

SUTHERLAND SHIRE COUNCIL
INSTRUMENT OF DELEGATION BY THE CHIEF EXECUTIVE OFFICER

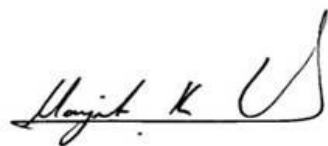
In accordance with section 378 of the *Local Government Act 1993*, I hereby:

1. Delegate to the position of:

Design Officer Civil Assets Inspector - Traffic & Public Domain

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; and

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



Manjeet Grewal

Chief Executive Officer

26 May 2022

DELEGATIONS

CR Compliance - Roads Act 1993 Functions

CR01 Appointed as Authorised Officer under the Roads Act 1993 (Certificate of Authority Required)

Appointed as 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.

CR05 Roads Act 1993 Section 101 Issue Directions regarding Road Condition

Direct any person by whom a public road is dug up to restore the road to its previous condition, and if a public road is damaged as a result of a leakage from, or breaking or bursting of, any object or work placed in, on or over the road, direct the person:

- (a) who was responsible for placing the object or work in, on or over the road; or
 - (b) who has the care or control of the object or work; or
 - (c) whose act or omission caused the leakage, breaking or bursting, to restore the road to its previous condition, or instead of giving such a direction, authorise such action as is necessary to restore the road to its previous condition and seek recovery of the costs incurred in taking action;
- under Section 101 of the *Roads Act 1993*.

CR06 Roads Act 1993 Section 102 Issue Directions regarding Damage to a Public Road

Direct a person who causes damage to a public road, or to any road work on a public road or any traffic control facility on a road or road related area within the meaning of the *Road Transport (General) Act 2005* (other than a road or road related area that is the subject of a declaration made under section 15 of that Act relating to all of the provisions of that Act), to pay the cost incurred by Council in making good the damage that they are liable to pay, under Section 102 of the *Roads Act 1993*.

CR15 Roads Act 1993 Section 138 and 139 Determine Application for consent: carry out works - public roads

Determine an application for consent under Section 138 and 139 of the *Roads Act 1993*, related to;

- (a) erect a structure or carry out a work in, on or over a public road;
- (b) dig up or disturb the surface of a public road;
- (c) remove or interfere with a structure, work or tree on a public road;
- (d) pump water into a public road from any land adjoining the road; or
- (e) connect a road (whether public or private) to a classified road.

CR20 Roads Act 1993 Section 164 to 174 Enter Land and other powers (Certificate of Authority Required)

Enter land and perform other powers under Sections 164 to 174 (Division 1 (Entry to land) of Part 11) of the *Roads Act 1993*.

CR39 Roads Act 1993 Section 97 Issue Directions regarding Utility Services – Public Roads

Direct any person who is entitled to place utility services in, on or over a public road: (a) to locate any new or replacement services in a conduit; and (b) to pay to Council such proportion as may be prescribed by the Regulations of the costs incurred by Council in connection with the construction of the conduit, if the public road is one where there are conduits for the carriage of utility services across the road; under Section 97 of the *Roads Act 1993*

CR40 Roads Act 1993 Section 98 Issue Directions regarding Work or Structures – Public Roads

Direct the person having control of any work or structure that is situated in, on or over a public road to alter the work or structure or the location of the work or structure. If the person fails to comply with the direction, make the alteration as directed, under Section 98 of the *Roads Act 1993*.

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.