

**SUTHERLAND SHIRE COUNCIL**  
**INSTRUMENT OF DELEGATION BY THE GENERAL MANAGER**

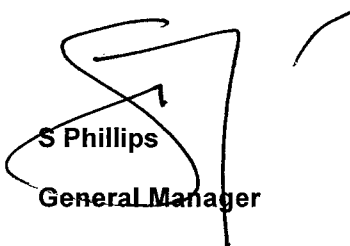
In accordance with section 378 of the *Local Government Act 1993*, I hereby:

1. Delegate to the position of:

**Group Manager Project Delivery**

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.

  
S Phillips  
General Manager  
7 November 2016

**DELEGATIONS**

**02 BUSINESS OF COUNCIL**

**02.01 Appointment of staff to Committees**

Appoint staff to the membership of Council Committees, external committees, working parties and the like.

**02.04 Consultants**

**02.04.04 < \$20,000**

Engage, and authorise the payment of, consultants but only where, in the opinion of the delegate, Council does not have the capacity or the expertise to undertake the project through its own staff. Further, other than in an emergency, the engagement must be in accordance with a specific decision of the Council, or a general budgetary provision and not exceed \$20,000.

**02.05 Correspondence**

**02.05.01 Sign**

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.

**02.07 Execution of Documents**

## **02.07.01 Applications**

### **02.07.01.02 Applications (except Owners Consent)**

Sign, on behalf of Council as authorised officer, applications and the like (except those providing owner's consent).

### **02.07.03 General**

#### **02.07.03.02 < \$150,000**

Execute agreements, contracts and other documents provided expenditure does not exceed \$150,000 and any relevant condition in the authorities 'Disposal of plant, equipment and goods etc' or 'Procurement' is satisfied.

#### **02.07.04 Grants**

Execute agreements, contracts and other documents concerning grants and the acceptance of funding provided any contribution by Council is budgeted for.

## **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.

## **04 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – PARTS 3, 4 AND 5**

### **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.

## **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.

#### **05.10.02 Cash Advances**

#### **05.10.02.02 < \$500**

Approve cash advances to staff who control a petty cash float where the advance is considered necessary, up to \$500 in any one instance.

#### **05.10.03 Reimburse shortages < \$200**

Reimburse shortages in a petty cash float up to \$200 in any one instance, provided the delegate is of the opinion that a satisfactory reason for the shortfall has been provided.

#### **05.10.04 Reimburse Expenditure**

##### **05.10.04.02 < \$200**

Reimburse expenditure from a petty cash float 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*.

##### **05.12.05 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 Council's 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**

#### **07.02.09 Category 9**

- Appoint casual staff, but only after consultation with the Manager – People & Culture
- 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 (other than the termination of employment) in consultation with the Manager – People & Culture
- Represent Council in industrial matters, including at the Industrial Relations Commission and Anti Discrimination Board
- Recommend remuneration levels and the allocation of positions within Council's salary system
- Determine leave applications excluding Leave Without Pay of greater than one week.
- Direct staff to take leave
- Determine higher grade pay for staff
- Issue references on Council letterhead
- 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. (Amended 25/8/11)

## **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*.

#### **09.05.02 Graffiti Removal with Agreement**

Authorise graffiti removal work on private land by agreement with the owner or occupier of that land, pursuant to the provisions of the *Graffiti Control Act 2008* and regulation.

#### **09.05.03 Graffiti Removal without the Agreement**

Authorise graffiti removal work to property on private land without the agreement of the owner or occupier of that land if the graffiti concerned is visible from a public place, pursuant to the provisions of the *Graffiti Control Act 2008* and regulation.

### **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

#### **09.08 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**

##### **10.02.01 Authorised officer/person/inspector/enforcement officer etc and Council's other functions (C of A required)**

Appointed as and to exercise the functions of an authorised officer/person/inspector/enforcement officer and the like pursuant to any law under which Council has functions and authorised to exercise all other functions under those laws, subject to the qualifications set out under the heading "Qualifications" below. The functions referred to in this clause include (but are not limited to): entering, inspecting and searching land, premises and property; applying for search warrants; giving directions; requiring answers to questions; requiring the furnishing of information and records; giving directions; issuing, giving and serving notices and orders; revoking orders; and issuing and serving penalty notices.

#### Qualifications:

1. Subject to this Delegation, only the following functions can be exercised under the *Environmental Planning and Assessment Act 1979* and regulation:
  - (a) The delegate is appointed as and to exercise the functions of an authorised person, including the functions under Division 1A (Local Enforcement Powers) of Part 6; and
  - (b) Council's functions under Part 6 Division 2A (Orders); and
  - (c) Serve penalty notices as an authorised person, pursuant to section 127A and clause 284; and
  - (d) Council's inspection functions.
2. Subject to this Delegation, only the following functions can be exercised under the *Local Government Act 1993* and regulation:
  - (a) The delegate is appointed as and to exercise the functions of an authorised person, including the functions as a 'person authorised' under Part 2 (Entry on to land and other powers) of Chapter 8; and
  - (b) Council's functions under Part 2 (Orders) of Chapter 7; and
  - (c) Serve penalty notices as an authorised person, pursuant to section 679; and
  - (d) Council's inspection functions. **(Certificate of Authority required)**

## 10.02.13 Local Government Act 1993

### 10.02.13.03 Authorising signs

#### 10.02.13.03.01

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, as well as prohibition of alcohol consumption and possession of alcohol (but not in relation to any public place that is a road or part of public road or public car park). The erection of alcohol prohibited area signs are subject to first gaining approval of the Local Area Commander of Police.

### 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.