

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 Strategic Planning

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

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.

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.

CG Compliance - General Functions

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.

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.

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*.

PD Planning and Development Functions

PD04 Issue Planning Certificates

Issue a planning certificate, pursuant to section 10.7 of the *Environmental Planning and Assessment Act 1979* and *Regulation*.

PD07 Planning Instruments – Local Environment Plans

Exercise Council's functions under Part 3 (Planning Instruments) of the *Environmental Planning and Assessment Act 1979* and regulation in relation to environmental planning instruments, development control plans. However, the delegate is not authorised to submit a planning proposal to DPIE for Gateway Determination unless authorised by resolution of Council. With the exception of matters that fall under Clause 3.22.

PD18 Amend Notations to Planning Certificates – Council Resolution

Amend notations on Section 10.7 Planning Certificates with resolution of Council only, as per the *Environmental Planning and Assessment Act 1979*

PD19 Amend Notations to Planning Certificates – with Sufficient evidence

Amend on the basis of sufficient evidence

Amend notations on Section 10.7 Planning Certificates on the basis of sufficient evidence, as per the *Environmental Planning and Assessment Act 1979*

PD20 Planning Instruments – Development Control Plans

Exercise Council's functions under Part 3 (Planning Instruments) of the *Environmental Planning and Assessment Act 1979* and *Regulation* in relation to development control plans. However, the delegate is not authorised to exhibit a draft development control plan unless authorised by resolution of Council.

PD21 Infrastructure Contributions and Finance

Exercise Council's functions under Part 7 Infrastructure Contributions and Finance of the *Environmental Planning and Assessment Act 1979* and *Regulation* in relation to contribution plans and finance.

However, the delegate is not authorised to place a draft contribution plan on public exhibition unless authorised by a resolution of the Council

PD22 Reclassification of Council land – Prepare and Exhibit Draft LEP

Prepare a draft local environmental plan for the purposes of Part 2 (Public land) of Chapter 6 of the *Local Government Act 1993* and *Regulation* and exhibit in accordance with the terms of Gateway Determination

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

PR04 Authorise Expenditure < \$20,000

Authorise expenditure for the procurement of goods, works and services, in accordance with the Procurement Policy and Guidelines to the value of \$20,000 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.

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

LG Legal Functions

LG06 Instruct Lawyer - Administrative Law Matters

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

LG09 Instruct Lawyer – Regulatory Enforcement

Provide advice and to commence, defend, prosecute, settle, discontinue and withdraw any proceedings or other matters or actions in relation to matters under the relevant legislation or Regulation governing enforcement action associated with the responsibilities of the Delegate.

LG11 Instruct Lawyer - Local Court

Instruct lawyers to provide advice and to commence, defend, prosecute, settle, discontinue and withdraw any proceedings or actions in the Local Court.

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.