

# Register of Delegations

Part 1

Delegation to the Mayor, Committees,  
Other Bodies and General Manager

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Edward River Council at its meeting of 19 October 2017, and in accordance with section 377 of the *Local Government Act 1993*, resolved to delegate its powers, authorities, duties and functions as set out in *Register of Delegations Part 1: Delegation to the Mayor, Council Committees, General Manager, and other bodies*.

All Council delegations contained in Part 1 are subject to the following limitations:

1. The delegated power, authority, duty or function being performed in accordance with Council policy;
2. The delegated power, authority, duty or function being performed in accordance with the Law.

The delegations of Council will remain in force until they are revoked or amended by a resolution of the Council.

The Council notes that the General Manager may delegate his or her powers, authorities, duties and functions at his or her discretion. The General Manager’s delegations to Council employees will form *Register of Delegations Part 2: Delegations to Council Employees by the General Manager* and remain in force until they are revoked or amended by the General Manager.

Section 380 of the *Local Government Act 1993* provides that Council’s delegations are required to be reviewed during the first 12 months of each term of office.

## Delegation of Functions

### Section 377 General Power of The Council to Delegate

Section 377 of the Local Government Act 1993 (the "Act") provides:

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following:
  - a) the appointment of a general manager,
  - b) the making of a rate,
  - c) a determination under section 549 as to the levying of a rate,
  - d) the making of a charge,
  - e) the fixing of a fee,
  - f) the borrowing of money,
  - g) the voting of money for expenditure on its works, services or operations,
  - h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
  - i) the acceptance of tenders to provide services currently provided by members of staff of the council,
  - j) the adoption of an operational plan under section 405,
  - k) the adoption of a financial statement included in an annual financial report,
  - l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
  - m) the fixing of an amount or rate for the carrying out by the council of work on private land,
  - n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
  - o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#) ,
  - p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
  - q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
  - r) a decision under section 234 to grant leave of absence to the holder of a civic office,
  - s) the making of an application, or the giving of a notice, to the Governor or Minister,
  - t) this power of delegation,
  - u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.
- (1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:
  - a) the financial assistance is part of a specified program, and
  - b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
  - c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
  - d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.
- (3) A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.

## **Section 378 Delegations by the General Manager**

- (1) The general manager may delegate any of the functions of the general manager, other than this power of delegation.
- (2) The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).
- (3) Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377(2).

## **Section 379 Delegation of Regulatory Functions**

- (1) A regulatory function of a council under Chapter 7 must not be delegated or sub-delegated to a person or body other than
  - (a) a committee of the council of which all the members are councillors or of which all the members are either councillors or employees of the council, or
  - (b) an employee of the council, or
  - (c) a county council, or
  - (d) a joint organisation.
- (2) A regulatory function of a county council under Chapter 7 must not be delegated or sub-delegated to a person or body other than
  - (a) a committee of the county council of which all the members are members of the county council or of which all the members are either members of the county council or employees of the county council, or
  - (b) an employee of the county council, or
  - (c) a council.
- (2A) A council may delegate a regulatory function to a joint organisation only with the approval, by resolution, of the board of the joint organisation.
- (3) However, if
  - (a) a regulatory function is delegated to a county council, the function may be delegated to the general manager and by the general manager to an employee of the county council, or
  - (b) a regulatory function is delegated to a council, the function may be delegated to the general manager and by the general manager to an employee of the council, or
  - (c) a regulatory function is delegated to a joint organisation; the function may be delegated to the executive officer and by the executive officer to an employee of the joint organisation.

## **Section 380 Review of delegations**

Each council must review all its delegations during the first 12 months of each term of office.

## **Section 381 Exercise of functions conferred or imposed on council employees under other Acts**

- (1) If, under any other Act, a function is conferred or imposed on an employee of a council or on the mayor or a councillor of a council, otherwise than by delegation in accordance with this section, the function is taken to be conferred or imposed on the council.
- (2) Such a function may be delegated by the council in accordance with this Part.
- (3) A person must not, under any other Act, delegate a function to--
  - the general manager, except with the approval of the council
  - an employee of the council, except with the approval of the council and the general manager.

## Delegation to the Mayor

The Mayor, and in the absence of the Mayor, the Deputy Mayor for the period of the Mayor's absence, is delegated authority under section 377 of the Act to exercise and/or perform on behalf of the Council the following powers, authorities, duties and functions:

**1. Powers or duties under Local Government Act 1993**

To give effect to the law, Council's adopted policies, resolutions and directions, provided that such delegation is not sub-delegated without the specific approval of the Council or as prescribed under the Act.

**2. Powers or duties under other Legislation**

If, under any other legislation other than the *Local Government Act 1993*, a function is conferred or imposed on the Mayor of Council, the function is taken to be conferred or imposed on the Council and the Mayor of the Council has delegated authority to exercise and/or perform on behalf of the Council the powers, authorities, duties and functions as prescribed under that other legislation.

**3. Preside at meetings and functions of Council**

To preside at all meetings of the Council, committees, community committees and public meetings convened by the Council at which the Mayor is present, unless the Council otherwise appoints another Councillor or person to perform this function.

