercise of planning functions, which is no longer a responsibility of the elected Council.</p>
<p>A44 Fire Protection in Existing Buildings - Orders & Notices</p> <p>To make and serve orders pursuant to Clause 121B of the <i>Environmental Planning and Assessment Act 1979</i>, as amended, and to specify periods for the purposes of that Section.</p>	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p>
<p>A45 Septic Tanks - Installation of</p> <p>To approve, refuse or approve with conditions applications for septic tanks, septic closets, chemical closets pursuant to <i>Local Government Act (General) Regulation 2005</i> and the Approvals Table of Chapter 7 of the <i>Local Government Act 1993</i>.</p>	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p>

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
<p><i>A46 Swimming Pools - Fencing of</i></p> <p>To exercise and perform on behalf of the Council all powers, authorities, duties and functions of the Council pursuant to the <i>Swimming Pools Act 1992</i>, including and without limiting the generality of the foregoing, the power to form any opinions required to be formed by the said Act order that the powers granted by the said Act may be exercised with discretion in the administration of Council's Pool Safety requirements consistent with the maintenance of reasonable public safety, having regard for individual circumstances, and so that unreasonable situations do not arise, and to issue and serve any notices authorised by the said Act and to make any specifications authorised by the said Act and to revoke any directions given by the Delegate under the said Act.</p>	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p>
<p><i>A47 Tree Preservation Order - Development Applications</i></p> <ol style="list-style-type: none"> 1. To administer the Tree Preservation Order in respect of any development application or tree removal application, and to form any opinion required in connection with, and provide advice in relation to, the protection of trees and other vegetation. 2. In dealing with development applications, to impose conditions of consent and to exercise discretion pursuant to the requirements of the Tree Preservation Order for the protection of buildings, essential services and associated works in respect to the removal of trees, replacement plantings, screen planting, protection of trees not affected by building works. 	<p>This relates to the exercise of planning functions, which is no longer a responsibility of the elected Council.</p>
<p><i>A48 Environmental Restoration & Rehabilitation Trust</i></p>	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p>

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
<p>To act as Council's Delegate to enable the authorisation of expenditure in compliance with the procedures and conditions of the approved release of funds by the Trust for the purpose of receiving the prevention, control and removal of serious pollution occurrences.</p> <p>To authorise on-going grant and fee relief returns to government funding programs.</p>	
<p><i>A49 Grant/Fee Relief</i></p> <p>To authorise on-going grant and fee relief returns to government funding programs</p>	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p>
<p><i>A50 Council-operated Child Care Services</i></p> <p>To act as licence holder for child care services operated by Council.</p>	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p>
<p><i>A51 Determination of Development Applications for Dual Occupancy Subdivision</i></p> <p>To approve or refuse development applications for the subdivision of existing and/or approved dual occupancies unless the application is the subject of a written request by the Director Development & Regulation, General Manager or by any Councillor, for the application to be referred to Council.</p>	<p>This relates to the exercise of planning functions, which is no longer a responsibility of the elected Council.</p>
<p><i>A52 Determination of Development Applications for Dual Occupancies</i></p> <p>To approve or refuse development applications for dual occupancies unless the application is the subject of a written request by the Director Development & Regulation, General Manager or by any Councillor, for the application to be referred to Council.</p>	<p>This relates to the exercise of planning functions, which is no longer a responsibility of the elected Council.</p>

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
<p>A53 Breach of Water Restrictions</p> <p>To grant approval for regulatory officers of Council to issue infringement notices for breach of water restrictions.</p>	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p>
<p>A54 Rating</p> <p>In respect of the <i>Local Government Act 1993</i>:</p> <ol style="list-style-type: none"> 1. to certify and issue certificates as to rates and charges in accordance with Section 603 of the Act. 2. to determine in accordance with Sections 555 & 556 of the Act, whether land is exempt from all rates. 3. to determine applications for rating categorisation under Sections 523 and 525. 4. to waive or reduce rates, charges and interest for eligible pensioners in accordance with Council's Policy and Section 575 of the Act. 5. to write off pensioner rates, charges and interest reduced in accordance with Section 583 of the Act. 6. to reduce rates to eligible pensioners in accordance with Council's policy and Section 582 of the Act. 7. to postpone rates for assessments that qualify in accordance with Section 591 of the Act. 8. to write off or reduce accrued interest on rates and charges under Section 564 (periodic payments); write off accrued interest on rates and charges under Section 567 (hardship); write off rates, charges and accrued interest under Section 595 (postponed rates); write off rates, charges and accrued interest under Section 607. For the purposes of Regulation 131 of the <i>Local Government (General) Regulation 2005</i>, the amount above which rates and charges may 	<p>Clause 131 of the Local Government (General) Regulation requires that a council must fix an amount above which rates or charges may be written off only by resolution of the council. A amount of rates or charges can be written off under this clause only if there is an error in the assessment, or if the amount is not lawfully recoverable, or as a result of a decision of a court, or if the council or the general manager believes on reasonable grounds that an attempt to recover the amount would not be cost effective.</p> <p>It is proposed to retain the limit of \$100 for debts to be written off under delegation by the General Manager.</p>

