

## Edward River Council

# DELEGATIONS OF AUTHORITY POLICY

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## PREAMBLE

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

### **377 General power of the council to delegate**

- (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, 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 which are required under this Act to be invited by 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.*
- (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.*

# PART 1

## INTRODUCTION

In accordance with section 377 of the Act, the Edward River Council by resolution at its meeting held on October 19<sup>th</sup>, 2017 delegated its powers, authorities, duties and functions as set out in this **Part 1: Delegations of Authority** to the general manager, the mayor, council committees 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 staff will form Part 2: Delegations to staff by the general manager.

## DELEGATION TO OTHER BODIES

### ► **Delegation to Central Murray County Council (Noxious Weeds)**

The Central Murray County Council is delegated authority under section 377 of the Act to exercise and/or perform on behalf of the council the functions and powers of the *Noxious Weeds Act*.

## DELEGATION TO COMMITTEES OF COUNCIL

Pursuant to section 377 of the Act, the council delegates to the following council committees the functions and responsibilities granted to each committee under a management committee charter adopted by the council:

Council committees:

- Blighty hall
- Booroorban hall
- Conargo hall and recreation ground
- Mayrung hall
- Pretty Pine hall
- Wanganella hall
- Multi Arts Centre
- Edward River Council community garden
- Tidy towns
- Municipal band committee
- Memorial Parks Users Advancement
- Edward River Promotional Advisory
- Edward River Council Heritage
- The Long Paddock
- Australia Day Committee

## 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 *Local Government Act 1993*.

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

If, under any other Act 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 Act.

**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. Leave**

To approve applications of leave of absence of the general manager for three or more consecutive business days.

## DELEGATION TO THE GENERAL MANAGER

The general manager, and in the absence of the general manager their nominee as the acting general manager for the period of the general manager's absence, is delegated authority under section 377 of the Act, to exercise and/or perform on behalf of the council the powers, authorities, duties and functions of the council, subject to the following:

1. The general manager is restrained from carrying out any of those functions of council excluded from delegation by operation of section 377(1) of the Act;
2. The general manager is entitled to carry out any functions delegated to the council by the departmental chief executive or the minister, subject to any express limitations imposed by the departmental chief executive or minister;
3. The delegation to the general manager is limited in accordance with council's adopted policies in force from time to time.

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 delegation is 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>Sign Cheques on Council's Bank Account</b> To sign or countersign cheques drawn on council's bank accounts.
<b>5.</b>	<b>Check and Certify the Annual Statutory Accounts</b> To check and certify statutory accounts against the council records.
<b>6.</b>	<b>Authorise Expenditure for Urgent Works</b> To authorise expenditure outside the budget approved by council in order to undertake urgent works to reduce or eliminate a significant health or safety hazard.

<b>7.</b>	<b>Lodgement of a Cash Bond or Bank Guarantee</b> The authority to require the lodgement of a cash bond or bank guarantee.
<b>8.</b>	<b>Overdraft Limit</b> To negotiate council's overdraft limit.
<b>9.</b>	<b>Sale or Disposal of Materials or Equipment</b> To sell old materials, spoilt or obsolete equipment.
<b>10.</b>	<b>Debt Write Off</b> To authorise the writing off of uncollectible debts (for charges and sundry debtors) up to a maximum amount of \$2,000.
<b>11.</b>	<b>Issue Accounts</b> To authorise the issue of accounts for services provided by council.
<b>12.</b>	<b>Borrowings</b> To authorise application for borrowings from financial institutions at the direction of council and subject to a resolution of council to approve this application.
<b>13.</b>	<b>To Engage Consultants</b> To engage consultants to assist with council projects, subject to compliance with the Act and the law.
<b>14.</b>	<b>Investment of Money</b> 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.
<b>15.</b>	<b>Write off Accrued Interest</b> Write off accrued interest on rates and charges in accordance with section 567 of the Act.
<b>16.</b>	<b>Accounts Receivable – Payment by Instalment</b> To make arrangements with any ratepayer or debtor for payment to be made by reasonable and satisfactory instalments.
<b>17.</b>	<b>Refund of Over-payments</b> To authorise the refund of all over-payments subject to appropriate certification.
<b>18.</b>	<b>Refund of DA/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.

