



Delegations Policy

LINKS TO COMMUNITY STRATEGIC PLAN & DELIVERY PROGRAM

Direction G1 – Council's decision making processes are open, transparent, corruption resistant and based on sound integrated planning

Strategy G1a – Develop and maintain a framework of plans and policies that ensures open and transparent Council operations

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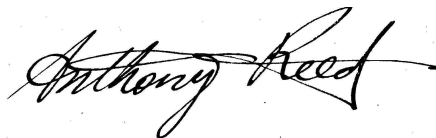
Delegations Policy

1. Introduction

Waverley Council believes that it is essential, in the interests of effective governance, to encourage a delegation of decision making to the lowest competent level within the organisation. This will achieve best use of the abilities of elected representatives and officers, ensure cost effective use of resources, and promote the development of efficient and effective management.

Authority and responsibility are inseparable. Those with responsibility for a task or function should always have the authority to carry it out effectively. Those with authority should always be responsible for its wise use. Delegations cannot, however, remove from the Council and senior management the ultimate accountability for the affairs of this Council. Those with delegated authority should willingly accept authority and responsibility for decision making in the certain knowledge that their decisions, if made in a full, fair and objective manner, will help achieve the strategic outcomes of the organisation as set out in Council's Delivery Program and Operational Plan.

Section 8 of the Local Government Act 1993 sets out the statutory functions and role of councils where it states *that a council has to provide directly, or on behalf of other levels of government...adequate, equitable and appropriate services and facilities for the community and to ensure that these are managed effectively and efficiently.* This is achieved through the development of a close working relationship between Councillors and Officers. Councillors are responsible for the development and implementation of policy to lead and guide the good management of the Waverley Local Government Area. Officers, in turn, implement and administer those policies, provide advice which contributes substantially to their formulation and provide and manage the infrastructure and services on which the community is based. Delegation focuses and sharpens this relationship and assists in the better achievement of the respective functions of elected representatives and officers.



Tony Reed
General Manager

2. Objectives of the Policy

The objectives of the Delegations Policy are:

- To establish a framework in which Council considers it appropriate for Council employees to exercise delegated powers and functions in accordance with various legislation.
- To ensure that Waverley Council complies with the requirements of the Local Government Act 1993 particularly Sections 377 and 378 which defines what powers vested with the Council can be delegated.
- To ensure that Council employees have the required delegated authorities to achieve the desired strategic outcomes and outputs as identified in Council's Delivery Program and Operational Plan.
- To ensure that individual delegations relating to staff members are clearly defined and recorded within Council's Delegations Register.
- To ensure that staff exercise these delegations appropriately and within the terms of their Instrument of Delegation. To facilitate the effective and efficient operation of the Council by providing the General Manager with sufficient power and authority to generally manage, control and administer the affairs of the Council on a day-to-day basis.

3. What is a Delegation?

Delegation means the assignment of a duty or power of action to another together with the authority to carry out that duty or complete the action assigned with responsibility for the outcome.

In almost all situations the Council itself is a delegate in that its functions, powers and duties derive from the NSW Parliament through empowering legislation under which legislative, judicial and administrative authority is granted to the Council for specific purposes. In this environment, the Council has a wide discretion to arrange its own administration in a way which ensures efficiency, flexibility and responsiveness to local needs. In doing so it must, however, comply with the special requirements imposed by law in given circumstances.

It is important to understand the following characteristics of delegation:

- It is implicit that a delegation may be revoked by formal decision of Council or delegator, and effective when communicated to the delegate;
- The delegate is acting in his or her own name on behalf of the Council when exercising delegated authority;
- To be effective and of legal standing, all delegations must be in writing (i.e. this policy and the Delegations Register);
- All delegations must operate within the parameters set by Council's Delegations Policy and Procedure.

