

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:

Infrastructure Planning and Design Manager

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.

AM03 Authorise the removal of graffiti

Authorise graffiti removal work on private land by agreement with the owner or occupier of that land or without agreement if the graffiti is visible from a public place, in accordance with *Graffiti Control Act 2008*.

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.

CG Compliance - General Functions

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*.

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.

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.

CR02 Roads Act 1993 Clause 45 Authorise Fishing Prohibition Notices

Authorise the erection of notices prohibiting fishing from a bridge or any part of a bridge, under Regulation Clause 45 of the *Roads Act 1993* and *Regulation*

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*.

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*.

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*.

CR14 Roads Act 1993 Section 130 Revoke public gate permit

Revoke a public gate permit under Section 130 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.

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*.

CR21 Roads Act 1993 Section 175 Authorise and Give Notice - taking position of land

Authorise and give notice of the taking of possession of land for the purpose of carrying out road work on a road or a proposed road, or providing a temporary road to replace a public road that has become impassable under Section 175 of the *Roads Act 1993*.

CR22 Roads Act 1993 Section 217 Determine and Impose Contributions: Kerb, Gutter and Footway

Determine and impose the amount of contribution an owner of land adjoining a public road is to contribute to the cost incurred by Council in constructing or paving any kerb, gutter or footway along the side of the public road adjacent to the land under Section 217 of the *Roads Act 1993*.

CR23 Roads Act 1993 Part 13 Division 3 Kerb and Guttering

Recover costs incurred by Council in constructing or repairing any special crossing over a footway in the public road for the traffic of vehicles across the footway to or from the land, under Part 13 Division 3 of the *Roads Act 1993*

CR28 Roads Act 1993 Section 26 Direct restoration of Land

Direct the owner of land affected by road widening to carry out such work as is necessary to restore the land under Section 26 of the *Roads Act 1993*.

CR29 Roads Act 1993 Section 29 Levelling of Public Road

Prepare a proposal to fix or vary the levels of a public road and to make an order giving effect to the plan, under Section 29 of the *Roads Act 1993*.

CR30 Roads Act 1993 Section 38A - 38F Close a Public Road

Make an application to close a public road, under Section 29 of the *Roads Act 1993*.

CR31 Roads Act 1993 Section 39 Close a temporary public road

Make an application to close a temporary public road, under Section 39 of the *Roads Act 1993*.

CR32 Roads Act 1993 Section 86 Direct Owner of a Private Road – works

Direct the owner of a private road (other than a classified road) to carry out such work as is necessary to prevent the road from becoming unsafe or unsightly, under Section 86 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*.

CR34 Roads Act 1993 Section 92 Authorise the Alteration of Landforms

Authorise the alteration of the landform of land adjoining a public road so as to ensure the stability of the road, under Section 92 of the *Roads Act 1993*.

CR35 Roads Act 1993 Section 93 Direct the Owner of Land Adjoining Public Roads

Direct the owner of any land adjoining a public road to fill in any excavation that threatens the stability of the public road, under Section 93 of the *Roads Act 1993*.

CR36 Roads Act 1993 Section 94 A Authorise Drainage Work

Authorise the carrying out of drainage work in or on any land in the vicinity of a public road for the purpose of draining or protecting the road, under Section 94 of the *Roads Act 1993*.

CR38 Roads Act 1993 Section 96 Direct Occupier of Land – Fencing and Floodgates

Direct the occupier of any land in the vicinity of a public road: (a) to alter a fence (including a rabbit proof fence) on the land; (b) to provide floodgates in any such fence; or (c) to repair any such fence or floodgates, in order to prevent obstruction to the free flow of surface drainage from the public road, or to the free flow of a watercourse that crosses the public road, under Section 96 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*.

CN Contract Functions

CN03 Sign a Deed of Agreement - Replanting Trees on Public Land

Sign on behalf of Council, Deeds of Agreement in respect of the replanting of trees on public lands and the acceptance of associated funds.

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.

LP Land and Property Functions

LP10 Enter into and Execute leases, licences and hire agreements in relation to Community and Operational Land (1yr or \$5,000)

Enter into and execute leases, licences and hire agreements for the use of public land, Crown land for which Council is Crown Land Manager and public roads provided:

- (a) the term does not exceed one year; and
- (b) the consideration does not exceed \$5,000 per annum; and
- (c) the transaction is authorised by the relevant Plan of Management (where applicable); and
- (d) the fee or charge is in accordance with Council's Schedule of Fees and Charges (where applicable).

LP16 Applications (except Owner's Consent)

Sign, on behalf of Council as authorised officer, applications and the like (except those providing owner's consent).

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*.

PD14 Amend Flood Maps

Amend the flood maps, forming part of Council's Development Control Plan, to reflect whether property should still be subject to flood related development controls after consideration of changes in knowledge of flood risk or changes to physical characteristics of the property.

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

PR07 Authorise Expenditure \$100,000

Authorise expenditure for the procurement of goods, works and services, in accordance with the Procurement Policy and Guidelines up to the value of \$100,000 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

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.