**4. Represent Council – Government and other forums**

To represent the Council, in conjunction with the General Manager, in deputations to government, inquires and other forums where it is appropriate that the Mayor should present the Council's position.

**5. Sign and execute documents**

To sign correspondence and other documents, subject to the limitation that execution of any documents under Council Seal must be carried out in compliance with Regulation 400 of the *Local Government (General) Regulations 2005*.

**6. Media releases**

To make media statements and issue press releases in respect of Council resolutions/recommendations and decisions. The Mayor may delegate this function to the Deputy Mayor, a specific Councillor or the General Manager as he or she may determine.

**7. Urgent Works**

To authorise work, not approved in the Operational Plan, which in the Mayor's opinion is urgent, at a cost not exceeding \$20,000 except in the case of a Bush Fire Emergency where the limit is \$50,000.

For the purpose of this delegation, "urgent work" refers to matters requiring immediate attention of the Mayor or General Manager and decision making due to situational factors that may have occurred and relates to:

- Natural disasters or events affecting the implementation of Council's Business Continuity Plan (BCP);
- Significant public liability issues;
- Work Health and Safety of elected officials;
- Incidents involving Council owned or operated property; or
- Pandemic

This delegation is to be only exercised in consultation with the General Manager and is to be the subject of a report to the next available Council Meeting.

**8. General authority of Council between meetings and during a Recess Period**

Where there are grounds to support that a decision of the elected Council cannot be delayed between scheduled meetings of the Council or during a Recess Period, to exercise the functions of the elected Council, other than:

- The functions reserved by the elected Council itself in accordance with Section 377 of the Act;
- Those powers and functions delegated to the General Manager.

- 9. Supervision**  
To monitor the General Manager in the exercise of the General Manager's powers, duties and functions.
- 10. Leave**  
Consider and approve or otherwise applications of leave submitted by the General Manager provided that the leave does not exceed 10 weeks in duration. Leave applications by the General Manager in excess of 10 weeks to be referred to council for determination.
- 11. Professional Development**  
Approve the attendance of the General to any seminar, conference or course provided that if it is within the existing adopted budget. If it falls outside existing budget only in extenuating or urgent circumstances and with the concurrence of the Deputy Mayor.
- 12. Expulsion from Council Meetings**  
Pursuant to the Local Government Act 1993, exercise the power of expulsion from meetings of council.
- 13. Claims Against Council**  
With the concurrence of the General Manager, approve the settlement of claims against Council, in excess of \$150,000 but not exceeding \$500,000 where the Mayor and General Manager are both satisfied that the Council's interests would be best served by avoiding the matter being determined by a court, other person or body.

## Delegation to Committees of Council

Pursuant to section 355 of the Act, Council can delegate some of its functions to a committee of Council. Council delegates the following Council committees the functions and responsibilities granted to each committee under a resolution adopted by the Council:

Council Committees:

- Audit Risk and Improvement Committee
- Cemetery Advisory Committee
- Central Murray Regional Library
- Edward River Council Airport Advisory Committee
- Edward River Council Floodplain Risk Management Advisory Committee
- Edward River Users Group
- Memorial Park Users Advisory Committee
- Promotional Advisory Committee

## Delegation to the General Manager

Pursuant to the powers conferred on Council by Section 377 of the Local Government Act 1993, the Council hereby delegates to the General Manager all of the functions, powers, duties and authorities of the Council that it may lawfully delegate under the Local Government Act 1993, any other Act, Regulation, instrument, rule or the like (including any functions, powers, duties and authorities delegated to the Council by any authority, body, person or the like), subject to the following:

- Other than those functions prescribed in Section 377 (1) of the Local Government Act 1993 as functions which may not be delegated
- The delegation will remain in force until otherwise revised or revoked by resolution of Council
- Any function that is delegated by the Council may, notwithstanding the delegation, still be exercised by the Council
- The General Manager will exercise the functions, powers, duties and authorities delegated in accordance with and subject to the provisions of any legislation and in accordance with relevant policies of Council.

If a function is conferred or imposed on an employee of the Council under any other legislation, the function is deemed to be conferred or imposed on the Council and is delegated to the General Manager.

Specific information on the General Manager's delegations is set out below:

<b>Part A – Financial Matters</b>	
<b>1.</b>	<b>Obtain Quotations and Authorise Purchase Orders</b> To obtain quotations, authorise the purchase of, and issue official orders for goods, works and services required for the functioning of the Council and to incur expenditure for such goods, works and services provided that due provision has been made in the approved budget for the incurring of such expenditure or the incurring of such expenditure is otherwise authorised by council policy or Council resolution.
<b>2.</b>	<b>Authorise Payment of Salaries and Wages</b> To authorise the payment of salaries and wages.
<b>3.</b>	<b>Payment of Contractors and Creditors</b> To approve or refuse payment to contractors and creditors.
<b>4.</b>	<b>Bank account maintenance</b> To act as a signatory to a bank account maintained by Council and to appoint other signatories as necessary.
<b>5.</b>	<b>Approve Electronic Funds Transfers (EFT), Direct Debits and Sign and Countersign Cheques drawn on Council's Bank Account</b> To approve Electronic Funds Transfers (EFT), Direct Debits and sign or countersign cheques drawn on Council's bank accounts.
<b>6.</b>	<b>Check and Certify the Annual Statutory Accounts</b> To check and certify statutory accounts against the Council records.