4. Statutory Basis of Delegations

Waverley Council's delegations are derived from Sections 377 and 378 of the Local Government Act which state:

S377 General power of the council to delegate

- (1) *A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:*
- (a) the appointment of a general manager,*
 - (b) the making of a rate,*
 - (c) a determination under section 549 as to the levying of a rate,*
 - (d) the making of a charge,*
 - (e) the fixing of a fee,*
 - (f) the borrowing of money,*
 - (g) the voting of money for expenditure on its works, services or operations,*
 - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
 - (i) the acceptance of tenders which are required under this Act to be invited by the council,*
 - (j) the adoption of an operational plan under section 405,*
 - (k) the adoption of a financial statement included in an annual financial report,*
 - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
 - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,*
 - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,*
 - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,*
 - (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*

- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
 - (s) the making of an application, or the giving of a notice, to the Governor or Minister,
 - (t) this power of delegation,
 - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council.

S378 Delegations by the General Manager

- (1) The general manager may delegate any of the functions of the general manager, other than this power of delegation.
- (2) The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).
- (3) Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377 (2).

5. Waverley Council's Delegation Hierarchy

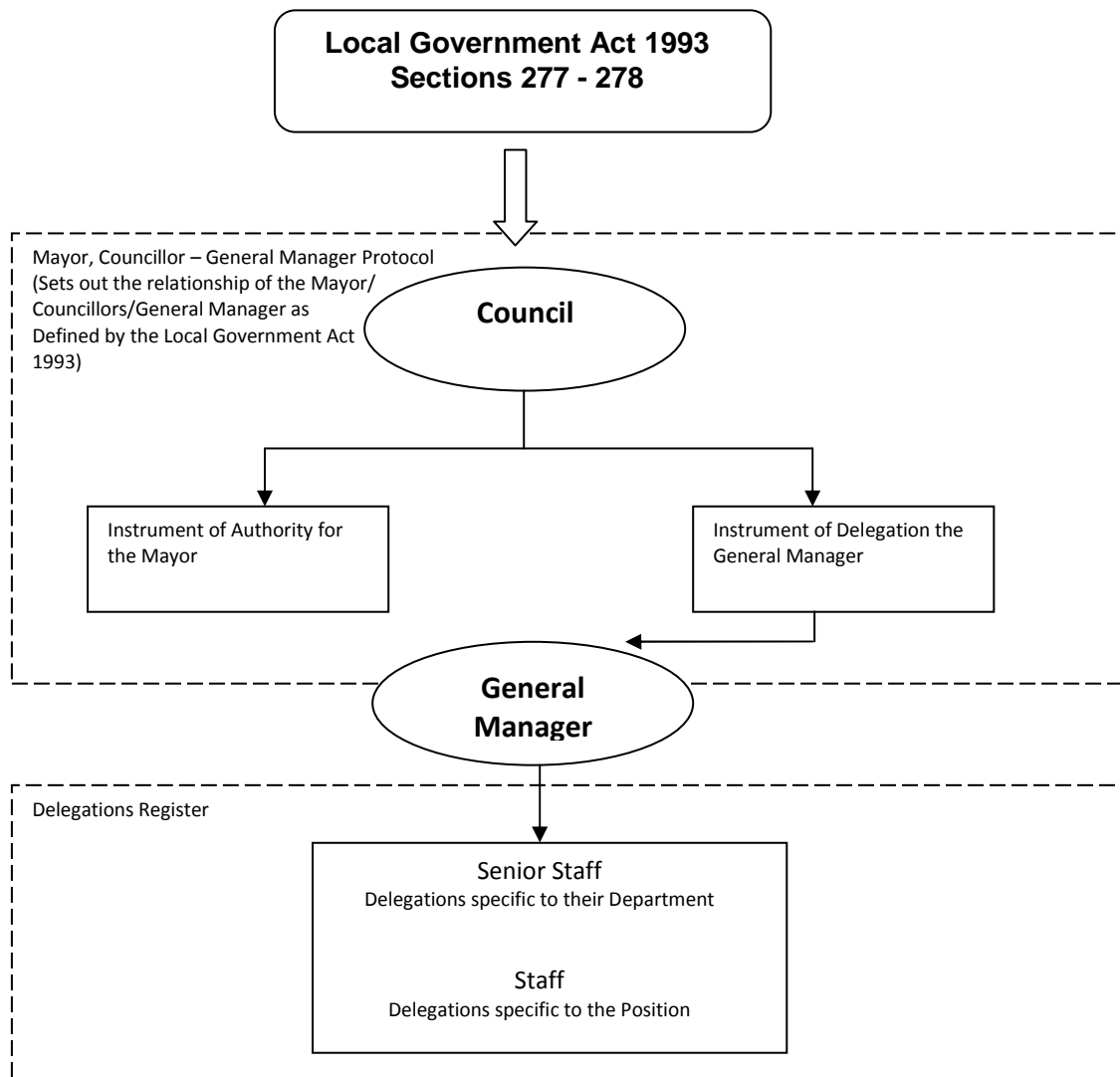
Waverley Council has a delegation hierarchy to ensure the appropriate accountabilities for the implementation of its delegations. This hierarchy notes that the authority to delegate functions and responsibilities flows directly from the Local Government Act 1993 through to the Council as the 'body politic' for the organisation. All internal delegations of authority from the Council are made to the General Manager who in turn can/may sub-delegate these authorities to nominated members of staff as he/she considers appropriate for the effective and efficient operation of the organisation and the delivery of functions and services to allow the council to fulfil its lawful obligations.

