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<Organisation Name>

**INSTRUMENT OF SUBDELEGATION**

**BY THE**

**CHIEF EXECUTIVE OFFICER**

<Position>

<DATE>

# PROVISIONS for <POSITION>

Dated:

## Instrument of Sub Delegation by the Chief Executive Officer

In exercise of the power contained in Section 378 of the Local Government Act 1993 (the Act), I hereby sub-delegate to the <POSITION> and any person appointed to act in that position, the following powers and functions which have been delegated to me by Council pursuant to Section 377 of the Act.

This delegation instrument revokes all previous delegations relating to the same position.

So the Table will look like this example...

<b><i>SUBDELEGATIONS APPLYING TO THE POSITION OF &lt;POSITION&gt;</i></b>		
<b>Section</b>	<b>Description</b>	<b>Conditions and Limitations</b>
<b>Environmental Planning and Assessment Act 1979</b>		
Various -Part 4 of the Act and Part 6 of the Environmental Planning and Assessment Regulation 2000.	Part 4 – Development assessment and consent  General delegation – development applications  Exercising all of the Council's functions as a consent authority relating to the determination of development applications including by granting approval with or without conditions or by refusal. Includes all associated functions such as satisfying public exhibition and notice requirements, consulting with certain bodies, seeking concurrence or approval from certain bodies, requesting further information, providing information to other person or bodies, forwarding submissions to the Secretary, reviewing a determination of a development application, etc.	Council cannot delegate the functions listed in section 377(1) Local Government Act 1993.
Section 4.12	Part 4 – Development assessment and consent  Application  Applying any of the provisions of or under the Local Government Act 1993 that it could apply if the development application were an application under that Act for the relevant approval and imposing a condition that is authorised under that Act to be imposed as a condition of an approval.	
Sections 4.13	Part 4 – Development assessment and consent	

	<p>Consultation and concurrence</p> <p>Consulting with or obtaining the concurrence of a person in relation to a development application and granting the consent subject to any conditions of the concurrence.</p>	
Section 4.14	<p>Part 4 – Development assessment and consent</p> <p>Consultation and development consent—certain bush fire prone land</p> <p>Consulting with the Commissioner of the NSW Rural Fire Service concerning measures to be taken with respect to the development.</p>	
Section 4.16	<p>Part 4 – Development assessment and consent</p> <p>Determination of development applications</p> <p>Determining development applications by granting consent either unconditionally or subject to conditions or by refusing consent.</p>	
Section 4.18	<p>Part 4 – Development assessment and consent</p> <p>Post-determination notification</p> <p>Notifying relevant persons the council's determination of a development application.</p>	<p>Clause 20 of Schedule 1 of the Act sets out the mandatory public notification requirements. These may be amended by the EPA Regulations</p>
Section 4.28 of the Act and Part 7 of the Environmental Planning and Assessment Regulation 2000. Part 7 of amended version Infrastructure Contributions and Finance	<p>Part 4 – Development assessment and consent</p> <p>Process for obtaining complying development certificates, determining whether or not to issue a complying development certificate and notifying the relevant parties of the determination. Includes associated functions such as requiring additional information, providing information to other persons or bodies, carrying out site inspections, etc.</p>	<p>Clause 129AA and 129AB of the Regulation imposes restrictions on the issue of complying development certificates for certain development for the purpose of schools or school-based child care</p>
Sections 4.55, 4.56, 4.57 of the Act and Part 6, Division 4 of the Environmental Planning and Assessment Regulation 2000.	<p>Part 4 – Development assessment and consent</p> <p>General delegation – modification or revocation of development consent</p> <p>Modifying or revoking a development consent. Includes all associated functions such as satisfying any notification or consultation requirements and considering any submissions.</p>	
Sections 7.11	<p>Part 7 – Infrastructure contributions and finance</p> <p>Contribution towards provision or improvement of amenities or services</p> <p>Imposing conditions on a development consent requiring local infrastructure contributions.</p>	
Section 7.12	<p>Part 7 – Infrastructure contributions and finance</p> <p>Fixed development consent levies</p> <p>Imposing conditions on development requiring the applicant to pay a levy of the percentage, authorised by a contributions plan, of the</p>	

