

SUTHERLAND SHIRE COUNCIL
INSTRUMENT OF DELEGATION BY THE CHIEF EXECUTIVE OFFICER

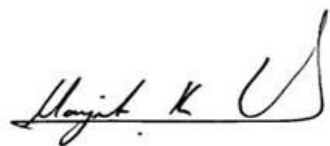
In accordance with section 378 of the *Local Government Act 1993*, I hereby:

1. Delegate to the position of:

Leading Senior Inspector - Public Safety

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
29 November 2021

DELEGATIONS

CG Compliance - General Functions

CG03 Appointed as an Authorised Person under the Public Spaces (Unattended Property) Act 2021 (Certificate of Authority Required)

Appointed as an Authorised Person and Impounding Officer and authorised to exercise all other functions under the *Public Spaces (Unattended Property) Act 2021* and *Regulation*. This includes (but is not limited to) impounding, giving notices and serving penalty notices.

CG04 Appointed as an Authorised Person under the Road Transport (General) Act 2013 (Certificate of Authority Required)

Appointed as an Authorised Officer and authorised to exercise all other functions under the *Road Transport (General) Act 2013* and *Regulation* and the 'road transport legislation' as defined in that Act. This includes (but is not limited to) inspecting and searching vehicles and premises, giving directions and serving penalty notices.

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

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.

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*.

CG13 Appointed as Authorised Officer, Authorised Person, Inspector, Enforcement Officer or similar on behalf of Council (Certificate of Authority Required)

Appointed as an Authorised Officer/Person/Inspector/Enforcement Officer and the like under any law under which Council has functions and authorised to exercise all other functions under those laws, subject to the qualifications listed below. The functions referred to in this clause include (but are not limited to): entering, inspecting and searching land, premises and property; applying for search warrants; giving directions; requiring answers to questions; requiring the furnishing of information and records; giving directions; issuing, giving and serving notices and orders; revoking orders; and issuing and serving penalty notices. Qualifications:

1. Subject to this Delegation, only the following functions can be exercised under the *Environmental Planning and Assessment Act 1979* and *Regulation*: (a) The delegate is appointed as and to exercise the functions of an authorised person, including the functions under Division 1A (Local Enforcement Powers) of Part 6; and (b) Council's functions under Part 6 Division 2A (Orders); and (c) Serve penalty notices as an authorised person, under section 127A and clause 284; and (d) Council's inspection functions.
2. Subject to this Delegation, only the following functions can be exercised under the *Local Government Act 1993* and *Regulation*: (a) The delegate is appointed as and to exercise the functions of an authorised person, including the functions as a 'person authorised' under Part 2 (Entry on to land and other powers) of Chapter 8; and (b) Council's functions under Part 2 (Orders) of Chapter 7; and (c) Serve penalty notices as an authorised person, under section 679; and (d) Council's inspection functions.

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.

CG16 Appointed as Council Authorised Person under the Environmental Planning and Assessment Act 1979

Appointed as a Council Authorised Person pursuant Division 9.3 and clause 284 of the *Environmental Planning and Assessment Act 1979* and *Regulation*, for the purposes of serving penalty notices relating to any offence committed under this Act or Regulation.

CG18 Authorised Officer under the Recreation Vehicles Act 1983

Appointed as an Authorised Officer and authorised to exercise all other functions under the *Recreation Vehicles Act 1983* and *Regulation*. This includes (but is not limited to) inspecting vehicles and giving directions.

CG26 Conduct Inspections under the Environmental Planning and Assessment Act 1979

Exercise Council's inspection functions under the *Environmental Planning and Assessment Act 1979* and *Regulation*.

CG27 Issue Orders under Local Government Act 1993 Chapter 7 Part 2

Issue Orders on behalf of Council, under the *Local Government Act 1993* Chapter 7 Part 2 Orders.

CG31 Appointed as Authorised Officer under the Heavy Vehicle National Law (NSW)

Appointed as an Authorised Officer under the *Heavy Vehicle National Law (NSW)* for the purposes outlined in sections;

a. 169A;

b. 175;

c. 177; and

d. 195;

of the *Road Transport Act 2013* and subject to current issue of the appropriate Authorisation Instrument/s.

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*.

CR08 Roads Act 1993 Section 107 Issue Directions regarding Obstruction and Encroachment

Direct any person who causes an obstruction or encroachment on a public road, or the owner of any land that is used, or is able to be used, in connection with an obstruction or encroachment on a public road, to remove the obstruction or encroachment, under Section 107 of the *Roads Act 1993*.

CR09 Roads Act 1993 Section 115 Regulate Traffic on a Public Road

Regulate traffic on a public road by means of barriers or by means of notices conspicuously displayed on or adjacent to the public road, under Section 115 of the *Roads Act 1993*.

CR24 Roads Act 1993 Section 229 Authority to Require Documentation

Require the owner of a vehicle or the person in charge of a vehicle to produce documents immediately where the authorised officer suspects on reasonable grounds that the driver of the vehicle has committed an offence against the Act or the Regulations under Section 229 of the *Roads Act 1993*.

CR26 Roads Act 1993 Section 243 Serve Penalty Notices

Issue serve penalty notices as an authorised officer under Section 243 of the *Roads Act 1993*.

LP Land and Property Functions

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*

CA Companion Animals Act Functions

CA02 Appointed as Authorised Officer under the Companion Animals Act 1998 (Certificate of Authority Required)

Appointed as an Authorised Officer under the *Companion Animals Act 1998* and *Regulation*. This includes authority to (but is not limited to) entering property, seizing dogs, issuing and giving orders and notices, making declarations and serving penalty notices.

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.