The components of this Hierarchy consist of:

1. A Mayor, Councillor – General Manager Protocol which clearly sets out the respective roles of the Mayor, Councillors and General Manager as defined within the Local Government Act 1993. (Attachment 1)
2. An Instrument of Authority for the Mayor which sets out the role and responsibilities of the Mayor as defined under the Local Government Act 1993. (Attachment 2)

3. An Instrument of Delegation for the General Manager which sets out the Delegations the General Manager has. All sub-delegations from the General Manager to other staff of the Council receive their authority from the General Manager's Instrument of Delegation. (Attachment 3)
4. A Delegations Register which sets out the sub-delegations the General Manager has approved for the relevant staff within the organisation.

Waverley Council Delegations Hierarchy



6. Types of Delegations

Waverley Council has established Categories and Classifications of delegations which may be delegated to staff by the General Manager. The table below sets out these Categories and Classifications.

Category of Delegation	Classification of Delegation
Technical Delegation	Animals Applications & Approvals Beaches Complaints Conduct Electricity Emergency Services Environment Events Filming Graffiti Health & Safety Identification Impounding Information Law enforcement Legal Library Lighting Liquor Management Media Meetings Orders Parking Planning & Building Property Records Roads Submissions Stormwater Trees Trust Waste Works
Correspondence Delegation	Documents & Correspondence
Finance Delegation	Purchasing Refunds Expenditure Contracts Disposal of assets Payroll Petty Cash Rates
Human Resource Delegation	Appoint Staff Dismissal of Staff Approve Leave/Overtime Training Investigation Counsel/Discipline

7. Issuing of Delegations

Waverley Council has established a process for the issuing of delegations by the General Manager which is set out in its Delegations Procedure.

Each Department through their Director and Divisional Managers are responsible for ensuring compliance with Council's Delegations Procedure.

Each Director and Divisional Manager is responsible for ensuring that their staff members have the relevant delegations to perform their duties and to review these on a regular basis.

When issuing delegations the procedure must be followed to ensure the appropriate approvals have been given consisting of:

1. The Delegation Revision Form must be completed by the relevant Divisional Manager or Manager setting out the name and position to receive the delegations and clearly defining what delegations are to be issued.
2. The form must be signed by the Divisional Manager and Director before forwarding to Governance.
3. If it is a new position the form must also be signed off by the Divisional Manager Organisational Development.
4. When the form arrives at Governance this section will:
 - Develop the Instrument of Delegation to be signed by the General Manager
 - Enter the name and delegations into Council's Electronic Delegations Register
 - Scan the instrument of delegation and save to the appropriate Trim File (A03/0013) and place a copy on the hard file.
5. If the delegation involves a financial delegation Governance will then forward a scanned version of the Instrument of Delegation to the Procurement Manager (for the production of an expenditure approval stamp) and to the Manager Finance (for inclusion in the Finance 1 Register) and for sign-off by the Divisional Manager Finance & Information Systems & Services.
6. Financial Delegations only become active after the approval has been entered into Finance 1 and the Expenditure Approval Stamp has been issued.