19.	<p><b>Rebate of Rates</b></p> <p>To grant rebates of rates to qualified rateable persons in accordance with the provisions of the Act.</p>
<p><b>PART B – STAFFING MATTERS</b></p>	
1.	<p><b>Recruitment</b></p> <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>
2.	<p><b>Payment of Benefits and Allowances</b></p> <p>Approve or refuse payment of allowances and employment entitlements and benefits in accordance with the Local Government (State) Award 2017 and applicable employment contracts.</p>
3.	<p><b>Salary Step Progressions for Staff</b></p> <p>Approve or refuse salary step progression for staff under the Local Government (State) Award 2017</p>
4.	<p><b>Dismissal of Employees</b></p> <p>To dismiss employees or 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.</p>
5.	<p><b>Education Assistance</b></p> <p>Approve or refuse education assistance for council employees.</p>
6.	<p><b>Flexible Work Arrangements</b></p> <p>Approve or refuse flexible work arrangements.</p>
7.	<p><b>Report of Injury</b></p> <p>Approve or refuse the employer's report of injury to council's workers compensation insurer.</p>

8.	<p><b>Approve Leave</b></p> <p>Approve or refuse leave for council employees 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 (eg. management courses) to be decided by council in each particular 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>Travelling and Subsistence Expenses</b></p> <p>To approve or refuse the payment of travelling and related expenses</p>
10.	<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>
11.	<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>
12.	<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>
13.	<p><b>Use Intellectual Property created in the Course of 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 the course of their employment with council, providing there is no monetary or commercial benefit to the employee.</p>
<p><b>PART C – GOVERNANCE</b></p>	



<b>1.</b>	<b>Public and Media Statements</b> To make or authorise public statements and issue media releases on matters involving the council.
<b>2.</b>	<b>Business Papers</b> To determine matters which are included in council business papers and Committee papers.
<b>3.</b>	<b>Correspondence</b> <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 in regard to referring correspondence to various council officers for attention.</li> </ul>
<b>4.</b>	<b>Invitation to Address Council</b> To invite a group or individuals to address any council or council committee.
<b>5.</b>	<b>Public Officer</b> To appoint council's public officer and to direct the public officer in relation to functions contained within section 343 of the Act.
<b>6.</b>	<b>Destruction of Corporate Documentation</b> Authority to approve destruction of corporate documentation in accordance with the State Records Act 1998.
<b>7.</b>	<b>Signing of Contracts and Agreements</b> To sign contracts, deeds and agreements that do not require the council seal.
<b>8.</b>	<b>Enter into Leases, Licences and other legal transactions</b> 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.
<b>9.</b>	<b>Public Immunisation</b> To authorise and promote public immunisation campaigns and clinics.
<b>10.</b>	<b>Council Committees</b> <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>
<b>11.</b>	<b>Receive and investigate complaints</b> To receive complaints and authorise investigation and action to be taken by the appropriate officer in regard to any complaints or requests received by council.

12.	<p><b>Respond to Minister and Department</b></p> <p>To respond and liaise with the Minister and his/her representatives and the Department in relation to correspondence, inquiries or requests for information.</p>
13.	<p><b>State Emergency and Rescue Management Act 1989</b></p> <p>In accordance with section 28 of the State Emergency and Rescue Management Act 1989, the role of Chairperson of the Local Emergency Management Committee is the general manager.</p>
<p><b>PART D – OPERATIONAL</b></p>	
1.	<p><b>Issue Proceedings</b></p> <ul style="list-style-type: none"> <li>• To initiate or carry on 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>
2.	<p><b>Notice of Intention and Orders</b></p> <p>To issue Notices of Intention to Issue Orders and Orders in accordance with the requirements of the Act and Environmental Planning and Assessment Act and all other applicable legislation.</p>
3.	<p><b>Determination of Development Applications (including Modification Applications)</b></p> <p>To determine development applications, including modification applications, and all forms of applications for approvals and certificates under all applicable legislation.</p>
4.	<p><b>Issue of Permits, Certificates or Approvals</b></p> <p>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 Environmental Planning and Assessment Act 1979 or related legislation including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Certificates issued under Part 6 of the Environmental Planning and Assessment Act; and</li> <li>• Section 68 of the Local Government Act.</li> </ul>
5.	<p><b>Ministerial delegation of Local Environmental Plan Making Decisions</b></p> <p>Subject to the Minister delegating functions under section 59 of the Environmental Planning and Assessment Act, and subject to the council resolving to accept the Ministerial delegation, only those functions identified in the Ministerial delegation may be carried out.</p>

