

SUTHERLAND SHIRE COUNCIL
INSTRUMENT OF DELEGATION BY THE GENERAL MANAGER

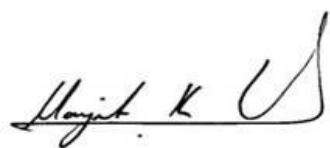
In accordance with section 378 of the *Local Government Act 1993*, I hereby:

1. Delegate to the position of:

Executive Engineer - Shire Infrastructure

and to those people who may act in that position from time to time, the following functions subject to the limitations stated in this Instrument of Delegation and any subsequent written direction made by the General Manager or the Mayor; and

2. Revoke any previous Instrument of Delegation to that position.



M Grewal

Acting General Manager

14 December 2018

DELEGATIONS

02 BUSINESS OF COUNCIL

02.05 Correspondence

02.05.03 Legal

Sign and send correspondence that, in the opinion of the delegate, does not require the consideration of the Council or the signature of the General Manager or the Mayor, except correspondence addressed to:

- The Mayor and Councillors
- The Governors General of any State
- Mayors and councillors of other councils
- Members of Parliament
- The New South Wales Ombudsman
- Heads of Statutory Authorities and Government Departments
- The Independent Commission Against Corruption
- The Local Government and Shires Association

other than correspondence conveying a decision of the Council.

02.07 Execution of Documents

02.07.03 General

02.07.03.05 < \$10,000

Execute agreements, contracts and other documents provided expenditure does not exceed \$10,000 and any relevant condition in the authorities 'Disposal of plant, equipment and goods etc' or 'Procurement' is satisfied.

02.12 Operations and Services

Exercise the functions of the position to which the delegate is appointed or acting, generally in accordance with the position description and responsibilities for that position and if applicable, the sums voted by the Council and Budget allocation.

03 CERTIFICATES

03.03 Environmental Planning and Assessment Act 1979

03.03.05 Part 4A

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

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

04 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

04.04 Environmental Assessment under Part 5 of the Environmental Planning and Assessment Act 1979

Exercise Council's functions under Part 5 (Environmental assessment) of the *Environmental Planning and Assessment Act 1979* and regulation.

04.05 Telecommunication Low Impact Facilities

Assess, determine and deal with a notification by a licensed carrier within the meaning of the *Telecommunication (Low – Impact Facilities) Determination Act 1997* for the construction, maintenance and operation of telecommunication facilities on land under the ownership of Council and land under Council's care, control and management.

05 FINANCE

05.01 Accounts

05.01.02 Authorise Payment - Procurement

Determine whether the amounts and calculations in accounts, invoices and tax invoices comply with any relevant agreement or are, in the opinion of the delegate, otherwise fair and reasonable and, if found to be so, authorise payment or so much as is found to be fair and reasonable, up to the amount(s) shown in the authority 'Procurement'.

05.07 Fees, Charges and Quotations

05.07.02.02 Reduce or Waive up to < \$500

Reduce or waive the payment of fees and charges up to \$500 in any one instance, but only where the delegate is of the opinion that it is appropriate to do so.

05.07.03 Refunds and Overpayments

Approve refunds for all overpayments and credit adjustments to fees and charges that, in the opinion of the delegate, are not legitimately due to Council.

05.07.07 Refund of Trust Fund Deposits

Authorise the refund of trust fund deposits provided the delegate is of the opinion that the purpose for which the deposit is held has

been satisfied or the deposit is no longer required.

05.10 Petty Cash

05.10.01 < \$200

Authorise petty cash up to \$200 in any one instance.

05.12 Procurement

05.12.01 Expressions of Interest

Prepare and call for the submission of expressions of interest and tenders, including deciding whether the tender process is to be by way of open tendering or selective tendering, pursuant to clause 166 of the *Local Government (General) Regulation 2005*.

05.12.03 Delegation Removed Open or Selective Tendering

Delegation removed and added to 05.12.01

05.12.04 Submit Tenders and Quotations

Submit tenders and quotations to external bodies, organisations, authorities and the like to provide works and services to them.

05.12.05 Submit Tenders to External Bodies

Submit tenders and quotations to external bodies, organisations, authorities and the like to provide works and services to them provided that there is no reliance on Working Funds.