8. Temporary Allocation of Delegations

If an officer is occupying a position on a temporary basis it is the responsibility to the relevant Divisional Manager or Director to complete the Higher Duties Form and to return this to Payroll for processing.

The relevant Divisional Manager must also advise the person that they have the delegations for the position they are temporarily filling. The completed Higher Duties Form is to be placed on the relevant Personnel File as a formal recognition that they have received the authority to perform the delegations pertaining to the position they are temporarily filling.

9. The Operation of Delegations

Staff members who have received delegations are required to exercise these delegations appropriately and only within the terms of their Instrument of Delegation.

Any misuse of delegations will be deemed a breach of the Council's Code of Conduct and may result in disciplinary action as outlined in the Code.

In particular Council Code of Conduct requires officers to:

- *Act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions.*
- *Use Council resources ethically, effectively, efficiently and carefully in the course of official duties*

Financial Delegations (purchasing and expenditure) can only become operational after the delegations have been approved by the Divisional Manager Finance, Information Systems and Services and entered into Finance 1 and the *Expenditure Approval Stamp* has been issued by the Finance Division.

The *Expenditure Approval Stamp* must be used when Financial Delegations are implemented for the purchase of services and goods. Finance will only approve the payment of invoices if it has been endorsed by the *Expenditure Approval Stamp* with accompanying signature of the Delegate.

Expenditure cannot be approved above the limit specified within the *Expenditure Approval Stamp*. Failure to comply with this requirement is a breach of the Code of Conduct and may be subject to disciplinary action.

It is the responsibility of the officer to ensure that their *Expenditure Approval Stamp* is kept in a secure location.

The General Manager reserves the right to change or revoke any delegations he/she makes to staff who have been sub-delegated responsibilities.

10. The Review of Delegations

To ensure that the Delegations Register and Delegations system is operating efficiently the Divisional Manager Governance & Integrated Planning in association with the Divisional Manager Finance, Information Systems and Services will undertake a review of the delegations system on regular basis.

11. Attachments

- Attachment 1:** A Mayor, Councillor – General Manager Protocol
- Attachment 2:** Instrument of Authority for the Mayor
- Attachment 3:** Instrument of Delegation for the General Manager

ATTACHMENT 1:



Mayor, Councillor – General Manager Protocol

Good Governance is built on the foundation of positive working relationships between Councillors and Staff, particularly the General Manager, who under the Local Government Act 1993 constitutes the Council's 'sole employee'.

The General Manager is the only person employed by the Council, all other employees are engaged by the General Manager to assist in his/her role of managing the organisation on a day-to-day basis; the provision of policy advice and the implementation of the policies and strategic direction set by the Council.

The following protocols have been developed to promote the development and implementation of a positive working relationship between the Mayor, Councillors and General Manager of Waverley Council. These protocols which are based upon the provisions set out in the Local Government Act 1993, set out the specific roles of each position and how they relate to each other.

1. The Role of the Mayor

The Mayor's role is specified in S226 of the Local Government Act 1993 which is:

- To exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the council and to report to council at its next meeting should that function be exercised.
- To exercise such other functions of the Council as the Council determines as set out in the *Instrument of Authority for the Mayor*.
- To preside at meetings of the Council
- To carry out the civic and ceremonial functions of the mayoral office.

The Mayor is elected by Council to represent the views and directions of Council in performing various roles and duties. These roles and duties of the Mayor consist of:

- 1 Governance

2. Chair of Council
3. External Relations
4. Media Management
5. Supporting the Community
6. Ceremonial

Governance covers leadership of the Council and community, ensuring good relationships, community cohesion, inclusiveness and modelling and promoting high standards of behaviour and practice.

The 'Chair of Council' role specifies that formal decision making processes are well run, inclusive, and exhibit high standards of governance as required by the *Code of Conduct* and the *Code of Meeting Practice*.

External relations recognise that the Mayor has a role to play in fostering good relationships with Councillors, between Councillors and the administration and between the Mayor and General Manager. The Mayor will take a role similar to a facilitator of a group and as such consider what is necessary to make the group run successfully.

The Mayor is recognised as the spokesperson of the Council for media purposes and as such speaks on behalf of the Council.

The Mayor has a leadership role in supporting the community he/she represents. This position fulfils the role as 'first citizen'.