7.	<p><b>Authorise Expenditure for Urgent Works</b></p> <p>To authorise work, not approved in the Operational Plan, which in the General Manager’s opinion is urgent, at a cost not exceeding \$20,000 except in the case of a Bush Fire Emergency where the limit is \$50,000.</p> <p>For the purpose of this delegation, “urgent work” refers to matters requiring immediate attention of the Mayor or General Manager and decision making due to situational factors that may have occurred and relates to:</p> <ul style="list-style-type: none"> <li>• Natural disasters or events affecting the implementation of Council’s Business Continuity Plan (BCP);</li> <li>• Significant public liability issues;</li> <li>• Work Health and Safety of elected officials;</li> <li>• Incidents involving Council owned or operated property; or</li> <li>• Pandemic</li> </ul> <p>This delegation is to be only exercised in consultation with the Mayor and is to be the subject of a report to the next available Council Meeting.</p>
8.	<p><b>Security deposits/bonds – determine terms and conditions</b></p> <p>To determine the terms and conditions of a security deposit or bond.</p>
9.	<p><b>Lodgement of a Cash Bond or Bank Guarantee</b></p> <p>The authority to require the lodgement of a cash bond or bank guarantee.</p>
10.	<p><b>Disposition of bank guarantees</b></p> <p>To accept payment of security, by way of either a deposit or bank guarantee, authorise the drawing of monies paid as security and authorise the release of any payment security for all other guarantees except those related to a condition imposed by development consent.</p>
11.	<p><b>Security deposits/bonds – drawing of monies</b></p> <p>To approve the refund/drawing of monies held in security deposit or bond.</p>
12.	<p><b>Overdraft Limit</b></p> <p>To negotiate Council’s overdraft limit.</p>
13.	<p><b>Sale or Disposal of Materials or Equipment</b></p> <p>To sell old materials, spoilt or obsolete equipment.</p>
14.	<p><b>Debt Write Off</b></p> <p>To authorise the writing off uncollectible debts (for charges and sundry debtors) up to a maximum amount of \$2,000 per individual debt.</p>
15.	<p><b>Issue Accounts</b></p> <p>To authorise the issue of accounts for services provided by Council.</p>
16.	<p><b>Borrowings</b></p> <p>To authorise application for borrowings from financial institutions at the direction of Council and subject to a resolution of Council to approve this application.</p>
17.	<p><b>To Engage Consultants</b></p> <p>Within authorised budget amounts to engage consultants to assist with Council projects, subject to compliance with the Act and the law.</p>
18.	<p><b>Investment of Money</b></p> <p>Arrange the investment of money that is not presently required by the Council in a form of investments notified by order of the Minister and published in the Government Gazette.</p>
19.	<p><b>Write off Accrued Interest</b></p> <p>Write off accrued interest on rates and charges in accordance with section 567 of the Act.</p>

<b>20.</b>	<b>Accounts Receivable – Payment by Instalment</b> To negotiate with any ratepayer or debtor payment arrangements to be made by reasonable and satisfactory instalments.
<b>21.</b>	<b>Refund of Over-payments</b> To authorise the refund of all over-payments subject to appropriate certification.
<b>22.</b>	<b>Refund of Development Application/Construction Certificate Application Fees</b> To determine the refund of all or part of the fees paid for development where the application is either not proceeded with or is withdrawn prior to determination.
<b>23.</b>	<b>Rebate of Rates</b> To grant rebates of rates to qualified rateable persons in accordance with the provisions of the Act.
<b>Part B – Staffing Matters</b>	
<b>1.</b>	<b>Recruitment</b> <ul style="list-style-type: none"> <li>• Approve or refuse the appointment, engagement, or promotion of staff, subject to compliance with section 337 of the Act for senior staff.</li> <li>• Approve or refuse the use of a recruitment consultant.</li> <li>• Employ casuals to fill short term vacancies.</li> </ul>
<b>2.</b>	<b>Payment of Benefits and Allowances</b> Approve or refuse payment of allowances and employment entitlements and benefits in accordance with the Local Government (State) Award 2017 and applicable employment contracts.
<b>3.</b>	<b>Salary Step Progressions for Staff</b> Approve or refuse salary step progression for staff under the Local Government (State) Award 2017
<b>4.</b>	<b>Disciplinary Action</b> To discipline or dismiss employees and dismiss consultants/contractors on such terms that the General Manager deems appropriate, provided that prior to the dismissal of senior staff the General Manager consults with Council in accordance with section 337 of the Act.
<b>5.</b>	<b>Education Assistance</b> Approve or refuse education assistance for Council employees.
<b>6.</b>	<b>Flexible Work Arrangements</b> Approve or refuse flexible work arrangements.
<b>7.</b>	<b>Report of Injury</b> Approve or refuse the employer's report of injury to Council's workers compensation insurer.

