



**DELEGATION**

**DIRECTOR WORKS AND CIVIL – Staff Code No 4200000**

**MARCH 2021**

CONTENTS

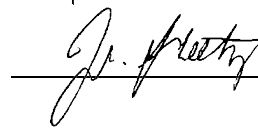
- Schedule 1 - General Authorities
- Schedule 2 - Specific Authorities
- Appendix A - Leave Approval Matrix

Authorised by General Manager, Ashley Lindsay:



Date: 9/3/21

Acknowledged by Director Works & Civil, Jamie Fleeting



9/3/21

Authorised by General Manager Ashley Lindsay:



Date: 9/3/21

Page 1 of 5



That subject to not receiving direction on any particular matter from the Council, or General Manager and subject to:

- (a) the requirements of the Local Government Act and regulations,
- (b) any other relevant legislation,
- (c) any expressed policy of the Council, and
- (d) any regulations of any public authority other than the Council,

and pursuant to the powers conferred on the General Manager under Part 3 of Chapter 12 of the Local Government Act, the Director Works and Civil be authorised to exercise or perform on behalf of the General Manager the powers, authorities, duties and functions as specified in Schedules 1 and 2.

### **SCHEDULE 1 – General Authorities**

#### **Legislation**

The functions of the Council pertaining to the responsibilities of the Director Works and Civil as specified in:

- (a) the Local Government Act and Regulations,
- (b) other legislation under which Council has powers, authorities duties and functions; and
- (c) Councils adopted Plans, Codes, Policies and Procedures.

#### **Appointments**

The Director Works and Civil has the following specific delegations:

1. Appointment as an ‘appropriate person’ for the purposes of opening and dealing with tenders under the Local Government (Tendering) Regulation 1993.
2. Power of Entry under s.191 of the Local Government Act.
3. Power of Entry under s.118A of the Environmental Planning and Assessment Act.
4. Power of Entry under s.111 of the Protection of the Environment Operations Act.
5. The power to issue penalty notices under s.679 of the Local Government Act.

Authorised by General Manager Ashley Lindsay:

Date:

9/3/21

Page 2 of 5



6. The power to issue penalty notices under s.127A of the Environmental Planning and Assessment Act.
7. Appointment as an authorised officer for the purposes of the Protection of the Environment Operations Act and is authorized to exercise the functions of an enforcement officer under Division 3 of Part 8.2 of that Act.
8. Appointment as an authorised person for the purposes of ss. 680,681 and 681A of the Local Government Act.
9. Appointment as a Public Interest Disclosures Contact Officer under the Public Interests Disclosures Act 1994 and Council’s Internal Reporting Policy – Public Interest Disclosures.
10. The power to determine an REF prior to works commencing (prepared internally by staff or external consultant) on behalf of Council, In accordance with the *Part 5 Assessment Quality Assurance and Determination Procedure*.

**Staff Function**

1. To appoint staff in accordance within an organisation structure and resources approved by the Council.
2. To direct and dismiss staff.

**Finance**

The Director Works and Civil has the following finance delegation:

- (a) Release/approval of Requisitions/Orders up to the Limit Prescribed by S55 LGA or Regulation before tendering and following acceptance of tenders by Council an amount of:
  - \$500,000
- (b) Approval of payment of Orders up to the amount of:
  - \$2,500,000



## SCHEDULE 2 – Specific Authorities

### **Correspondence**

1. The Director has the authority to **sign routine correspondence and forms** relates to the Works and Civil activities of Council and relates to the conveying of information where such information is relevant to the area of responsibility as set out in the job description concerning Council decisions, adopted policies, procedures and budgeted programs. The definition of “correspondence” includes letters, reports, memorandums, facsimiles, emails, etc.
2. **Non-standard correspondence** relates to the conveying of complex information or requests relevant to the area of responsibility as set out in the job description
3. All correspondence delegations are subject to following limitations in which case the correspondence is to be referred to and signed by the General Manager:
  - a) All correspondence advising or responding to:
    - Members of Parliament, at both State and Federal levels;
    - Director General of Government Departments, at both State and Federal levels;
    - Mayor, Councillors and General Managers’ of other local Government authorities;
    - The Ombudsman, Commissioner ICAC.
  - b) Correspondence committing Council to expenditure not approved in the adopted budget or by subsequent Council resolution.
  - c) Correspondence of a sensitive or personal nature, particularly letters which criticise Council or which may come to the attention of the Mayor and Councillors.
  - d) All correspondence dealing with matters of major significance to Council and letters to Government Departments of a controversial nature.

### **Product Endorsement**

The Director has the authority to approve product endorsement on behalf of Clarence Valley Council.

### LIMITATIONS

This delegation does not include the power to further delegate authorities to staff subordinate to the delegate named herein.

Further, this delegation is limited by the general provisions of Section 377 of the Local Government Act 1993.

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9/3/21

Page 4 of 5



**APPENDIX A**

<i>Employees with delegated authority to approve leave may do so only in the following manner</i>				
	<b>Supervisor</b>	<b>Manager</b>	<b>Director</b>	<b>Comment/Reference</b>
Annual leave (AL)	< 1 month	> 1 month ≤ 3 months	> 3 months	
Long service leave (LSL)	< 1 month	≤ 6months	> 6 months	LSL procedure
Sick leave (SL)	≤ 2 weeks	> 2 weeks ≤ 3 months	> 3 months	Protocol – refer for details
Sick leave without pay (SLWOP)	≤ 2 weeks	> 2 weeks ≤ 3 months	> 3 months	People Culture and Safety Unit must be advised if ≥ 2 weeks
Carers leave	≤ 1 week	> 1 week ≤ 2 weeks	> 2 weeks	Protocol
Health and wellbeing leave	≤ 2 days			Protocol – Award states 2 days from Sick Leave
Bereavement leave	max 4 days			Award – immediate family (4 days) and extended family (2 days)
Leave without pay (LWOP)			≤ 6 months	Protocol - > 6 months must be referred to the General Manager for approval. LWOP is not to be granted to undertake other paid work.
Climatic circumstances (formerly flood leave, or other climatic conditions)		all periods		Award Other leave protocol
Parental leave (pregnant employee)		all periods		
Concurrent parental leave		≤ 2 weeks		Award states up to 2 weeks from sick leave.
Unpaid parental leave			≤ 6 months	>6 months must be referred to the General Manager for approval
Pre adoption leave	max 2days			Provided by Award
Adoption leave		≤ 18 weeks		Provided by Award - refer to Award for details
Emergency services leave (volunteer member)		≤ 5 days per calendar year		Requests for leave > 5 days or outside LG Area to Director Other leave protocol
Emergency services leave (paid member)		TIL/AL/LSL	LWOP	Paid/Retained members of Emergency Services Organisations may only access LWOP / TIL / AL / LSL - Other leave protocol
Blood donor	max 2 hours			Other leave protocol
Defence force leave		all periods		Other leave protocol
Jury duty	all periods			Other leave protocol
Study leave (residential/block)		max 10 Days		Training & Development Protocol
Exam leave		max 1 day/unit		Training & Development Protocol