The ceremonial role of the Mayor relates to a wide range of civic events the Council may run. This ceremonial role covers a range of activities consisting of:

- Citizenship Ceremonies
- Civic Ceremonies
- Official Launches/Openings
- Greeting VIP Visitors to the City

In all of these ceremonies protocol dictates that the Mayor takes the lead role.

2. The Role of the Councillor

The Local Government Act divides the role of a councillor into two broad categories consisting of:

2.1. Being a member of the governing body of a Council

Section 232(1) of the Local Government Act 1993 states that the role of a Councillor is, as a member of the governing council:

- To direct and control the affairs of the council in accordance with this Act;
- To participate in the optimum allocation of the council's resources for the benefit of the area;
- To play a key role in the creation and review of the council's policies and

objectives and criteria relating to the exercise of the council's regulatory functions;

- To review the performance of the council and its delivery services and the management plans and revenue policies of the council.

Specifically, the duties and responsibilities of a councillor in carrying out this role will be:

- To provide local leadership
- To develop the policy framework for the council
- To make financial decisions about the funding of services and functions
- To make sure that the council is fulfilling its regulatory functions
- To make sure that the general manager carries out all councils lawful policies, plans and strategies appropriately
- In respect of the implementation of Integrated Planning and Reporting to provide and encourage the community to participate in the planning process, oversee and participate in the development of the plans; and approve, oversee and review the implementation of the plans.

In carrying out this role councillors recognise that a 'decision of council' is that which is arrived at by the majority vote of the councillors. This may be contrary to their personal view, however, they accept that this constitutes the official policy of the governing body and as such must be abided by.

2.2 Being an elected person

This role recognises that as a democratically elected representative a councillor provides an essential link between the community and the council. Section 232(2) states that the role of a Councillor, as an elected person is:

- To represent the interests of the residents and ratepayers;
- To provide leadership and guidance to the community;
- To facilitate communication between the community and the council.

In carrying out these responsibilities councillors recognise they will actively represent the broad needs and wishes of the whole community in making decisions, providing services and using resources efficiently and effectively and will not merely represent the interests of special groups or individuals. Also, as a councillor they will provide leadership and guidance to the community and recognise that this is particularly important when providing a civic leadership role in the development of the Community Strategic Plan and the Delivery Program.

2.3 Bias and Predetermination

Councillors' further recognise that they must execute their role and responsibilities, particularly in respect of development decisions, without bias and predetermination. To ensure this Councillors recognise they need to avoid situations in which their private interests or personal views conflict with, or might reasonably be 'perceived to conflict with' the impartial fulfilment of their official duties and the public interest.

Common law requires that **public decision-making be procedurally fair**. Therefore, Councillors as public officials have to ensure that there is no perception of bias in their decision-making.

Council recognises that the rule about bias particularly applies to the exercising of powers or authorities that can affect the rights and interests of others. Officials must carry out their official role fairly and free from prejudice. Accordingly, Council supports the current judicial expression of the test for bias which is:

Is there a real danger of bias on the part of a member of the decision-making body, in the sense that they might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?

Council believes that the question of bias is not limited to actual bias, but can relate to the appearance or possibility of bias. This is in line with the principle that justice *should not only be done, but should be seen to be done*. Whether or not a public official believes that they are not biased is irrelevant. The need for public confidence in the process is paramount.

To ensure this occurs, Councillors commit to the requirements of Common Law for ensuring procedural fairness by actively avoiding all situations that could give rise to either, real or perceived bias and predetermination, in respect of its decision-making processes.

3. The role of the General Manager

The General Manager has the statutory responsibility to manage the organisation in the implementation of the goals and strategies set by the Council. Councillors comprise the governing body of the council and make decisions by passing resolutions. It is the general manager's role to implement council decisions and carry out functions imposed by legislation. A council's governing body monitors the implementation of its decisions via reports by the general manager to council meetings.