05.12.06 Obtain Quotes and Authorise Expenditure

05.12.06.01 < \$150,000

Obtain quotations and authorise expenditure for the supply, purchase, lease or hire of goods, works, services (including consultants engaged by the General Manager or Director), plant, equipment and the like subject to:

- (a) expenditure being less than \$150,000 for any one transaction; and
- (b) funds for such expenditure having been allocated in the Budget (where relevant); and
- (c) compliance with any limit on incurring such expenditure which the Council may have fixed (where relevant),

unless authorised by a resolution of the Council.

Note:

1. This authority extends to the execution of procurement type contracts and agreements only associated and consistent with the delegate's authorised Position Description. All other documents and agreements may only be executed if this delegation includes an authority under item 02.07.
2. This authority does not extend to authorising petty cash claims.

05.13 Security

05.13.01 Accept Guarantees

Accept security in the form of monetary deposits, guarantees, certificates, bonds and the like in respect of a condition of development consent under the *Environmental Planning and Assessment Act 1979*, an approval under the *Local Government Act 1993*, a consent under the *Roads Act 1993*, an order of a court or otherwise relating to the business of Council.

05.13.02 Draw On or Release

Draw on or release any security provided the delegate is of the opinion that it is appropriate to do so having regard to the reason why the security is held.

06 LEGAL PROCEEDINGS AND CLAIMS

06.03 Legal

06.03.02 Witness

Appear as a witness or delegate of Council in any court or forum.

06.03.05 Instruct Lawyers - Local Court

Instruct lawyers to provide advice and to commence, defend, prosecute, settle, discontinue and withdraw any proceedings or actions in the Local Court.

07 PERSONNEL

07.02 Personnel and Organisational Matters

07.02.02 Category 2

Attend to the following matters:

- With the prior concurrence of the Manager – Personnel, appoint persons to a vacant position
- With the prior concurrence of the Manager – Personnel, authorise staff requisition forms for staff
- Appoint and terminate temporary and casual staff
- Determine staff permanency following the completion of the probation period
- Appraise staff performance
- Determine change of hours arrangements for staff
- Determine variations to span of hours by work groups and individuals
- Determine requests for overtime and time in lieu
- Carry out disciplinary actions including termination of employment in consultation with the Manager Personnel
- Sign and issue disciplinary letters in accordance with the provisions of the Local Government (State) Award
- Represent Council in industrial matters, including at the Industrial Relations Commission and Anti Discrimination Board
- Recommend and determine remuneration levels and the allocation of positions within Council's salary system
- Determine higher grade pay for staff
- Determine leave applications
- Direct staff to take leave
- Authorise staff attendance at conferences, seminars, meetings, courses and the like and the payment of all associated expenses provided:
 - attendance does not exceed 2 days duration
 - attendance does not involve a professional association conference
 - attendance does not involve overnight accommodation
 - attendance does not involve air travel
- Issue references on Council letterhead
- Determine the Organisational Structure below the level of Director subject to any consultation required under any relevant Enterprise Agreement, Award and Council Policy
- Authorise timesheets for payment
- Responsibilities under any Work Health and Safety legislation and any other applicable law or Policy

07.03 Training strategy

Approve a training strategy (long term) and an annual program as recommended by the Manager Personnel.

09 PUBLIC LAND AND WORKS

09.05 Private Works

09.05.01 Authorise Work

Authorise work on private land by agreement with the owner or occupier of that land in accordance with the approved fees determined by the Council, pursuant to section 67 of *Local Government Act 1993*.

09.06 Risk management

09.06.01 Public bathing reserves, public baths, public swimming pools and Council's leisure centres

Attend to the following matters in relation to bathing reserves, public baths, public swimming pools, Council's leisure centres and the like, as and when necessary in the opinion of the delegate:

1. Approve any change, alteration or addition to the level, type, style and quality of lighting.
2. Approve the erection of all signs, including general or specific information, hazard, safety, caution and prohibition signs in English only and, where considered necessary, approve the support of such signs by pictogram symbol signs adopted by the relevant Australian Standard.
3. Approve the replacement of all existing signs irrespective of type in accordance with paragraph (2) above over time, or a progressive basis as and when existing signs require replacement due to physical deterioration, vandalism or damage.
4. Approve the inspection of all existing signs, but subject to paragraph (6) below.
5. Approve the installation of new signs.
6. Approve the variation of supervision, inspection, maintenance and prohibition enforcement activities.
7. Approve the erection of fencing.