8.	<p><b>Approve Leave</b></p> <p>Approve or refuse leave for Council employees in accordance with the relevant Award conditions and Council's policies and procedures, having due regard to the proper functioning of the Council and maintenance of appropriate levels of service to the public.</p> <p>To grant special leave with or without pay and reasonable out of pocket expenses, in the following cases:</p> <ul style="list-style-type: none"> <li>• Professional Body: where staff members are full members of a relevant professional body that is running a conference or meeting – a maximum of five days leave at any one time, with a maximum in any one year of 15 days;</li> <li>• Field Days: where it is considered that the machinery to be displayed is of some relevance to Council's operations, that senior staff directly associated with the purchase of Council's machinery be allowed to attend one day only;</li> <li>• Executive of a professional body: where an employee is elected to the executive of a professional body, special leave must fit within the parameters laid down under the professional body category;</li> <li>• Courses: Attendance at refresher courses (e.g. management courses) to be decided by Council in each case</li> <li>• Emergency Services Leave and Defence Force Reserve Leave at the discretion of the General Manager and in accordance with legislation.</li> </ul>
9.	<p><b>Overtime and Time in Lieu</b></p> <p>To approve overtime and time in lieu.</p>
10.	<p><b>Travelling and Subsistence Expenses</b></p> <p>To approve or refuse the payment of travelling and related expenses</p>
11.	<p><b>Replacement of Personal Property</b></p> <p>To approve or refuse claims for the loss of personal property provided that such property was required for the normal performance of the employee's duties and the personal property was lost or destroyed in the course of employment through no fault or negligence of the employee.</p>
12.	<p><b>Employment Outside of Council</b></p> <p>To approve or refuse employees to engage in private employment or contract work outside of their Council employment.</p>
13.	<p><b>Request for Use of Council Equipment by Employees</b></p> <p>To determine any requests for use of Council equipment by employees</p>
14.	<p><b>Use Intellectual Property created during Employment</b></p> <p>To refuse, approve or conditionally approve any request by an existing or previous employee of Council for the non-exclusive use of intellectual property of the Council created by the employee during their employment with Council, providing there is no monetary or commercial benefit to the employee.</p>
15.	<p><b>Industrial Relations</b></p> <p>To:</p> <ul style="list-style-type: none"> <li>• Act on Council's behalf in resolving industrial disputes and terms of settlement;</li> <li>• Correspond with unions on industrial and staff issues;</li> <li>• Correspond with unions on Protected Disclosures investigations; and</li> <li>• Negotiate with unions.</li> <li>• Enter into employment Awards</li> </ul>

Part C – Governance	
1.	<p><b>Public and Media Statements</b></p> <p>To make or authorise public statements and issue media releases on matters involving the Council.</p>
2.	<p><b>Claims Against Council</b></p> <p>With the concurrence of the Mayor, approve the settlement of claims against Council, not exceeding \$500,000 where the Mayor and General Manager are both satisfied that the Council's interests would be best served by avoiding the matter being determined by a court, other person or body.</p>
3.	<p><b>Business Papers</b></p> <p>To determine matters which are included in Council business papers and Committee papers.</p>
4.	<p><b>Correspondence</b></p> <ul style="list-style-type: none"> <li>• To reply to all routine correspondence that does not require the prior consideration of Council.</li> <li>• To exercise discretion regarding referring correspondence to various Council officers for attention.</li> </ul>
5.	<p><b>Invitation to Address Council</b></p> <p>To invite a group or individuals to address any Council or Council committee.</p>
6.	<p><b>Public Officer</b></p> <p>To appoint Council's Public Officer and to direct the Public Officer in relation to functions contained within section 343 of the Act.</p>
7.	<p><b>Destruction of Corporate Documentation</b></p> <p>Authority to approve destruction of corporate documentation in accordance with the <i>State Records Act 1998</i>.</p>
8.	<p><b>Signing of Contracts and Agreements</b></p> <p>To sign contracts, deeds and agreements that do not require the Council seal.</p>
9.	<p><b>Enter into Leases, Licences and other legal transactions</b></p> <p>Authority to negotiate and enter into any form of lease or licence or other transaction for use of land or assets, subject to compliance with the Act, and subject to the General Manager making reasonable enquiries into the appropriate payments to be made to Council and consulting with Council's solicitor to determine the appropriate format of the legal agreement.</p>
10.	<p><b>Public Immunisation</b></p> <p>To authorise and promote public immunisation campaigns and clinics.</p>
11.	<p><b>Council Committees</b></p> <ul style="list-style-type: none"> <li>• Appoint employee representatives to Council committees</li> <li>• Consider and determine matters arising from the Council committees</li> </ul>
12.	<p><b>Receive and investigate complaints</b></p> <p>To receive complaints and authorise investigation and action to be taken by the appropriate officer regarding any complaints or requests received by Council.</p>
13.	<p><b>Investigations by other Agencies</b></p> <p>To deal with requests for information and investigations by agencies such as the Office of Local Government, Independent Commission Against Corruption, Ombudsman and Information and Privacy Commission.</p>
14.	<p><b>Code of Conduct complaints</b></p> <p>To implement arrangements and appoint persons to manage code of conduct complaints, in accordance with the Procedures for the Administration of the Model Code of Conduct.</p>

