

SUTHERLAND SHIRE COUNCIL
INSTRUMENT OF DELEGATION BY THE CHIEF EXECUTIVE OFFICER

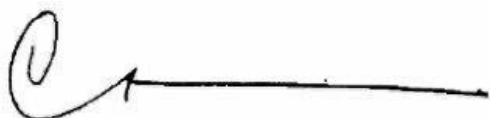
In accordance with section 378 of the *Local Government Act 1993*, I hereby:

1. Delegate to the position of:

Team Leader Property 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 Chief Executive Officer; and

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



Clare Phelan

Acting Chief Executive Officer

09 December 2021

DELEGATIONS

FS Finance Functions

FS17 Council Timesheets Approval

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

FS25 Refunds – Overpayments and adjustments

Approve or refuse refunds in accordance with applicable legislation and Council policy for over payment or adjustment of monies, subject to appropriate evidence of the over payment.

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.

CR Compliance - Roads Act 1993 Functions

CR12 Roads Act 1993 Section 125 Approve Applications for the use of Footway by Restaurants

Determine an application for an approval to allow a person who conducts a restaurant adjacent to a footway of a public road (being a public road that is vested in fee simple in Council) to use part of the footway for the purposes of the restaurant, under Section 125 of the *Roads Act 1993*.

CR13 Roads Act 1993 Section 126 Approve Structures in a Footway for use by Restaurants

Authorise the holder of a footway restaurant approval to erect and maintain structures in, on or over any part of the footway the subject of the approval, or at the request and cost of the holder of the approval, erect and maintain any such structure, under Section 125 of the *Roads Act 1993*.

CR16 Roads Act 1993 Section 139 Grant permits in relation to street vending

Grant, revoke, transfer and extend the term of a street vending consent under Sections 139A to 139E of the *Roads Act 1993*

LP Land and Property Functions

LP01 Lodge Applications with the Native Title Tribunal

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.

LP02 Make Application to allow Termination or Vacant Possession

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

LP03 Appointed as Authorised Officer in relation to Community Land as a Public Reserve under the Crown Lands Management Act 2016

Appointed as an Authorised Officer to manage community land under Sections 3.22 and 10.6 of the under the *Crown Lands Management Act 2016* and *Regulation* to manage community land.

LP04 Appointed as Authorised Officer in relation to Community Land as a Public Reserve under the Crown Lands Management Act 2016

Appointed as an Authorised Officer to manage operational land under the *Crown Lands Management Act 2016* and *Regulation* under section 3.22 of the Act.

LP05 Appointed as Authorised Officer to Manage land as a Public Reserve under the Crown Lands Management Act 2016

Appointed as an Authorised Officer to fulfil the function of a Council manager of land under Sections 3.22 and 10.6 of the *Crown Lands Management Act 2016* and *Regulation*

LP06 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.

LP09 Enter in to and Execute Leases, licences, hire agreements relation to Community and Operational Land (5yrs or \$25,000)

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

- (a) the term does not exceed five years; and
- (b) the fee and charge 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) in respect of residential leases, the lease has been authorised by a resolution of the Council.

LP11 Determination of whether Council will contribute and the level of contribution to cost of Dividing Fence

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.

LP14 Authorise and Approve Rent reviews

Authorise and Approve rent reviews in accordance with the provisions of the relevant lease.

LP15 Receive, Refund or Claim Rental Bonds and Security and Execute Bond Lodgements

Receive and refund rental bonds and security, to make a claim against a bond and execute bond lodgements with the appropriate statutory body.

LP16 Applications (except Owner's Consent)

Sign, on behalf of Council as authorised officer, applications and the like (except those providing owner's consent).

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

PR05 Authorise Expenditure < \$25,000

Authorise expenditure for the procurement of goods, works and services, in accordance with the Procurement Policy and Guidelines to the value of \$25,000 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.

LG Legal Functions

LG07 Instruct External Lawyer - Commercial and Property Matters

Instruct external lawyers to provide advice, act for Council, defend and do all things necessary in court proceedings or other matters in relation to commercial and property matters brought against Council.

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.