6.	<p><b>Storm water Drainage Works</b></p> <p>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.</p>
7.	<p><b>Implementation of Adopted Operational Plan</b></p> <p>To implement any work, service or action provided for in the adopted operational and other management plans without further reference to council except for:</p> <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>
8.	<p><b>Funding Application</b></p> <p>Authority to sign funding applications once approved by council.</p>
9.	<p><b>Provision of Witnesses and Information</b></p> <p>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.</p>
10.	<p><b>Removal of Derelict Vehicles</b></p> <p>Authority to engage contractors to remove derelict vehicles from roads, road reserves and public places in accordance with the <i>Impounding Act 1993</i>.</p>
11.	<p><b>Approve Applications for Street Activities and Busking Permits</b></p> <p>Authority to approve or refuse:</p> <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>
12.	<p><b>Filming/Photography in Parks, Reserves and Public Places</b></p> <p>To approve applications to film/photograph in council's parks, reserves and public places subject to the conditions and fees determined by council.</p>
13.	<p><b>Casual Use of Council Parks, Reserves or Council Property</b></p> <p>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).</p>
14.	<p><b>Government Information (Public Access) Act 2009</b></p> <p>To act as council's "principal officer" or appoint council officer(s) to determine applications and provide information to access information in compliance with the Government Information (Public Access) Act 2009.</p>

15.	<p><b>To Enforce the Payment of Rates</b></p> <p>To issue notices under the Act for the recovery of rates.</p> <p>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.</p>
16.	<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>
17.	<p><b>Insurance Claims - Policy Excess</b></p> <p>To resolve claims on council's behalf up to the level of the excess applicable to each insurance policy.</p>
18.	<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>
19.	<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>
20.	<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>
21.	<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>
22.	<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>

23.	<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 (ie, Red Book); and</li> <li>• results from previous auctions for similar plant, equipment or vehicles has been considered</li> </ul>
24.	<p><b>Saleyards</b></p> <p>To operate, manage and maintain council's saleyards.</p>
25.	<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 Dividing Fences Act.</p>
26.	<p><b>Aerodrome/Airport</b></p> <p>To operate and maintain the council aerodrome/ airport in accordance with all applicable legislative requirements</p>
27.	<p><b>Impounding Officer</b></p> <p>To exercise the powers of council's impounding officer.</p>
28.	<p><b>Pruning or Removal of Trees</b></p> <p>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.</p>
29.	<p><b>Waste Management Centre (Landfill)</b></p> <p>To operate and maintain council's Landfill in accordance with all applicable legislative requirements.</p>
30.	<p><b>Cemetery/Crematorium</b></p> <p>To operate and maintain council's cemetery/crematorium in accordance with all applicable legislative requirements.</p>

**31. Administer Functions provided by other Legislation**

To administer the provisions of the following legislation as they apply to council:

- Children (Education and Care Services National Law Application) Act 2010
- [Community Land Development Act 1989](#)
- [Companion Animals Act 1998](#)
- [Conveyancing Act 1919](#)
- Crown Lands Act 1989
- [Government Information \(Public Access\) Act 2009](#)
- Graffiti Control Act 2008
- [Environmental Planning and Assessment Act 1979](#)
- [Fire Brigades Act 1989](#)
- [Fluoridation of Public Water Supplies Act 1957](#)
- [Food Act 2003](#)
- [Heritage Act 1977](#)
- [Impounding Act 1993](#)
- Land Acquisition (Just Terms Compensation) Act 1991
- [Library Act 1939](#)
- Liquor Act 2007
- Local Government Act 1993
- Local Government (Council Amalgamations) Proclamation 2016
- [Local Government \(General\) Regulation 2005](#)
- Native Title (NSW) Act 1994
- [Protection of the Environment Operations Act 1997](#)
- [Privacy and Personal Information Protection Act 1998](#)
- [Public Health Act 2010](#)