The role and responsibilities of the General Manager are set out in Section 335 of the Local Government Act 1993 which states:

- (1) The General Manager is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.
- (2) The General Manager has the following particular functions:
 - The day-to-day management of the council
 - To exercise such of the functions of the council as are delegated by the council to the General Manager
 - To appoint staff in accordance with an organisation structure and resources approved by the council
 - To direct and dismiss staff

- To implement the council's equal employment opportunity management plan,

(3) The General Manager has such other functions as may be conferred or imposed on the General Manager by or under this or any other Act.

Section 332 of the Act provides that a council must determine an organisation structure, the senior staff positions within that structure and the resources that will be allocated towards the employment of all staff. Once the Council has determined these matters, the General Manager has complete control over staff including their appointment, performance management, discipline and dismissal.

The general manager will consult with the Council before appointing or dismissing senior staff and must report to the Council at least annually on the contractual conditions of senior staff as set out in Cl.217 of the Local Government Regulation.

All internal delegations of authority from the Council are made to the General Manager who in turn can/may sub-delegate these authorities to nominated members of staff as he/she considers appropriate for the effective and efficient operation of the organisation.

The general manager will assist the governing body develop its strategic direction. Accordingly the general manager is responsible for guiding the preparation of the Community Strategic Plan and council's response via its Delivery Program. The general manager is responsible for implementing the Delivery Program and must report to the governing body on its progress and conduct regular updates and reviews.

All requests by councillors for assistance or information will go through the general manager, except where he/she has authorised another council officer to undertake this role. Council maintains a list of 'authorised officers' with whom councillors have authority to contact to seek information.

The general manager will ensure that the council meeting business papers are sufficient to enable the council to make informed decisions, as well as to allow councillors to properly monitor and review the operations of the council.

The general manager will ensure that councillors receive financial and other reports during the year as required by regulation and any legislation.

The general manager will ensure that councillors have a right to sufficient information to make informed decisions and that they have as a minimum the same rights of access that are available to everyone as set out in the Government Information (Public Access) Act 2009.

ATTACHMENT 2:



INSTRUMENT OF AUTHORITY FOR THE MAYOR

Pursuant to Division 2 Sections 225 - 231 of the *Local Government Act 1993* Waverley Council (the "Council") hereby establishes an Instrument of Authority for the Mayor of the Council to exercise the powers, functions, duties and authorities specified within this instrument. The Mayor has the following authorities:

- (i) to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council and report to Council at its next meeting should that function be exercised,
- (ii) to exercise such other functions of the Council as the Council determines,
- (iii) to preside at meetings of the Council,
- (iv) to carry out the civic and ceremonial functions of the mayoral office.

Additional authorities conferred on the Mayor by Council:

- (v) To carry out any function conferred on, and duly imposed on, the Mayor under any Act or regulation:
- (vi) To determine applications for leave by the General Manager.
- (vii) To act as Council's principal media spokesperson as set out within the provisions of Council's Media Policy.
- (viii) To make media statements and issue media releases in respect of Council's policies and decisions and to respond to other media matters as appropriate;
- (ix) Authorise in association with the General Manager and/or relevant Director the approval of a Councillor, Director or Staff Member to provide media comment as per the parameters of Council's Media Policy.
- (x) To officiate at Australian Citizenship Ceremonies as provided under the provisions of the Australian Citizenship Act 2007.
- (xi) To authorise, in conjunction with the General Manager, the payment of travelling expenses in accordance with Council's policy for the payment of expenses and provision of facilities to the Mayor and Councillors.
- (xii) Authority to make temporary appointments to the General Manager's position, after consultation with the General Manager, where the holder is on annual leave, sick leave or other extended absences.
- (xiii) To call and schedule extraordinary meetings of Council and Council committees in accordance with the *Local Government Act* and Council's Code of Meeting Practice.
- (xiv) To sign and seal documents, in conjunction with the General Manager,

covering matters approved by Council where the authority has not been specifically given.

- (xv) To sign outgoing correspondence in relation to the office of Mayor, however, those matters relating to the day-to-day management of Council are matters that remain with the General Manager to sign.

Limitations on the authority of the Mayor

The incumbent to office of Mayor must not exercise any function delegated herein if the exercise of that function would be inconsistent with or contrary to:

- (i) the provisions of the *Local Government Act 1993* or any other relevant Act, Regulation and Guideline issued by the Director General and
- (ii) any adopted code, policy or resolution of Council at the time when it is proposed to exercise the function.

