

SUTHERLAND SHIRE COUNCIL
INSTRUMENT OF DELEGATION BY THE GENERAL MANAGER

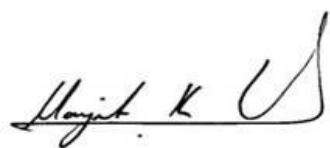
In accordance with section 378 of the *Local Government Act 1993*, I hereby:

1. Delegate to the position of:

Manager Environment, Health & Building

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

02.05.02 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

02.07.03.09 Replanting trees

Execute Deeds of Agreement in respect of the replanting of trees on public lands and the acceptance of associated funds.

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

03.03.01 Part 8

Assess and determine an application for and issue a building certificate, pursuant to Part 8 of the *Environmental Planning and Assessment Act 1979* and regulation.

03.03.03 Section 150

Issue a certified copy or extract of a document, pursuant to section 150 of the *Environmental Planning and Assessment Act 1979*.

03.06 Swimming Pools Act 1992

Assess and determine an application for and issue a certificate of compliance and certificate of exemption in relation to a swimming pool, pursuant to Division 4 of Part 2 of the *Swimming Pools Act 1992* and regulation.

04 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

04.02 Functions under Part 4 of the Environmental Planning and Assessment Act 1979 and Regulation

04.02.05 Trees and Bushland

Assess and determine an application for and issue a permit or approval (as the case may be) pursuant to clause 56 (Preservation of trees or vegetation) of Sutherland Shire Local Environmental Plan 2006 and Sutherland Shire Development Control Plan 2006, or the Sutherland Shire Tree and Bushland Vegetation Preservation Order.

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.

05.10 Petty Cash

05.10.01 < \$200

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

05.12 Procurement

05.12.06 Obtain Quotes and Authorise Expenditure

05.12.06.04 < \$25,000

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 not exceeding \$25,000 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.

06.05 Trees (Disputes Between Neighbours) Act 2006

Exercise Council's functions under the *Trees (Disputes Between Neighbours) Act 2006*.

07 PERSONNEL

07.02 Personnel and Organisational Matters

07.02.03 Category 3

Attend to the following matters:

- Appoint permanent or temporary staff up to Grade 6 in the Council Salary Structure, but only after consultation with the Manager – People & Culture
- 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.

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*.

10 REGULATION AND ENFORCEMENT

10.01 Complaints about accredited certifiers

Make a complaint to the Building Professionals Board concerning the conduct of an accredited certifier, pursuant to the provisions of the *Building Professionals Act 2005*.

10.02 Functions

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)**

10.02.08.03 Functions under Part 6 Division 2A (Orders)

Exercise Council's functions under Part 6 Division 2A (Orders) of the *Environmental Planning and Assessment Act 1979* and regulation.

10.02.08.04 Issue notices pursuant to Division 1 Part 4A

Issue notices as an accredited certifier pursuant to Division 1 of Part 4A (Certification of work and other matters) of the *Environmental Planning and Assessment Act 1979* and regulation.

10.02.09 Food Act 2003 (C of A required)

Appointed as and to exercise the functions of an authorised officer and authorised to exercise all other functions under the *Food Act 2003* and regulation. This includes (but is not limited to) entering and inspecting premises, applying for search warrants, seizing items, serving notices and orders, and serving penalty notices. **(Certificate of Authority required)**

10.02.12 Liquor Act 2007

Exercise Council's functions under the *Liquor Act 2007*.

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)**

10.02.13.05 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.

10.02.14 Biosecurity Act 2015 - Appointment as Authorised Officer (C of A required)

Appointed pursuant to Section 372 of the *Biosecurity Act 2015*, as and to exercise the functions of an authorised officer and exercise all other functions under the *Biosecurity Act 2015*. This includes (but is not limited to) entering and inspecting premises, applying for search warrants, erecting notices, giving notices and serving penalty notices. **(Certificate of Authority required)**

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.

10.02.16 Public Health Act 2010 (C of A required)

Appointed as and to exercise the functions of an authorised officer and authorised to exercise all other functions under the *Public Health Act 2010* and regulation. This includes (but is not limited to) entering and inspecting premises, giving directions, applying for search warrants, taking of samples, requiring answers to questions, serving penalty notices and serving notices and orders. **(Certificate of Authority required)**

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)**

10.02.21 Swimming Pools Act 1992 (C of A required)

Appointed as and to exercise the functions of an authorised officer and authorised to exercise all other functions under the

Swimming Pools Act 1992 and regulation. This includes (but is not limited to) entering and examining premises, applying for search warrants, serving orders, and serving penalty notices. **(Certificate of Authority required)**

10.03 Representations – penalty notices

Consider representations in relation to penalty infringement notices and decide whether to caution the person, suspend, discontinue or continue enforcement of the notice (which may involve court proceedings), other than in respect of notices which have been issued by the delegate.

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.