09.06.02 Parks and reserves

Attend to the following matters in relation to parks, reserves and the like, as and when necessary in the opinion of the delegate:

1. Approve any change, alteration or addition to the level, type, style and quality of lighting.
2. Approve the erection of all signs, including general or specific information, hazard, safety, caution and prohibition signs in English only and, where necessary considered necessary, approve the support of such signs by pictogram symbol signs adopted by the relevant Australian Standard.
3. Approve the replacement of all existing signs irrespective of type in accordance with paragraph (2) above over time, or a progressive basis as and when existing signs require replacement due to physical deterioration, vandalism or damage.
4. Approve the inspection of all existing signs, but subject to paragraph (6) below.
5. Approve the installation of new signs.
6. Approve the variation of supervision, inspection, maintenance and prohibition enforcement activities.
7. Approve the erection of fencing.

09.06.03 Wharves, jetties and boat ramps

Attend to the following matters in relation to wharves, jetties, boat ramps and the like, as and when necessary in the opinion of the delegate:

1. Approve any change, alteration or addition to the level, type, style and quality of lighting.
2. Approve the erection of all signs, including general or specific information, hazard, safety, caution and prohibition signs in English only and, where considered necessary, approve the support of such signs by pictogram symbol signs adopted by the relevant Australian Standard.
3. Approve the replacement of all existing signs irrespective of type in accordance with paragraph above over time, or a progressive basis as and when existing signs require replacement due to physical deterioration, vandalism or damage.
4. Approve the inspection of all existing signs, but subject to paragraph (6) below.
5. Approve the installation of new signs.
6. Approve the variation of supervision, inspection, maintenance and prohibition enforcement activities.
7. Approve the erection of fencing

09.06.04 Footpaths

Attend to the following matters in relation to footpaths and the like, as and when necessary in the opinion of the delegate:

1. Approve any change, alteration or addition to the level, type, style and quality of footpath lighting.
2. Approve the erection of all signs, including general or specific information, hazard, safety, caution and prohibition signs in English only and, where considered necessary, approve the support of such signs by pictogram symbol signs adopted by the relevant Australian Standard.
3. Approve the replacement of all existing signs irrespective of type in accordance with the paragraph above over time, or a progressive basis as and when existing signs require replacement due to physical deterioration, vandalism or damage.
4. Approve the inspection of all existing signs, but subject to paragraph (6) below.
5. Approve the installation of new signs.
6. Approve the variation of supervision, inspection, maintenance and prohibition enforcement activities.
7. Approve the erection of footpath fencing

09.07 Road events

Grant permission for walkathons, fun runs, marathons and the like within public roads, subject to the requirements of the Sutherland Traffic Committee and relevant authorities.

09.08 Street lighting

Approve work to proceed and for Council to bear the additional annual charge where the relevant energy provider has agreed to a scheme of street lighting improvement.

Approve the replacement of street lamps or variations in wattage or type of street lamps.

Approve the installation of street lights in new areas where it is considered that street lighting is required and for Council to bear the additional annual charges.

10 REGULATION AND ENFORCEMENT

10.02 Functions

10.02.07 Crown Lands Act 1989

Exercise Council's functions under the *Crown Lands Act 1989* and regulation.

10.02.08 Environmental Planning and Assessment Act 1979

(Note: See also *ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979*)

10.02.08.01 Functions under Division 1C - Investigative Powers (C of A required)

Appointed as and to exercise the functions of a council investigation officer under the *Environmental Planning and Assessment Act 1979* and regulation. This includes (but is not limited to) the functions under Division 1C (Investigative Powers) of Part 6 (e.g. entering and inspecting premises, giving directions, applying for search warrants, requiring answers to questions) and serving penalty notices as an authorised person pursuant to section 9.58 of the Act and clause 284 of the regulation. **(Certificate of Authority required)**

10.02.11 Impounding Act 1993

Appointed as and to exercise the functions of an authorised person and impounding officer and authorised to exercise all other functions under the *Impounding Act 1993* and regulation. This includes (but is not limited to) impounding, giving notices and serving penalty notices.