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
be written off only by resolution of Council is \$100.	
<p><i>A55 Council Owned, Leased, Licenced & Managed Land</i></p> <p>To take all appropriate actions to protect Council's interests in relation to any land (or interest in land) owned, vested in, leased or licenced by the Council and to exercise on Council's behalf any rights available to the Council under any lease, licence or right of occupancy of land whether the land is owned or managed by the Council as Reserve Trust Manager or the land is leased, licenced or occupied by the Council.</p> <p>The exercise of such rights shall include the right to lease or licence any such land in accordance with any limitations imposed under the <i>Local Government Act 1993</i>, the <i>Roads Act 1993</i> and the <i>Crown Lands Act 1989</i>, to terminate any such lease or licence, to re-enter and take possession of any such land and to exercise any rights available to the Council in respect of such land whether arising under legislation, the instrument creating such right or by law.</p>	Separate delegation not required. Covered by general delegation to General Manager above.
<p><i>A56 Functions under the Noxious Weeds Act 1993</i></p> <p>To undertake all requirements of the <i>Noxious Weeds Act 1993</i> including conducting inspections and investigations, issuing weed control notices and issuing penalty notices in accordance with the provisions of the Act.</p>	This Act was replaced by the Biosecurity Act 2015 on 1 July 2017. Separate delegation not required. Functions covered under the Biosecurity Act are covered by general delegation to General Manager above.
<p><i>A57 Public Notices Policy</i></p> <p>To determine an approved form of public notice in accordance with the <i>Public Notices Policy</i> where no approved form is otherwise prescribed or determined by Council.</p>	Separate delegation not required. Covered by general delegation to General Manager above.

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
<p><i>A58 Execution of documents</i></p> <p>To execute all contracts, agreements, leases, licences and all other legal documents not otherwise authorised for execution by a specific resolution of Council under the Local Government Act 1993</p>	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p>
<p><i>A59 Council Seal</i></p> <p>To have custody of the Seal of Council and to affix and attest to the affixing of the Seal of Council in conjunction with the Mayor, or in the absence of the Mayor, with any Councillor, to all deeds, agreements, contracts, leases, licences, transfers, instruments, certificates, easements, plans, ceremonial correspondence and any other document required by law to have the seal affixed.</p>	<p>Separate delegation not required. Covered by general delegation to General Manager above.</p>
<p><i>A60 Disclosures – Determine Designated Persons</i></p> <p>To determine the list of "designated persons" under Section 441 of the Act in relation to disclosures of interests.</p>	<p>Separate delegation not required. Covered by general delegation to General Manager above</p>
<p><i>A61 Claims made against Council</i></p> <p>To negotiate and settle claims made against Council that are less than Council's insurance excess under fair and reasonable terms.</p>	<p>Separate delegation not required. Covered by general delegation to General Manager above</p>
<p><i>A62 Grant Access To Council Information - Determine Internal Reviews</i></p> <p>To process and determine requests for internal reviews by applicants to previously determined applications under the <i>Government Information (Public Access) Act 2009</i> or any other Act.</p>	<p>Separate delegation not required. Covered by general delegation to General Manager above</p>
<p><i>A63 Amendment To Records - Determine Applications</i></p>	<p>Separate delegation not required. Covered by general delegation to General Manager above</p>

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
To determine applications to amend records and to review conduct under the <i>Privacy and Personal Information Protection Act 1998</i> , the <i>Health Records and Information Privacy Act 2002</i> and any other Act.	
<i>A64 Records management</i> To authorise the disposal of any Council records in accordance with the provisions of the Disposal Schedule for Local Government Records, <i>State Records Act 1998</i> , or any other Act.	Separate delegation not required. Covered by general delegation to General Manager above
<i>A65 Investments</i> To make investments on behalf of Council in accordance with any Ministerial Order and Council's Investment Policy.	Separate delegation not required. Covered by general delegation to General Manager above
<i>A66 Street names and house numbers</i> To approve street names and allocate and change house numbers.	Separate delegation not required. Covered by general delegation to General Manager above
<i>A67 Regulatory Functions</i> To appoint authorised officers, law enforcement officers and appropriate officers (as the case may be) under the following Acts: <ul style="list-style-type: none"> <i>a. Companion Animal Act 1998</i> <i>b. Fines Act 1996</i> <i>c. Public Health Act 2010</i> <i>d. Roads Act 1993</i> <i>e. Rural Fires Act 1997</i> <i>f. Swimming Pools Act 1992</i> <i>g. Road Transport (Vehicle and Driver Management) Act 2005</i> 	Separate delegation not required. Covered by general delegation to General Manager above
<i>A68 Powers as Authority</i>	Separate delegation not required. Covered by general delegation to General Manager above.

<i>Provision from (former) Attachment A1</i>	<i>Comments in relation to proposed delegation</i>
<p>To exercise of powers as “local authority”, “public authority”, “regulatory authority”, “local control authority”, “local government authority”, “impounding authority”, and “appropriate roads authority” (as the case may be) under the following Acts:</p> <ul style="list-style-type: none"> <i>a. Companion Animal Act 1998</i> <i>b. Fines Act 1996</i> <i>c. Impounding Act 1993</i> <i>d. Protection of the Environment Operations Act 1997</i> <i>e. Public Health Act 2010</i> <i>f. Road Transport Act 2013</i> <i>g. Road Transport (Vehicle and Driver Management) Act 2005</i> 	