These authorities are issued to *[name of incumbent mayor]* being the Mayor.

Date: 18 June 2013

Council Resolution No.

ATTACHMENT 3:



INSTRUMENT OF DELEGATION FOR THE GENERAL MANAGER

Pursuant to Section 377(1) of the *Local Government Act 1993* Waverley Council (the "Council"):

1. Revokes all delegations and functions made by it to the General Manager prior to the date of this instrument.
2. Subject to the limitations set out in this instrument and to compliance with any resolution of the Council, delegates to [*name of incumbent*] the General Manager of the Council, or to the person acting in the position of General Manager during the period of any vacancy in the office or any absence from duty of [*name of the incumbent*], all powers and functions of the Council that it may under any Act of Parliament lawfully delegate effective from the date of this instrument.

Limitations on Delegation

1. Functions delegated to the General Manager do not include:
 - (a) Those functions designated in Section 377(1) of the Local Government act 1993 as functions which may not be delegated.
 - (b) Any function designated in any other Act of Parliament as a function which may not be delegated.
 - (c) Those functions delegated to the Mayor or Committees of Council;
 - (d) The making of new property leases and licenses (except residential tenancy) for any period of more than twelve months;
 - (e) A decision to prepare a draft environmental planning instrument or draft development control plan;
 - (f) The determination of submissions received in response to the public exhibition or notification of a draft environmental planning instrument or a draft development control plan;
 - (g) The adoption of a draft environmental planning instrument for submission to the Director General of Planning for the adoption of a draft development control plan.

2. The function of media liaison, where it involves media releases or speaking to the media on behalf of the Council, may only be exercised after consultation with the Mayor or the Mayor's Office.
3. The exercise of any of the Council's functions under the Environmental Planning and Assessment Act 1979 is subject to the following limitations:

<p>A. To determine applications for consent to carry out development</p>	<p>The functions may not be exercised for:</p> <ul style="list-style-type: none"> (a) Applications to which six (6) or more objections have been received (b) Applications which are subject of written request by any Councillor to be referred to Council or the appropriate committee of the Council, including the Development Control Committee (DCC) (c) Any application which relates to affordable rental housing under Clause 18 Waverley LEP 1996. (d) Any application for development of land owned by Council or sold by Council within the preceding five (5) years. (e) Any application for an existing use in a residential zone. (f) Any application for the construction of a residential flat building having a rise of more than three (3) storeys. (g) Any development which is considered by the delegate to be a major development or development which has significant impact upon the locality.
<p>B. To review a determination of an application under Section 82A, Environmental Planning and Assessment Act 1979</p>	<p>The functions that may not be exercised if:</p> <ul style="list-style-type: none"> (a) The delegate was the person who made the determination, or (b) The delegate is subordinate to the delegate who made the determination, or (c) The determination was made by Council or the Development Control Committee
<p>C. To determine an application for modification under Section 96 (1A) and Section 96 (2)</p>	<p>The function may not be exercised for:</p> <ul style="list-style-type: none"> (a) Application to which six (6) or more objections have been received. (b) Applications which are the subject of a written request by any Councillor, to be referred to Council or the appropriate committee of the Council, including the Development Control Committee (DCC) (c) Any application which relates to affordable rental housing under Clause 18 Waverley LEP 1996. (d) Any application for development of land owned by Council or sold by Council within the preceding five (5) years. (e) Any application for an existing use in a residential zone. (f) Any application for the construction of a residential flat

	<p>building having a rise of more than three (3) storeys.</p> <p>(g) Any development application which is considered by the delegate to be a major development or development which has a significant impact upon the locality.</p>
<p>D. To issue orders pursuant under Section 121B of the Environmental Planning and Assessment Act 1979</p>	<p>The function may not be exercised for:</p> <p>(a) An order that, in the opinion of the delegate, will or is likely to have the effect of making a resident homeless.</p>

THE COMMON SEAL of WAVERLEY COUNCIL

Was affixed on the [date] day of [month & year]

MAYOR

Pursuant to a resolution of the Council duly passed

The [date and month, year] and in the presence of:

GENERAL MANAGER