

SHELLHARBOUR CITY COUNCIL

DELEGATIONS & SUB-DELEGATIONS TO THE GENERAL MANAGER

Section 377 of the *Local Government Act 1993* empowers a Council, by resolution, to delegate to the General Manager any of the functions of the Council (excluding those functions specified in clauses (a) to (u) of section 377(1) of the *Local Government Act 1993*).

The Council of the City of Shellharbour resolves as follows:

1. Specific limitations

The Council of the City of Shellharbour delegates to the General Manager all of the delegable functions, powers, duties and authorities of the Council subject to the following limitations:

- (a) All functions delegated to the General Manager must be exercised in accordance with the applicable statutory requirements, as well as any resolution or policy adopted by the Council from time to time.
- (b) The General Manager shall not authorise works that have not been listed or had funds allocated in the Council's adopted budget unless, in the General Manager's opinion, the expenditure is necessary to respond to an emergency, community safety issue or potential public liability issue. Any such expenditure must be reported to the next Ordinary Meeting of the Council.
- (c) The General Manager does not have authority to determine development applications, applications to modify a development consent and applications for a complying development certificate in the following circumstances:
 - (i) where a submission by way of an objection to the application has been submitted to Council during the public notification period, unless in the General Manager's opinion, the objection:
 - (A) is unreasonable; or
 - (B) can be satisfied by the imposition of a condition of consent,
 - (ii) the development involves designated development as defined in the Environmental Planning & Assessment Act 1979,
 - (iii) the development involves the erection of, or alteration to, residential flat buildings containing more than 20 dwellings,
 - (iv) the development does not comply with any adopted Council policy (including a development control plan) unless, in the General Manager's opinion compliance with the policy is unreasonable and unnecessary in the circumstances,

- (v) the development does not comply with a development standard unless:
 - (A) in the case of a non-compliance with a development standard in the Shellharbour Local Environmental Plan 2013 the General Manager is satisfied of the matters prescribed by clause 4.6(4)(a) and the concurrence of the Director-General has been obtained; or
 - (B) in the case of a non-compliance with a development standard in any other Shellharbour Local Environmental Plan, the General Manager is satisfied of the matters prescribed in clause 7 of State Environmental Planning Policy No. 1 and the concurrence of the Director-General has been obtained,
- (vi) the development involves the subdivision of land into more than 100 lots,
- (vii) the development has an estimated value exceeding \$20million.
- (d) The General Manager does not have the authority to accept tenders over the value of \$500,000.

2. Write-off of sundry debts

The Council fixes the amount of \$5,000 as the amount above which sundry debts owed to the Council may be written off only by resolution of the Council, pursuant to clauses 131(1), 131(2) and 213(2) of the Local Government (General) Regulation 2005 (NSW).

3. Shell Cove

Council delegates to the General Manager authority with respect to the Shell Cove Project to act, and when necessary, react, on behalf of the Council to achieve and support the Council's stated policies and objectives.

4. Calderwood Urban Development Project

Council delegates to the General Manager in accordance with this instrument of delegation the functions of the Council relating to the Calderwood Urban Development Project specified or described in this instrument.

Definitions

In this instrument:

Calderwood Urban Development Project means the development the subject of the concept plan approval granted by the Minister to Major Project Application No. 09_0082 under s75O(1) of the EPA Act on 8 December 2010.

Function means a function of the Council within the meaning of the LG Act that is capable of being lawfully delegated by the Council to the General Manager under s377 of the LG Act.

EPA Act means the *Environmental Planning and Assessment Act 1979*.

General Manager means the person appointed by the Council pursuant to s334 of the LG Act to the position of general manager, and a person appointed by the Council pursuant to s336 of the LG Act to act in the vacant position of general manager.

LG Act means the *Local Government Act 1993*.

Minister means the Minister for the time being administering the EPA Act.

General Manager's Delegations, Sub-Delegations & Authorisations


Section 378 of the *Local Government Act* empowers the General Manager to delegate any functions of the General Manager and sub-delegate the functions of Council which Council has delegated to the General Manager, to any person or body (including another employee of Council).

In accordance with Section 378 of the *Local Government Act 1993*, I **Carey McIntyre**, General Manager of the Council of the City of Shellharbour hereby:

1. Delegate and sub-delegate (as the case may be) the functions identified in the **attached Register of Delegations** to the corresponding Council employment positions specified in the third column marked "Position";
2. Authorise and appoint (as the case may be) the Council employment positions to the corresponding appointment and authorisation identified in the **attached Register of Delegations** in the third column marked "Position"; and
3. Revoke all previous delegations, sub-delegations, appointments and authorisations made by the General Manager of the Council of the City of Shellharbour.

Any variation to the **attached Register of Delegations** may only be authorised by the General Manager and only takes effect when the General Manager signs the revised Register of Delegations.

Where a position title is referred to in the **Register of Delegations** and the position title changes during the applicable period of the Register, then any reference to the former position title shall be read as a reference to the new position title.



General Manager

Date: 07.09.18