	<ul style="list-style-type: none"> <li>• Plumbing and Drainage Act 2011</li> <li>• Roads Act 1993</li> <li>• Roads Transport Act 2013</li> <li>• Rural Fires Act 1997</li> <li>• <a href="#">State Emergency and Rescue Management Act 1989</a></li> <li>• Swimming Pool Act 1992</li> <li>• <a href="#">Unclaimed Money Act 1995</a></li> <li>• Waste Avoidance and Resource Recovery Act 2001</li> <li>• Water Management Act 2000</li> </ul> <p>This list is not exhaustive. All council staff are required to ensure they are familiar with the relevant legislation and regulations that apply to their roles in Council, in accordance with Council's Legislative Compliance Framework.</p>
<p><b>32.</b></p>	<p><b>Road Rules</b></p> <p>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.</p>
<p><b>33.</b></p>	<p><b>Parking Infringement Notices</b></p> <p>To issue Parking Infringement Notices</p>
<p><b>34.</b></p>	<p><b>Parking Permits</b></p> <p>To determine applications for parking permits.</p>
<p><b>35.</b></p>	<p><b>Temporary Road Closure</b></p> <p>To approve temporary road closures where:</p> <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>

<p><b>36.</b></p>	<p><b>Sign Adjustment</b></p> <p>To undertake the following sign adjustments to:</p> <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 (eg. Move a sign hidden behind a tree trunk)</li> <li>• Install “repeater”/additional signs (eg. Where there are existing parking restrictions signs, install an additional sign in the middle to emphasise the restrictions).</li> </ul>
<p><b>37.</b></p>	<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 (eg. for Railway Buses);</li> </ul> <p>subject to consent being obtained from the NSW police and in addition;</p> <ul style="list-style-type: none"> <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 State Transit Authority.</li> </ul>
<p><b>38.</b></p>	<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>
<p><b>39.</b></p>	<p><b>Warning Signs</b></p> <p>To approve the installation of warning signs as defined in applicable Australian Standards, where</p> <ul style="list-style-type: none"> <li>• the proposed sign can be found in Section 3 Warning Signs of the Australian Standard 1742.1-1991 and</li> <li>• The NSW police agree with the installation.</li> </ul>



40.	<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>
41.	<p><b>Traffic Bollards</b></p> <p>To approve or refuse an application for the use of traffic bollards.</p>
42.	<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>
43.	<p><b>Street Lighting</b></p> <p>To approve the installation of additional street lighting facilities and associated charges.</p>
44.	<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>
45.	<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 have to 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>
46.	<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 Conveyancing Act 1919;</li> <li>• To suspend the operation of any regulatory instrument in reliance upon section 28 of the Environmental Planning and Assessment Act and subject to any council policy and the law.</li> </ul>
47.	<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>

<b>48.</b>	<b>Professional Certifications</b> 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 particular type of work
<b>49.</b>	<b>Building Professionals Act</b> Authority under section 5 of the Building Professionals Act 2005 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.
<b>50.</b>	<b>Work on Private Land by Agreement</b> 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.
<b>51.</b>	<b>Entering of Premises</b> 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.
<b>52.</b>	<b>Water Restrictions</b> Determine water restrictions in accordance with NSW State Government direction
<b>53.</b>	<b>Library Act</b> To exercise all powers of council under the Library Act 1939
<b>54.</b>	<b>Motor Vehicle Fleet</b> To manage council's motor vehicle fleet

## 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>Department</b>	means the Department of Local Government, or any future department (or combined department) carrying out the functions of the present Department of Local Government for the State of New South Wales
<b>Director-General</b>	means the Director-General of the Department 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.

## **PART 2**

### **DELEGATION TO STAFF BY THE GENERAL MANAGER**

In accordance with section 378 of the Act I, **Adam McSwain** delegate the powers, authorities, duties and functions of Council as set out within Column 2 in this Part 2 to the persons who have been employed by Council and hold the named staff positions, or the persons who from time to time hold (or are acting in) the positions named therein as identified in Column 3.

In addition to the delegated powers, authorities, duties and functions of Council expressly delegated by me in this Part 2 to employees of Council, Council employees are delegated the powers, functions and duties of Council in accordance with the job description of the relevant position the staff member holds from time to time.

