

**SUTHERLAND SHIRE COUNCIL**  
**INSTRUMENT OF DELEGATION BY THE CHIEF EXECUTIVE OFFICER**

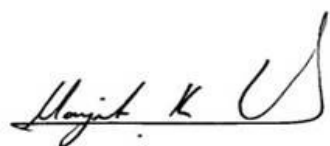
In accordance with section 378 of the *Local Government Act 1993*, I hereby:

1. Delegate to the position of:

**Manager Civil Operations**

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 Chief Executive Officer or the Mayor; and

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



**M Grewal**

**Chief Executive Officer**

**3 December 2019**

**DELEGATIONS**

**02 BUSINESS OF COUNCIL**

**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**

**02.05.02 General**

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
- The legal profession (other than standard acknowledgement letters)
- Council's insurers

and any other correspondence which, in the opinion of the delegate:

- (a) will, in any significant way, bind or commit Council, or
  - (b) concerns a matter which the Council or the community are likely to deem to be of a sensitive nature,
- other than correspondence conveying a decision of the Council.

## **02.07 Execution of Documents**

### **02.07.03 General**

#### **02.07.03.04 < \$50,000**

Execute agreements, contracts and other documents provided expenditure does not exceed \$50,000 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.

## **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.

## **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'.

#### **05.10 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*.

#### **05.12.04 Submit Tenders and Quotations**

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

#### **05.12.06 Obtain Quotes and Authorise Expenditure**

##### **05.12.06.12 Road Expenditure**

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, except for road building and laying materials provided expenditure is in accordance with a pre-existing contract and does not exceed \$500,000 (excluding Goods and Services Tax if applicable) 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.

### **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.

### **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

### **09 PUBLIC LAND AND WORKS**

#### **09.03 Emergency Situations and Urgent Works**

### **09.03.01 Resources Availability**

Make Council's plant, equipment and personnel available in emergency situations and in response to any lawful direction given under the *State Emergency and Rescue Management Act 1989*.

### **09.03.03 Act as Chairperson**

Act as the Chairperson of the Sutherland Local Emergency Management Committee pursuant to Part 2 (State Emergency Management) of the *State Emergency and Rescue Management Act 1989* and represent Council at the Regional Emergency Management Committee.

### **09.03.05 Expenditure**

#### **09.03.05.02 Approve < \$50,000**

Approve up to \$50,000 in expenditure on emergency and urgent work, provided the delegate is of the opinion that it is in the public interest to do so.

### **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*.

## **10 REGULATION AND ENFORCEMENT**

### **10.02 Functions**

#### **10.02.08 Environmental Planning and Assessment Act 1979**

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

##### **10.02.08.02 Inspection Functions**

Exercise Council's inspection functions under the *Environmental Planning and Assessment Act 1979* and regulation.

#### **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.

#### **10.02.19 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)**

## 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.