

**SUTHERLAND SHIRE COUNCIL**  
**INSTRUMENT OF DELEGATION BY THE CHIEF EXECUTIVE OFFICER**

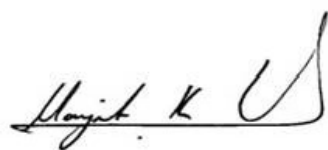
In accordance with section 378 of the *Local Government Act 1993*, I hereby:

1. Delegate to the position of:

**Manager Traffic and Public Domain 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.



**Manjeet Grewal**

**Chief Executive Officer**

**15 March 2024**

**DELEGATIONS**

**AM Asset Management Functions**

**AM01 Approval of work and costs incurred for Street Lighting**

Approve work to proceed and for Council to bear the additional annual charge where the relevant energy provider has agreed to a scheme of street lighting improvement.

Approve the replacement of street lamps or variations in wattage or type of street lamps.

Approve the installation of street lights in new areas where it is considered that street lighting is required and for Council to bear the additional annual charges.

**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**

##### **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.

##### **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.

##### **CG20 Authorise Signage and Notices related to Parking under the Local Government Act 1993 and Regulation**

Authorise the location, content, design and erection of signs and notices under the *Local Government Act 1993* and *Regulation*, including (but not limited to) those determining free parking areas.

##### **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*.

#### **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.

### **CR03 Roads Act 1993 Part 8 Appoint Traffic Controllers**

Appoint traffic controllers, or authorise agents and contractors to appoint traffic controllers, to direct traffic on a road, under Clause 6 and Part 8 of the *Roads Act 1993*.

### **CR04 Roads Act 1993 Section 100 Issue Directions regarding Private Railway**

Make a direction in relation to a private railway under Section 100 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*.

### **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*.

### **CR11 Roads Act 1993 Section 122 Temporary Regulation of Traffic**

Regulate traffic on a specified public road or on all public roads for which Council is the roads authority by order and revoke an order, under Section 122 of the *Roads Act 1993*.

### **CR17 Roads Act 1993 Section 144 Grant permits in relation to conduct a road event**

Grant a permit to any person to conduct a road event on a public road, subject to any requirements of the Sutherland Traffic Committee and any relevant authority under Section 144 of the *Roads Act 1993*.

### **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*.

### **CR25 Roads Act 1993 Section 238 Take Action and Recover Costs**

Take action to give effect to a direction given under the Act and to recover the costs incurred in exercising any function under Division 2 and Section 248 of the *Roads Act 1993*.

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

Authorise the removal or pruning 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*.

### **CR39 Roads Act 1993 Section 97 Issue Directions regarding Utility Services – Public Roads**

Direct any person who is entitled to place utility services in, on or over a public road: (a) to locate any new or replacement services in a conduit; and (b) to pay to Council such proportion as may be prescribed by the Regulations of the costs incurred by Council in connection with the construction of the conduit, if the public road is one where there are conduits for the carriage of utility services across the road; under Section 97 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*.

## **CR41 Roads Act 1993 Section Division 3 Part 9 Revoke consent other than street vending**

Revoke a consent (other than a street vending consent) under Division 3 of Part 9 of the *Roads Act 1993* at any time and for any reason by notice in writing served on the holder of the consent.

## **CN Contract Functions**

### **CN07 Execute contracts up to the value of \$50,000**

Execute contracts, on behalf of Council, in accordance with the Delegations of Authority Determination and Guidelines, provided the expenditure does not exceed \$50,000 over the life of the contract.

### **CN10 Terminate contracts up to the value of \$50,000 (to align with existing execute delegation function provision)**

Terminate contracts, on behalf of Council, in accordance with the Delegations of Authority Determination and Guidelines, provided the contract value does not exceed \$50,000 (to align with existing execute delegation function provision)

### **CN12 Grants - Prepare and submit grant funding applications**

Prepare and submit grant funding applications to seek additional resources through grant opportunities that align to Council's strategic direction.

## **LE Legislative Functions**

### **LE 13 Exercise of Delegation Under 3I(1) of Transport Administration Act 1988**

To exercise the temporary Delegation afforded to councils on 24 February 2023 by the Secretary, Department of Transport (to 30 June 2026, unless revoked earlier) for Traffic Management and Pedestrian Works.

### **LE14 Appointed as a Manager (People Leader) under the Public Interest Disclosure Act 2022**

Appointed as a Manager (People Leader) under the requirements of the *Public Interest Disclosure Act 2022* to receive reports of voluntary public interest disclosures from directly or indirectly supervised employees only and pass voluntary public interest disclosures reports on to a Disclosure Officer.

## **PD Planning and Development Functions**

### **PD10 Refer Applications to Other Bodies**

Refer applications to other councils, external bodies and consultants for assessment and comment.

### **PD11 Application Acceptance and Requests**

Exercise Council's functions with respect to Application Acceptance and Request for additional information under Part 6 (Procedures relating to development applications) of the *Environmental Planning and Assessment Regulation*;

1. Reject an application pursuant to clause 51 of the Regulation and
2. Request further information pursuant to clause 54 of the Regulation

### **PD12 Infrastructure and Environmental Impact Assessment**

Exercise Council's functions under Part 5 (Infrastructure and Environmental Impact Assessment) of the *Environmental Planning and Assessment Act 1979 and Regulation*.

## **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.

#### **PC26 Authorise Temporary Unfit Stand Down**

Temporarily stand down an employee in accordance with Council's Alcohol & Other Drugs Determination and Guidelines, Code of Conduct for Council Staff, Work Health and Safety Policy and the Local Government (State) Award.

#### **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 up 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 2021*),
- 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 External Lawyer - Administrative Law 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 administrative law matters brought against Council.

##### **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.

##### **LG09 Instruct External Lawyer – Regulatory Enforcement**

Instruct external lawyers to 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.

## **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.