All delegations made by me as General Manager in this Part 2 are subject to the following limitations:

1. The delegated power, authority, duty or function being performed in accordance with Council Policy and Procedures;
2. The delegated power, authority, duty or function being performed in accordance with the Law;
3. Any limitations on the scope of the power, authority, duty or function delegated to the General Manager by the Council in Part 1;
4. The delegated power, authority, duty or function being performed so as to not exceed monetary limits in accordance with Council's Procurement Policy. Should performance of the delegated function exceed the applicable monetary threshold, the delegate must obtain the approval of their respective superior Manager, Director or General Manager.

The delegations made as General Manager will remain in force until they are revoked or amended by the General Manager.

ADAM MCSWAIN  
**GENERAL MANAGER**  
EDWARD RIVER COUNCIL

Date: 14/12/17

## STAFF ABBREVIATIONS

DIRECTORS, either substantive or acting, within their own portfolios

**DCS**.....Director Corporate Services  
**DINF**.....Director Infrastructure

**MIM**.....Manager Information Management  
**MF**.....Manager Finance  
**MPCS**.....Manager People and Customer Service  
**MES**.....Manager Environmental Services  
**MCED**.....Manager Community and Economic Development  
**MEA**.....Manager Engineering and Assets  
**MO**.....Manager Operations  
**FA**.....Financial Accountant  
**HRAP**.....Human Resources Advisor/Payroll  
**PCIC**.....Planning and Continuous Improvement Coordinator  
**PO**.....Planning Officer  
**BHS**.....Building and Health Surveyor  
**TLL**.....Team leader – Library  
**SE**.....Services Engineer  
**DPE**.....Design & Projects Engineer  
**SWSO**.....Supervisor Water and Sewerage Operations  
**SFDSP**.....Supervisor Fleet, Depots and Special Projects  
**SR**.....Supervisor Roads  
**SPG**.....Supervisor Parks and Gardens  
**APA**.....Assets and Procurement Administrator  
**ECO**.....Engineering and Compliance Officer  
**RSO**.....Road Safety Officer  
**TOS**.....Technical Officer Services  
**F/AO**.....Finance/Admin Officer  
**CO**.....Creditors Officer  
**DO**.....Debtors Officer  
**RO**.....Rates Officer  
**CSO**.....Customer Service Officer  
**AO (Inf)**.....Administration Officer (Infrastructure)  
**AO (ES)**.....Administration Officer (Environmental Services)  
**BST**.....Building Surveyor- Trainee  
**RANG**.....Ranger  
**REC**.....Records Officer

<b>PART A – FINANCIAL MATTERS</b>		<b>Appointed Delegates</b>
<b>1.</b>	<p><b>Responsible Accounting Officer</b>                      To be the designated responsible accounting officer, in accordance with Clause 4 of the Local Government (Financial Management) Regulations 1999, in order to carry out the requirements of the Local Government Act 1993 and the Local Government (Financial Management) Regulations 1999.</p>	FM
<b>2.</b>	<p><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 (excluding that for the purchase of major items or works plant, and/or motor vehicles) 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.</p>	Directors Managers Team leaders (refer to Appendix 1 for financial delegation)
<b>3.</b>	<p><b>Authorise Payment of Salaries and Wages</b>                      To authorise the payment of salaries and wages.</p>	Directors MF FA

		F/AO
4.	<b>Payment of Contractors and Direct Creditors</b> To approve or refuse payment to contractors and direct creditors.	Directors MF FA F/AO
5.	<b>Sign Cheques on Council's Bank Account</b> To sign or countersign cheques drawn on Council's bank accounts.	Directors MF FA F/AO
6.	<b>Check and Certify the Annual Statutory Accounts</b> To check and certify statutory accounts against the Council records.	DCS MF FA
7.	<b>Authorise Expenditure for Urgent Works</b> To authorise expenditure outside the budget approved by Council in order to undertake urgent works to reduce or eliminate a significant health or safety hazard.	Directors
8.	<b>Lodgement of a Cash Bond or Bank Guarantee</b> The authority to require the lodgement of a cash bond or bank guarantee.	Directors MES MEA
9.	<b>Overdraft Limit</b> To negotiate Council's overdraft limit.	DCS MF
10.	<b>Sale or Disposal of Materials or Equipment</b> To sell old materials, spoilt or obsolete equipment.	Directors MF MEA MO
11.	<b>Debt Write Off</b> To authorise the writing off of uncollectible debts (for charges and sundry debtors) up to a maximum amount of \$500 per account.	DCS

