

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

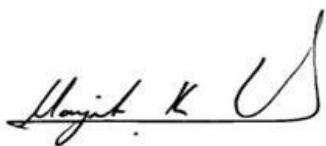
In accordance with section 378 of the *Local Government Act 1993*, I hereby:

1. Delegate to the position of:

**Stormwater Engineer - Infrastructure Planning & Services**

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.

## **02.12 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.

## **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**

##### **10.02.13.02 Inspection Functions**

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

#### **10.02.19 Roads Act 1993**

##### **10.02.19.03 Functions under Roads Act 1993**

Exercise the following functions under the *Roads Act 1993* and regulation:

###### **10.02.19.03.09 Roads Act 1993 (Section 94)**

Section 94 – Authorise the carrying out of drainage work in or on any land in the vicinity of a public road for the purpose of draining or protecting the road.

###### **10.02.19.03.11 Roads Act 1993 (Section 96)**

Section 96 – Direct the occupier of any land in the vicinity of a public road: (a) to alter a fence (including a rabbit proof fence) on the land; (b) to provide floodgates in any such fence; or (c) to repair any such fence or floodgates, in order to prevent obstruction to the free flow of surface drainage from the public road, or to the free flow of a watercourse that crosses the public road.

###### **10.02.19.03.35 Roads Act 1993 (Sections 164 to 174) (C of A required)**

Sections 164 to 174 (Division 1 (Entry to land) of Part 11) – Enter land and other powers. **(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.