

**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:

**Manager Project Delivery**

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**

**AM Asset Management Functions**

**AM02 Approve public safety measures at Council assets**

Attend to the following matters in within the scope of the Officer's role:

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 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.

#### **AM04 Authorise work on private land**

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, under section 67 of *Local Government Act 1993*.

#### **FS Finance Functions**

##### **FS09 Write off debts (other than rates and charges) up to \$25**

Write-off debts for unpaid fees due to maximum \$25 in any one instance

##### **FS13 Waive or Amend Fees and Charges up to \$2,000**

The position holder is delegated authority to waive or amend or determine various fees as detailed in Council's Schedule of Fees and Charges in accordance with Section 610E of the *Local Government Act 1993*.

##### **FS15 Issue Tax Receipts**

Issue an official tax receipt on behalf of Sutherland Shire Council.

##### **FS17 Council Timesheets Approval**

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

##### **FS27 Refunds – approve Refund of Security Bonds and Deposits**

Draw on, release or authorise the refund of security fund deposits provided that the purpose for which the deposit is held has been satisfied or the deposit is no longer required.

#### **CG Compliance - General Functions**

##### **CG07 Appointed as Authorised Officer under the Protection of the Environment Operations Act 1997 (Certificate of Authority Required) A**

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.

##### **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.

#### **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*.

**CR07 Roads Act 1993 Section 103 Issue Directions regarding Safety of Persons or Property**

Direct the owner or occupier of land to erect or install fences, lights or other equipment on or around any premises on the land that are in a sufficiently dangerous condition to threaten the safety of persons or property on a public road in the vicinity of the premises, under Section 103 of the *Roads Act 1993*.

**CR10 Roads Act 1993 Section 116 Applications to the Roads and Maritime Service**

Apply to the RTA for consent to the erection of any notice or barrier, the carrying out of any work or the taking of any other action for the purpose of regulating traffic on a public road and the removal of any notice or barrier, the demolition of any work or the ceasing of any action for which it has been given consent under Part 8 Division 2 of Section 116 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*.

**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*.

**PC People and Culture Functions**

**PC05 Determine Overtime and Time in Lieu Requests**

Determine requests for the accrual of overtime and time in lieu

**PC08 Authorise Disciplinary Actions; verbal warnings and performance improvement plans**

Issue verbal warnings and Performance Improvement Plans.

**PC18 Authorise the Engagement of Temporary Staff**

Authorise the engagement of temporary staff.

**PC21 Approve Allowances - Operational**

Approve operational allowances in accordance with requirements under any relevant Enterprise Agreement, Industrial Agreements, Award, Council Agreements, Industrial Instruments and Council policy.

## **PR Procurement Functions**

### **PR09 Authorise Expenditure < \$250,000**

Authorise expenditure for the procurement of goods, works and services, in accordance with the Procurement Policy and Guidelines to the value of \$250,000 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.

### **PR12 Submit Quotations Other than Those Included in Fees and Charges**

Submit quotations to external bodies, organisations, authorities and the like to provide works and services to them, outside of those included in Fees and Charges.

## **CF Correspondence Functions**

### **CF02 Authorise Correspondence of a Non-standard Nature**

Authorise correspondence of a non-standard nature such as interpretation of Council policy or position in accordance with other delegations granted to the position or in accordance with the responsibilities of the position

### **CF03 Respond with Council's Position**

Correspondence that is making a submission in relation to draft legislation or government position, on behalf of Council, in accordance with the responsibilities of the position

## **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.