

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 Traffic & Transport 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

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.

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.

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*.

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*.

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.

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*.

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*.

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*.

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.

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 3l(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

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

PC08 Authorise Disciplinary Actions; verbal warnings and performance improvement plans

Issue verbal warnings and Performance Improvement Plans.

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

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.