<b>15.</b>	<b>Respond to Minister and Department</b> To respond and liaise with the Minister and his/her representatives and the Department in relation to correspondence, inquiries or requests for information.
<b>16.</b>	<b>State Emergency and Rescue Management Act 1989</b> In accordance with section 28 of the <i>State Emergency and Rescue Management Act 1989</i> , the role of Chairperson of the Local Emergency Management Committee is the General Manager.
<b>Part D – Operational</b>	
<b>1.</b>	<b>Issue Proceedings</b> <ul style="list-style-type: none"> <li>To initiate or undertake proceedings, to act on behalf of Council and to negotiate on matters in issue between parties, and to settle any proceedings in any court or tribunal, including but not limited to the local, district or supreme courts of any state or territory, any industrial relations tribunal or commission, and the land and environment court;</li> <li>To authorise the issue or withdrawal of any penalty infringement notices or complaint or the institution of any proceedings for the recovery of any penalty or the making of any order for or in respect of any offence, nuisance, or any other matter or thing whatsoever which the Council might be entitled to recover or seek under any Act or Regulation.</li> <li>To instruct and engage Council's solicitors and counsel.</li> </ul>
<b>2.</b>	<b>Notice of Intention and Orders</b> To issue Notices of Intention to Issue Orders and Orders in accordance with the requirements of the Act and <i>Environmental Planning and Assessment Act 1979</i> and all other applicable legislation.
<b>3.</b>	<b>Determination of Development Applications (including Modification Applications)</b> To determine development applications, including modification applications, and all forms of applications for approvals and certificates under all applicable legislation subject to the following exceptions: <ul style="list-style-type: none"> <li>The determination of a development application where a senior staff member of Council or Councillor is the owner or applicant of the subject land (excluding Council owned or managed land</li> <li>The determination of a development application where Council is the owner or manager of the land if the development exceeds a construction value of \$150,000</li> <li>The determination of a development application for a subdivision creating more than 20 allotments</li> <li>The determination of a development application for the erection, alteration and/or additions to buildings exceeding a construction value of \$3,000,000</li> <li>To grant consent to a development application requiring a variation of more than 10% to a condition or standard specified in a Council policy, Development Control Plan (DCP) or Local Environmental Plan (LEP), without providing 3 working days notification to Council, during which a Councillor requests the application to be reported to Council for consideration</li> <li>To grant consent to a development application which receives 7 or more objections during assessment</li> <li>To grant consent to a development application which receives 1-6 objections during assessment without providing 3 working days notification to Council, during which a Councillor requests that the application to be reported to Council for consideration</li> <li>The determination of a development application, in respect of which, two Councillors request in writing that this application is to be reported to Council for consideration.</li> </ul>
<b>4.</b>	<b>Issue of Permits, Certificates or Approvals</b> To approve or refuse the issue of permits, certificates and approvals for activities that are required to be regulated under the provisions of the Act and the <i>Environmental Planning and Assessment Act 1979</i> or related legislation including, but not limited to: <ul style="list-style-type: none"> <li>Certificates issued under Part 6 of the <i>Environmental Planning and Assessment Act 1979</i>; and</li> <li>Section 68 of the <i>Local Government Act 1993</i>.</li> </ul>

<b>5.</b>	<b>Ministerial delegation of Local Environmental Plan Making Decisions</b> Subject to the Minister delegating functions under section 59 of the <i>Environmental Planning and Assessment Act 1979</i> , and subject to the Council resolving to accept the Ministerial delegation, only those functions identified in the Ministerial delegation may be carried out.
<b>6.</b>	<b>Storm Water Drainage Works</b> Where the Council has approved a subdivision or development application subject to the construction of storm water drainage works that revert to the care, control and management of Council, to approve such works upon submission of all necessary plans and documentation.
<b>7.</b>	<b>Implementation of Adopted Operational Plan</b> In accordance with section 405 implement any work, service or action in the adopted Operational Plan, Delivery Program and other management plans without further reference to Council except for: <ul style="list-style-type: none"> <li>• the acceptance of tenders which are required under the Act to be invited by the Council, and</li> <li>• the determination of priorities where lump sum funding has been provided.</li> </ul>
<b>8.</b>	<b>Funding Application</b> Authority to sign funding applications once approved by Council.
<b>9.</b>	<b>Provision of Witnesses and Information</b> To determine the fee to be charged for the provision of Council's employees as witnesses and/or the supplying of information for court cases.
<b>10.</b>	<b>Removal of Derelict Vehicles</b> Authority to engage contractors to remove derelict vehicles from roads, road reserves and public places in accordance with the <i>Impounding Act 1993</i> .
<b>11.</b>	<b>Approve Applications for Street Activities and Busking Permits</b> Authority to approve or refuse: <ul style="list-style-type: none"> <li>• the issue of busking permits;</li> <li>• applications for street stalls or similar activity;</li> <li>• applications for the collection of money for charitable appeals or similar activity.</li> </ul>
<b>12.</b>	<b>Filming/Photography in Parks, Reserves and Public Places</b> To approve applications to film/photograph in Council's parks, reserves and public places subject to the conditions and fees determined by Council.
<b>13.</b>	<b>Casual Use of Council Parks, Reserves or Council Property</b> To approve or refuse applications for the casual use of parks, reserves or property in accordance with Council policy (if any) and subject to approved fees (if any).
<b>14.</b>	<b>Government Information (Public Access) Act 2009</b> To act as Council's "principal officer" and appoint Council officer(s) to determine applications and provide information to access information in compliance with the Government Information (Public Access) Act 2009.
<b>15.</b>	<b>To Enforce the Payment of Rates</b> To issue notices under the Act for the recovery of rates.  To approve alternative options for the collection of outstanding rates, including collection of rent in lieu of rates, issuing of proceedings, accepting exchange of land and such other alternatives available to Council under the Act.