<b>PART A – FINANCIAL MATTERS</b>		<b>Appointed Delegates</b>
12.	<b>Issue Accounts</b> To authorise the issue of accounts for services provided by Council.	Directors MF DO RO F/AO CO
13.	<b>Borrowings</b> To authorise application for borrowings from financial institutions at the direction of Council and subject to a resolution of Council to approve this application.	DCS MF FA
14.	<b>To Engage Consultants</b> To engage consultants to assist with Council projects, subject to compliance with the Act and the Law.	Directors Managers
15.	<b>Investment of Money</b> 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 and in accordance with Council's adopted policy.	MF DCS FA F/O
16.	<b>Write off of Accrued Interest</b> Write off accrued interest on rates and charges if the payment of the accrued interest would cause hardship.	DCS MF FA RO
17.	<b>Accounts Receivable – Payment by Instalment</b> To make arrangements with any ratepayer or debtor for payment to be made by reasonable and satisfactory instalments.	MF DCS RO DO FA
18.	<b>Refund of Over-payments</b> To authorise the refund of all over-payments subject to appropriate certification.	DCS MF
19.	<b>Refund of DA/Construction Certificate/CDC/LAP Application Fees</b> <ul style="list-style-type: none"> <li>▪ To determine the refund of all or part of the fees paid for development or where the application is either not proceeded with or is withdrawn subsequent to assessment.</li> <li>▪ To determine the refund of all or part of a bond lodged with Council in relation to approval conditions.</li> </ul>	MES
20.	<b>Rebate of Rates</b> To grant rebates of rates to qualified rateable persons in accordance with the provisions of the Act.	DCS MF RO DO
21.	<b>Approve credit notes</b>	All directors FM FA
22.	<b>Complete all financial certifications</b> To complete all financial certifications required by the Act and Regulations	FM
23.	<b>Authorise the reduction for water and wastewater consumption charges up to a maximum amount of \$10,000</b>  To reduce water and wastewater consumption charges.	DINF
24.	<b>Waive release fees, maintenance fees and surrender fees (s67 CAA under</b>	MES

<b>the Companion Animals Act 1998.</b>	
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<b>PART B – STAFFING MATTERS</b>		<b>Appointed Delegates</b>
<b>1.</b>	<b>Recruitment</b> Recommend to the General Manager the appointment of permanent staff.	Directors MPCS
<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 2014 and applicable employment contracts.	Directors MPCS Managers Supervisors
<b>3.</b>	<b>Salary Step Progressions for Staff</b> Recommend to the General Manager the approval or refusal of salary step progression for staff under the Local Government (State) Award 2014.	Directors MPCS Managers Supervisors
<b>4.</b>	<b>Higher Duties</b> a) Approve or refuse higher duties for staff under the Local Government (State) Award 2014.  b) Recommend 'discretionary' higher duties to the General Manager	Directors Managers Supervisors  Directors
<b>5.</b>	<b>Disciplinary Action for Employees</b> Recommend to the General Manager appropriate disciplinary action, including the dismissal of employees or consultants/contractors on such terms that the General Manager deems appropriate.	Directors Managers Supervisors
<b>6.</b>	<b>Education Assistance</b> Recommend to the General Manager the approval or refusal of education assistance for Council employees.	Directors Managers
<b>7.</b>	<b>Flexible Work Arrangements</b> Approve or refuse flexible work arrangements.	Directors Managers Supervisors
<b>8.</b>	<b>Report of Injury</b> Recommend to the General Manager the approval or refusal for the employer's report of injury to Council's workers compensation insurer.	Directors MPCS Managers Supervisors
<b>9.</b>	<b>Approve Leave</b> Approve or refuse leave for Council employees having due regard to the proper functioning of the Council and maintenance of appropriate levels of service to the public in accordance with Council's policies.	Directors All managers All supervisors
<b>10.</b>	<b>Travelling and Subsistence Expenses</b> To approve or refuse the payment of travelling and related expenses.	Directors Managers
<b>11.</b>	<b>Replacement of Personal Property</b> 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.	Directors Managers



