

SUTHERLAND SHIRE COUNCIL
INSTRUMENT OF DELEGATION BY THE GENERAL MANAGER

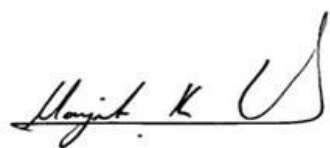
In accordance with section 378 of the *Local Government Act 1993*, I hereby:

1. Delegate to the position of:

Manager Property & Building Assets

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

02.07.01 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

02.07.03.04 < \$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.

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'.

05.01.03 Authorised Payments

Pay accounts, invoices and tax invoices which have been authorised for payment by an appropriately authorised officer.

05.02 Amounts Due to Council

05.02.01 Collection

Collect amounts due to Council and issue a receipt for the payment.

05.02.02 Repayment Agreements

Determine applications to pay by instalments amounts due to Council and vary repayment agreements.

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.

05.10.04 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*.

05.12.06 Obtain Quotes and Authorise Expenditure

05.12.06.02 < \$100,000

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 \$100,000 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.

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.

08 PROPERTY MANAGEMENT

08.01 Leases, Licences, Hire Agreements etc

08.01.03 < \$25,000

Enter into and execute lease, licence and hire agreements for the use of public land, Crown land for which Council is Reserve Trust manager, public roads, and operational land provided:

- (a) the term does not exceed five years; and
- (b) the consideration does not exceed \$25,000 per annum; and
- (c) the transaction is authorised by the relevant Plan of Management (where applicable); and
- (d) the fee or charge is in accordance with Council's Schedule of Fees and Charges (where applicable); and
- (e) the transaction complies with the relevant statutory procedures; and
- (f) in respect of residential leases, the lease has been authorised by a resolution of the Council.

08.02 Rent reviews

Implement rent reviews in accordance with the provisions of the relevant lease.

08.03 Rental Bonds and Security

08.03.01 Receive and Refund

Receive and refund rental bonds and security.

08.03.02 Execute Lodgements

Execute bond lodgements with the appropriate statutory body.

08.03.03 Release or Claim

Release or claim upon lodged bonds.

08.04 Represent Council on owners' corporations

Represent Council on owners' corporations under the *Strata Schemes Management Act 1996* and vote on Council's behalf in meetings of the owners' corporation. However, the delegate is not authorised to dispose of or lease Council's interests unless authorised by a resolution of the Council or the lease is not a residential lease and it complies with the authority 'Leases, licences, hire agreements etc'.

08.06 Termination of leases and licences

08.06.01 Excluding Residential

Terminate leases and licences, but not residential leases and licences.

08.06.02 Resolution of Council

Terminate leases and licences. However, residential leases and licences can only be terminated where demolition of a structure the subject of the lease or licence is necessary or the economic return on the premises does not justify continuation or, regardless of the circumstances, termination has been authorised by a resolution of the Council.

08.06.03 Make Application

Make application to the appropriate statutory body to allow termination and vacant possession to be obtained.

09 PUBLIC LAND AND WORKS

09.01 Community land

Prepare a draft local environmental plan for the purposes of Part 2 (Public land) of Chapter 6 of the *Local Government Act 1993* and regulation. However, the delegate is not authorised to place a draft plan on public exhibition unless authorised by a resolution of the Council.

Prepare and exhibit draft Plans of Management for community land in accordance with Part 2 (Public land) of Chapter 6 of the *Local Government Act 1993* and regulation.

Adopt a Plan of Management which, in the opinion of the delegate, is procedural or minor and does not require the consideration of the Council.

Hold public hearings for the purposes of reclassification and recategorisation of community land under the *Local Government Act 1993* and regulation.

09.02 Dividing Fences

Determine whether Council will make a contribution towards the cost of a dividing fence and if a contribution is to be made, authorise such contribution provided that at least two competitive quotations have been obtained for the carrying out of the work.

09.04 Non-Claimant Native Title applications

Lodge applications relating to non-claimant native title determinations with the National Native Title Tribunal for all parcels of land where it is considered that Council has an interest and withdraw any application where it is considered that a native title determination is not required.

09.06 Risk management

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.

09.07 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.

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*)

10.02.13 Local Government Act 1993

10.02.13.02 Inspection Functions

Exercise Council's inspection functions under the *Local Government Act 1993* and regulation.

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.

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.

10.02.18 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)**

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.