<b>16.</b>	<p><b>Rate Books</b></p> <p>Authority to:</p> <ul style="list-style-type: none"> <li>• amend the rate and valuation books/records where such amendment is necessary by reason of change of ownership, occupancy or address;</li> <li>• raise or reduce the sum rates owing due to error;</li> <li>• include any land which ought to have been rated;</li> <li>• to write off accrued interest to a maximum of \$50;</li> <li>• act in accordance with the Act to manage the rate books/records and recover rates and charges owing to the Council.</li> </ul>
<b>17.</b>	<p><b>Insurance Claims - Policy Excess and Insurance Renewal</b></p> <p>To approve the renewal and costs of Council insurances.</p> <p>To resolve claims on Council's behalf up to the level of the excess applicable to each insurance policy.</p>
<b>18.</b>	<p><b>Council Property – Notices to Quit</b></p> <p>To authorise and sign notices to quit to tenants whose rent arrears exceed four weeks, or to take such alternative action necessary to manage tenants and recover outstanding rent or payments.</p>
<b>19.</b>	<p><b>Use of Council Owned Properties</b></p> <p>To approve or refuse to grant Council's consent to a third-party development application that may traverse or impact upon Council land.</p>
<b>20.</b>	<p><b>Maintenance and Repair of Council Properties</b></p> <p>To authorise repairs/maintenance of Council's buildings, equipment and plant within the limits approved in the annual budget.</p>
<b>21.</b>	<p><b>Maintenance of Council's Motor Vehicles and Plant</b></p> <p>To authorise the expenditure of funds for the repair, maintenance and replacement of Council's plant, equipment and vehicles.</p>
<b>22.</b>	<p><b>Hire of Council Plant</b></p> <p>To authorise the letting or hire of any of the Council's public works plant, machinery and equipment in accordance with rates determined by Council.</p>
<b>23.</b>	<p><b>Determination of Reserve Price and Disposal of Plant, Equipment and Vehicles by Public Auction, Tender or Trade-in</b></p> <p>Authority to approve a sale price for Council plant, equipment or vehicles if:</p> <ul style="list-style-type: none"> <li>• the best offer is more than 10% below the reserve price; and</li> <li>• the reserve price has been set by consulting either a valuer, auctioneer, or professional book (i.e. Red Book); and</li> <li>• results from previous auctions for similar plant, equipment or vehicles has been considered</li> </ul>
<b>24.</b>	<p><b>Saleyards</b></p> <p>To operate, manage and maintain Council's saleyards.</p>
<b>25.</b>	<p><b>Dividing Fences</b></p> <p>To authorise a contribution on behalf of Council for not more than one half the cost of fencing a boundary common to land owned by Council or under the Council's care, control and management subject to two quotations being obtained and subject to the <i>Dividing Fences Act 1991</i>.</p>
<b>26.</b>	<p><b>Aerodrome/Airport</b></p> <p>To operate and maintain the Council aerodrome/ airport in accordance with all applicable legislative requirements.</p>
<b>27.</b>	<p><b>Impounding Officer</b></p> <p>To exercise the powers of Council's impounding officer under the Impounding Act 1993.</p>

