

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 Environmental Health

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

FS Finance Functions

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*.

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.

CG Compliance - General Functions

CG06 Appointed as Authorised Officer under the Food Act 2003 (Certificate of Authority Required)

Appointed as an Authorised Officer and authorised to exercise all other functions under the *Food Act 2003 and Regulation*. This includes (but is not limited to) entering and inspecting premises, applying for search warrants, seizing items, serving notices and orders, 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.

CG09 Appointed as Authorised Officer under the Public Health Act 2010 (Certificate of Authority Required)

Appointed as and to exercise the functions of an Authorised Officer and authorised to exercise all other functions under the *Public Health Act 2010 and Regulation*. This includes (but is not limited to) entering and inspecting premises, giving directions, applying for search warrants, taking of samples, requiring answers to questions, serving penalty notices and serving notices and orders.

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.

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 of the *Environmental Planning and Assessment Act 1979* and clause 284 of the *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.

CG21 Approve the Carrying Out of Works by Council under Local Government Act 1993 Section 678

Approve the carrying out of works by Council as under Section 678 of the *Local Government Act 1993*, to give effect to the terms of an order issued under Chapter 7 Part 2 where a person fails to comply with the Order.

CG22 Consider Representations on Penalty Notices, Direction or Order

Consider representations in relation to penalty infringement notices, direction or order issued in accordance with Council's Compliance and Enforcement Policy and guidelines. The delegate can decide whether to caution the person, suspend, discontinue or continue enforcement of the notice (which may involve court proceedings), other than notices, directions or orders issued by the position holder.

CG23 Issue Orders under Environmental Planning and Assessment Act 1979

Exercise Council's functions under Schedule 5 Development Control Orders of the *Environmental Planning and Assessment Act 1979* and *Regulation*.

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.

LE Legislative Functions

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

PD03 Issue Certificates for Outstanding Orders or Notices

Issue a certificate as to outstanding orders or notices, pursuant to section 10.11 of the *Environmental Planning and Assessment Act 1979*

PD16 Exercise Council's Approval functions under the Local Government Act 1993

Exercise Council's functions under Part 1 (Approvals) of Chapter 7 of the *Local Government Act 1993* 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

PR03 Authorise Expenditure \$10,000

Authorise expenditure for the procurement of goods, works and services, in accordance with the Procurement Policy and Guidelines up to the value of \$10,000 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.

LG Legal Functions

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.

LG11 Instruct External Lawyer - Local Court

Instruct external 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.