

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:

Team Leader Open Space 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 Chief Executive Officer; and

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



Manjeet Grewal

Chief Executive Officer

22 October 2021

DELEGATIONS

FS Finance Functions

FS17 Council Timesheets Approval

Approve and certify staff timesheets within the position holder's area of responsibility.

CG Compliance - General Functions

CG10 Appointed as Authorised Officer under the Rural Fires Act 1997

Appointed as an Authorised Officer to exercise the functions conferred on the Council under the *Rural Fires Act 1997* and *Regulation*.

**CG14 Appointed as Authorised Person for Entry on to land and other powers under Local Government Act 1993
Chapter 8 Part 2 (Certificate of Authority Required)**

Appointed as and Authorised Person to exercise the functions conferred on Council (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.

**CG15 Appointed as Council Investigation Officer under the Environmental Planning and Assessment Act 1979
(Certificate of Authority Required)**

Appointed as a Council Investigation Officer pursuant Division 9.2, and clause 284 of the *Environmental Planning and Assessment Act 1979* and *Regulation*. For the purposes of entry, search, inspecting premises, obtaining information, requiring the answering of questions.

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.

CR02 Roads Act 1993 Clause 45 Authorise Fishing Prohibition Notices

Authorise the erection of notices prohibiting fishing from a bridge or any part of a bridge, under Regulation Clause 45 of the *Roads Act 1993* and *Regulation*

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*.

CR33 Roads Act 1993 Section 88 Direct Owner of a Private Road - vegetation

Authorise the removal or lopping of any tree or other vegetation that is on or overhanging a public road if it is necessary to do so for the purpose of carrying out road work or removing a traffic hazard, under Section 88 of the *Roads Act 1993*.

CN Contract Functions

CN03 Sign a Deed of Agreement - Replanting Trees on Public Land

Sign on behalf of Council, Deeds of Agreement in respect of the replanting of trees on public lands and the acceptance of associated funds.

PC People and Culture Functions

PC08 Authorise Disciplinary Actions; verbal warnings and performance improvement plans

Issue verbal warnings and Performance Improvement Plans.

PR Procurement Functions

PR06 Authorise Expenditure < \$50,000

Authorise expenditure for the procurement of goods, works and services, in accordance with the Procurement Policy and Guidelines to the value of \$50,000 including;

- Council Stores issued goods and materials,
- prescribed contracts (within the meaning of clause 163 of the *Local Government (General) Regulation 2005*),
- endorsed Preferred Supplier Agreement, or
- where Council has resolved to do so.

PR17 Authorise Requests for Council Stores <\$500

Authorise requests for Council Stores issued goods and materials to a maximum amount of <\$500 (inc GST) in any one instance. (Not required if the Officer holds an Authorise Expenditure Delegation)

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.