<b>28.</b>	<b>Pruning or Removal of Trees</b> To approve or refuse applications from residents to prune, top, lop or remove trees either on the applicant's property or Council's property subject to the payment of any required fee, if any, and in accordance with Council's Tree Preservation Order, if any.
<b>29.</b>	<b>Waste Management Centre (Landfill)</b> To operate and maintain Council's Waste Management Centre (Landfill) in accordance with all applicable legislative requirements.
<b>30.</b>	<b>Cemetery/Crematorium</b> To operate and maintain Council's cemetery/crematorium in accordance with all applicable legislative requirements.
<b>31.</b>	<b>Public Swimming Pools</b> To operate and maintain Council's public Swimming Pools in accordance with all applicable legislative requirements.
<b>32.</b>	<b>Water Supply System</b> To operate and maintain Council's water supply system in accordance with all applicable legislative requirements.
<b>33.</b>	<b>Sewer System</b> To operate and maintain Council's sewer system in accordance with all applicable legislative requirements.
<b>34.</b>	<b>Road Rules</b> To administer the provisions of the Road Rules 2014 and Australian Road Rules as they apply to Council, subject to any applicable standards, protocols and directions from state government departments and/or NSW police.
<b>35.</b>	<b>Parking Permits</b> To determine applications for parking permits.
<b>36.</b>	<b>Temporary Road Closure</b> To approve temporary road closures where: <ul style="list-style-type: none"> <li>• The temporary road closure is not more than two consecutive days; and</li> <li>• The Road and Maritime Service approves the Traffic Management Plan and grants a road occupancy licence (as required); and</li> <li>• The NSW police approve the closure; and</li> <li>• The application complies with Council's policy.</li> </ul>
<b>37.</b>	<b>Sign Adjustment</b> To undertake the following sign adjustments to: <ul style="list-style-type: none"> <li>• Change old "No Standing" signs to "No Parking" signs as per the Australian Road Rules</li> <li>• Change existing parking restriction times</li> <li>• Move existing signs to a more visible location (e.g. Move a sign hidden behind a tree trunk)</li> <li>• Install "repeater"/additional signs (e.g. Where there are existing parking restrictions signs, install an additional sign in the middle to emphasise the restrictions).</li> </ul>



38.	<p><b>Special Use Zones</b></p> <p>Authority to approve and/or refuse an application for the following Special Use Zones:</p> <ul style="list-style-type: none"> <li>• Works Zones;</li> <li>• Loading Zones;</li> <li>• Mail Zones;</li> <li>• Motorcycle Parking;</li> <li>• Bus Zone;</li> <li>• Taxi Zone;</li> <li>• Police Vehicles Zone;</li> <li>• Disabled Parking;</li> <li>• Temporary Bus Zones (e.g. for Railway Buses); subject to consent being obtained from the NSW Police and in addition:</li> <li>• in the instance of Mail Zones, consent is obtained from Australia Post; and</li> <li>• in the instance of Bus Zones, consent is obtained from the Transport NSW.</li> </ul>
39.	<p><b>Traffic Facilities</b></p> <p>To approve the installation of individual traffic facilities projects, where:</p> <ul style="list-style-type: none"> <li>• the individual traffic facility project forms part of that financial year's traffic facilities program which has previously been approved; and</li> <li>• Subject to compliance with any applicable Council policies.</li> </ul>
40.	<p><b>Warning Signs</b></p> <p>To approve the installation of warning signs as defined in applicable Australian Standards and where the NSW Police agree with the installation.</p>
41.	<p><b>Signs Across Driveways</b></p> <p>To approve or refuse an application for signs or line marking across a driveway, where the NSW Police agree with the approval or refusal.</p>
42.	<p><b>Traffic Bollards</b></p> <p>To approve or refuse an application for the use of traffic bollards.</p>
43.	<p><b>Vehicular Crossings and Footpath Restorations</b></p> <p>To approve or refuse the construction of vehicular crossings and/or restoration works on Council land or over Council controlled road reserves.</p>
44.	<p><b>Street Lighting</b></p> <p>To approve the installation of additional street lighting facilities and associated charges.</p>
45.	<p><b>Storm water Drainage Works</b></p> <p>To approve or refuse all connections from private property to Council's storm water systems where those works are for the sole benefit of the development and do not revert to the control and management of the Council.</p>
46.	<p><b>Variation of Working Hours</b></p> <p>To authorise a one-off variation to the restricted hours of building works where:</p> <ul style="list-style-type: none"> <li>• urgent building works are required to be carried out;</li> <li>• large cranes must stand on streets;</li> <li>• the loading/unloading of materials and pouring of the concrete would otherwise cause interference to traffic; and</li> <li>• the work requires the erection or removal of hoarding tower cranes, awnings and the like.</li> </ul>