	proposed cost of carrying out the development	
Section 7.32	Part 7 – Infrastructure contributions and finance  Conditions requiring land or contributions for affordable housing  Imposing conditions requiring the dedication of land or payment of money or both for the purpose of providing affordable housing.	Condition not to be imposed in relation to a development within a special contributions area if a determination under Section 7.23 applies to the area and identifies affordable housing as a class of infrastructure for which development contributions may be required in accordance with the determination (Section 7.32(6))
Various: Part 8	Part 8 – Reviews and Appeals  General delegation –Reviews and Appeals  Exercising all of the functions of council that may be legally delegated in relation to the reviews and appeals under Part 8 of the EPA Act	
Section 109D of the Act and Part 8 of the Environmental Planning and Assessment Regulation 2000.	General delegation – certification of development  Issuing compliance certificates, construction certificates, occupation certificates and subdivision certificates. Includes all associated functions such as, requiring additional information, conducting site inspections, referral of site plans to relevant bodies, etc.	The Environmental Planning and Assessment Regulations 2000 contain criteria which must be satisfied before various certificates can be issued. Environmental Planning and Assessment Act 1979 (Pre- March 2018 Amendment)
Section 109D	Certification of development  Issuing compliance certificates, construction certificates, occupation certificates and subdivision certificates.	The Environmental Planning and Assessment Regulations 2000 contain criteria which must be satisfied before various certificates can be issued. Environmental Planning and Assessment Act 1979 (Pre- March 2018 Amendment)
<b>Environmental Planning and Assessment Regulation 2000</b>		
Various	General delegation - all functions under the Environmental Planning and Assessment Regulation 2000 Exercise of all functions of council under the Regulation that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the Local Government Act 1993. <hr/> General Delegation limited to area of responsibility or as directed by your Manager or Director.
<b>Local Government Act 1993</b>		
Chapter 7, Part 1, Divisions 3 and 4	General delegation - approvals Determining an application by granting approval unconditionally or subject to conditions or refusing approval. Includes associated functions such as requesting more information from the applicant, satisfying notification requirements, obtaining concurrence from any relevant concurrence authorities, rejecting incomplete or illegible applications, amending, extending , renewing, revoking or modifying an approval ,etc.	Council may not delegate any of the functions set out in section 377(1). Regulatory functions of the council under Chapter 7 may only be delegated or sub-delegated to:  (a) a committee of the council of which all the members are councillors or of which all the members are either councillors or employees of the council, or  (b) an employee of the council, or  (c) a county council.  (s379(1))
Section 191	Entry onto land and other powers	Note that council cannot delegate the

	Authorising a council employee or other person to enter a premises for the purpose of enabling council to exercise its functions.	power to authorise a person to use force to gain entry to a premises: section 377(1)(p).
Section 191A	Entry onto land and other powers Authorising a council employee or other person to enter a premises to carry out water supply work, sewerage work or stormwater drainage work on or under the premises	Note that council cannot delegate the power to authorise a person to use force to gain entry to a premises: section 377(1)(p).
Section 193	Entry onto land and other powers Giving written notice to the owner or occupier of premises that council intends to carry out an inspection of the premises.	
Dictionary to the Act and various sections	Appointing authorised officers Appointing authorised persons for the purpose of exercising regulatory functions under the Act and the Regulations including issuing penalty notices (section 679), applying for a search warrant (section 201), giving directions to drivers of vehicles in free parking areas (section 650), removing offenders from community land (section 681), etc.  ( The Dictionary defines an "authorised person" to mean " an employee of a council generally or specially authorised by the council in respect of or whose duty it is to deal with, or to act in regard to, any acts, matters or things in relation to which the expression is used".)	Authorised officers must be Council employees: Dictionary.
<b>Sydney Water Act 1994</b>		
Various	General delegation – all functions under the Sydney Water Act 1994 Exercise of all functions of council under the Act that may be legally delegated.	Council cannot delegate the functions listed in section 377(1) of the Local Government Act 1993.
<b>Privacy and Personal Information Protection Act 1998</b>		
Various	Privacy Principles Complying with the privacy of personal information principles under the Privacy and Personal Information Protection Act	

Signed \_\_\_\_\_

**Chief Executive Officer**

Signed \_\_\_\_\_

**<POSITION>**

Date

Date