10.02.13 Local Government Act 1993

10.02.13.01 Appointed Persons and Exercising Functions (C of A required)

Appointed as and to exercise the functions of an authorised person (including the 'person authorised' referred to in Part 2 of Chapter 8) under the *Local Government Act 1993* and regulation. This includes (but is not limited to) entering and inspecting premises, giving directions, applying for search warrants, requiring answers to questions and serving penalty notices. **(Certificate of Authority required)**

10.02.13.03 Authorising signs

10.02.13.03.02

Authorise the location, content, design and erection of signs and notices under the *Local Government Act 1993* and regulation, including (but not limited to) those determining free parking areas, excluding prohibition of alcohol consumption and possession of alcohol.

10.02.13.05 Part 2 (Orders) of Chapter 7

Exercise Council's functions under Part 2 (Orders) of Chapter 7 of the *Local Government Act 1993* and regulation.

10.02.13.07 Reject a Section 68 Application

Reject an unclear or illegible application for a section 68 Approval, pursuant to section 85 of the *Local Government Act 1993* and regulation.

10.02.13.08 Part 1 (Approvals) of Chapter 7

10.02.13.08.02 Managers and Team Leaders

Exercise Council's functions under Part 1 (Approvals) of Chapter 7 of the *Local Government Act 1993* and regulation **EXCEPT:**

1. Determine an application where the Council directs or a Councillor requests, in accordance with Council Policy, that the application be referred to the Development Assessment and Planning Committee for evaluation.
2. Approve an application where the activity does not comply with the requirements of a Council adopted Policy or Code unless, in the opinion of the delegate:

(a) the non-compliance can be addressed by conditions of approval; or

(b) the following are satisfied:

(i) the non-compliance satisfies the objectives of the Policy or Code; and

(ii) strict compliance would be unreasonable or unnecessary in the circumstances of the case or tend to hinder the attainment of the objectives; and

(iii) any non-compliance with any one or more of the standards of the Policy or Code does not exceed 20% of the standard.

10.02.15 Protection of the Environment Operations Act 1997

10.02.15.01 Protection of the Environment Operations Act 1997

Appointed as and to exercise the functions of an authorised officer and enforcement officer and authorised to exercise all other functions under the *Protection of the Environment Operations Act 1997* and regulation. This includes (but is not limited to) entering and inspecting premises, seizing items, applying for search warrants, requiring the furnishing of information and records, requiring answers to questions, giving directions and notices and serving penalty notices.

10.02.18 Road Transport (General) Act 2013

Appointed as and to exercise the functions of an authorised officer and authorised to exercise all other functions under the *Road Transport (General) Act 2013* and regulation and the 'road transport legislation' as defined in that Act. This includes (but is not limited to) inspecting and searching vehicles and premises, giving directions and serving penalty notices.

10.02.19 Roads Act 1993

10.02.19.01 Exercise functions of authorised officer (C of A required)

Appointed as and to exercise the functions of an authorised officer and authorised to exercise all other functions under the *Roads Act 1993* and regulation. This includes (but is not limited to) entering and inspecting land, applying for search warrants, granting consent, issuing notices and orders and serving penalty notices. **(Certificate of Authority required)**

10.02.20 Rural Fires Act 1997

Appointed as and to exercise the functions of an authorised officer and authorised to exercise all other functions under the *Rural Fires Act 1997* and regulation.

INTERPRETATION

Where appearing in this Instrument of Delegation:

- Headings are for convenience only and do not affect interpretation.
- Monetary amounts are inclusive of GST, unless the contrary is expressly stated.
- *Law* includes an Act, regulation, instrument and the like and any amendment, re-enactment, consolidation or replacement of that law by a similar provision in that law or any other law.
- A reference to a policy means a policy adopted by resolution of the Council and includes an amendment or replacement of that policy where adopted by resolution of the Council.
- A reference to “written objections” or “public submission” refers to objections or submissions received from the general public and not from a Commonwealth or State Government department, authority, agency and the like.
- A petition, objection or submission that is signed by or contains the names of more than one person is taken to be one objection or submission as the case may be.
- A reference to a Commonwealth or State Government department, authority, agency and the like includes any successor to it.
- A reference to a concurrence includes any later or amended concurrence.
- A reference to a function includes a reference to a power, authority, duty and the like and to the exercise or performance of such.
- Where the exercise or performance of a function requires other functions to be exercised or performed or requires the delegate to do other things to exercise or perform that function, the delegate is authorised to exercise or perform those other functions and to do those other things.
- A word which denotes the singular denotes the plural and vice versa.
- An authority to ‘approve’ includes approve with conditions or to refuse.