47.	<p><b>Positive Covenants, Easements and Section 88B instruments under the Conveyancing Act, 1919</b></p> <ul style="list-style-type: none"> <li>To approve and sign the grant or removal of a positive covenant or restriction contained in any positive covenant, easement and/or section 88B instrument under the <i>Conveyancing Act 1919</i>;</li> <li>To suspend the operation of any regulatory instrument in reliance upon section 28 of the <i>Environmental Planning and Assessment Act 1979</i> and subject to Council policy and law.</li> </ul>
48.	<p><b>Public Notification of Applications</b></p> <ul style="list-style-type: none"> <li>To determine whether a development application should be exempt from notification, subject to any applicable Council policy</li> <li>To determine such persons who own land or who reside in properties that may be detrimentally affected by a development and to ensure such persons are notified in accordance with any Council policy.</li> </ul>
49.	<p><b>Professional Certifications</b></p> <p>To approve or refuse professional certification from an accredited certifier in respect of complying development or building certification where that certifier is accredited to undertake that work.</p>
50.	<p><b>Building Professionals Act</b></p> <p>Authority under section 5 of the <i>Building Professionals Act 2005</i> to make a recommendation on behalf of Council in support of an application to the Board for accreditation to carry out certification work (or the renewal of accreditation) on behalf of Council.</p>
51.	<p><b>Work on Private Land by Agreement</b></p> <p>To exercise Council's power to carry out work on private land, subject to the consent of the owner and/or a legal right for Council to carry out the works.</p>
52.	<p><b>Entering of Premises</b></p> <p>To enter and authorise Council employees (or other persons) to enter, any premises for the purposes of enabling the Council to exercise its functions under any Act.</p>
53.	<p><b>Water Restrictions</b></p> <p>Determine water restrictions in accordance with NSW State Government direction.</p>
54.	<p><b>Library Act</b></p> <p>To exercise all powers of Council under the <i>Library Act 1939</i>.</p>
55.	<p><b>Motor Vehicle Fleet</b></p> <p>To manage Council's motor vehicle fleet.</p>
56.	<p><b>Weed Control Activities</b></p> <p>To exercise and/or perform on behalf of Council, as the Local Control Authority, all of the functions conferred or imposed on Council pursuant to the Biodiversity Act, 2015 and associated Regulations.</p>
57.	<p><b>Plumbing and Drainage</b></p> <p>To:</p> <ul style="list-style-type: none"> <li>Monitor compliance with the Plumbing and Drainage Act 2011 (s19(a)).</li> <li>Ensure that any plumbing and drainage work carried out does not threaten public health or safety (s19(b)).</li> <li>Undertake any other functions conferred or imposed on the plumbing regulator by the Plumbing and Drainage Act 2011 (s19(c)) other than <ul style="list-style-type: none"> <li>Receiving notices of work and other documentation required to be submitted to the plumbing regulator concerning proposed alternative solutions (s9(3)) of the Plumbing and Drainage Act and clause 10 of the Plumbing and Drainage Regulation 2012,</li> <li>Authorising fittings for use in plumbing and drainage work (s20), and</li> <li>Initiating criminal or other proceedings as provided for in Part 5 of the Plumbing and Drainage Act 2011.</li> </ul> </li> </ul>

<b>58.</b>	<b>Contracts – review</b> To provide legal review of any contract, licence, lease or deed for execution, or other legal documents.
<b>59.</b>	<b>Legal advice</b> To seek legal advice from Council's lawyers.
<b>60.</b>	<b>Legal representation</b> To legally represent the Council in all jurisdictions including the local court, Land and Environment Court, District Court, Federal Court, Supreme Court, High Court, commissions or tribunals.
<b>61.</b>	<b>Litigation</b> To instruct lawyers to initiate and/or defend all matters on behalf of Council.
<b>62.</b>	<b>Settle Claims</b> To settle claims and legal matters on behalf of Council.
<b>63.</b>	<b>Subpoena</b> To provide Council documents and records requested under subpoena.

## Glossary of Terms

<b>Act</b>	Means <i>Local Government Act 1993</i>
<b>Authority</b>	Means any government (state or federal), government department, statutory corporation or other body having power to legally direct the Council or its officers.
<b>Chief Executive</b>	Means the Chief Executive of the Office of Local Government or the Chief Executive of any other government department which has the carriage of the administrative functions of the Act and the portfolio of Local Government.
<b>Director-General</b>	Means the Director-General of the Office of Local Government or the Director-General of any other government department which has the carriage of the administrative functions of the Act and the portfolio of Local Government.
<b>Law</b>	Means the requirements of all statutes, rules, ordinances, codes, regulations, proclamations, by-laws, environmental planning instruments, directions and consents of any Authority.
<b>Minister</b>	Means the Minister for Local Government or any future title given to a ministerial position of a future New South Wales State Government portfolio that includes governance of Local Government.
<b>Office</b>	Means the Office of Local Government, Department of Premier & Cabinet, or any future department (or combined department) carrying out the functions of the present Division of Local Government for the State of New South Wales.

## Version Control

<b>Title</b>	Delegations of Authority			
<b>ECM Doc Set ID</b>	52764			
<b>Date Adopted</b>	19 October 2017			
<b>Council Minute No.</b>	204/17			
<b>Responsible Officer</b>	Governance and Corporate Support Coordinator			
<b>Version Number</b>	<b>Modified By</b>	<b>Modifications Made</b>	<b>Date modified and Approved by Council</b>	<b>Council Minute Number</b>
2	Caroline Wallis	Update to Register structure i.e. separated into 2 parts.  Updated S377 of LG Act, incl of clauses (1A), and (3)  Amended list of Council Committees  Corrected reference to repealed legislation.		
3	Lachlan Sharp	Update to Delegations to other bodies.  Update to Delegation to Committees of Council		
4	Suni Campbell	As per Council Report	16 July 2020	2020/135