12.	<p><b>Employment Outside of Council</b>  Recommend to the General Manager the approval or refusal for employees to engage in private employment or contract work outside of their Council employment.</p>	Directors Managers
13.	<p><b>Authorise personal use of Council Equipment by Employees</b>  To determine any requests for use of Council equipment for the undertaking of any work by employees.</p>	Directors Managers
14.	<p><b>Use Intellectual Property Created in the Course of Employment</b>  Recommend to the General Manager the refusal, approval or conditionally approval of 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 the course of the employment with Council, providing there is no monetary or commercial benefit to the employee.</p>	Directors Managers
15.	<p><b>Authorise and co-authorise tax file number declaration forms</b></p>	MPCS HRAP

<b>PART C – GOVERNANCE</b>		<b>Appointed Delegates</b>
<b>1.</b>	<b>Act in the Capacity of General Manager</b> To act in the role of General Manager when called upon to do so during periods of absence of the General Manager.	Directors
<b>2.</b>	<b>Public and Media Statements</b> To make or authorise public statements and issue media releases on matters involving the Council with the approval of the General Manager.	Directors Communications officer Managers
<b>3.</b>	<b>Business Papers</b> To determine matters which are included in Council business papers and Committee papers.	Directors Managers
<b>4.</b>	<b>Correspondence</b> To reply to all routine correspondence that does not require the prior consideration of Council and is within the scope of the delegate's position description.	Directors All staff as per PD
<b>5.</b>	<b>Invitation to Address Council</b> a) To invite a group or individuals to address any Council  b) To invite a group or individuals to address a Council Committee.	Directors  Managers
<b>6.</b>	<b>Destruction of Corporate Documentation</b> Authority to approve destruction of corporate documentation in accordance with the State Records Act 1998.	Records officer MIM DCS
<b>7.</b>	<b>Signing of Contracts and Agreements</b> To sign contracts, deeds and agreements that do not require the Council Seal.	Directors
<b>8.</b>	<b>Enter into Leases, Licences and Other Legal Transactions</b> 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.	Directors

<b>PART C – GOVERNANCE</b>		<b>Appointed Delegates</b>
<b>9</b>	<b>Receive and Investigate Complaints</b> To receive complaints and authorise investigation and action to be taken by the appropriate officer in regard to any complaints or requests received by Council.	All staff per PD Managers Supervisors TLCS Directors
<b>10</b>	<b>Code of Conduct Coordinator</b> Act as Code of Conduct Coordinator.	DCS
<b>11</b>	<b>Act as council's public officer</b> To act as the public officer in relation to functions contained within section 343 of the Act	DCS
<b>12</b>	<b>Receive and investigate privacy complaints</b>	DCS
<b>13.</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.	Directors
<b>14.</b>	<b>Manage the renewal and maintenance of domain names and IP Addresses</b>	MIM
<b>15.</b>	<b>Manage the renewal and maintenance of Australian Communications and Media Authority radio transmissions licences</b> Administer the provisions and cautions as they apply to council and in accordance with the radiocommunications Act 1992.	MIM

PART D – OPERATIONAL		Appointed Delegates
1.	<p><b>Issue Proceedings in Consultation with the General Manager</b></p> <ul style="list-style-type: none"> <li>▪ To initiate or carry on 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 with approval from the General Manager;</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 with approval from the General Manager;</li> <li>▪ To instruct and engage Council's Solicitors and Counsel, subject to approval from the General Manager.</li> </ul>	Directors Managers
2.	<p><b>Notice of Intention and Orders</b></p> <p>To issue Notices of Intention to issue orders and orders under the Act, the <i>Environmental Planning and Assessment Act</i>, Protection of the Environment Operations Act 1997, Companion Animals Act 1998 and Roads Act 1993.</p> <p>a) Issue Notices of Intention to Issue Orders and Orders under section 124 and section 132 the Act for failing to manage excessive vegetation</p>	MES PCIC PO BHS  Issued by Rang and Approval by MES
3.	<p><b>Determination of Part 4 applications made under the Environmental Planning and Assessment Act 1979 and relevant regulations.</b></p> <p>Determine an application under Part 4 of the Environmental Planning and Assessment Act except in the following circumstances:</p> <ol style="list-style-type: none"> <li>a. Any designated development;</li> <li>b. Any development application with an estimated value of \$1 million or more;</li> <li>c. Any development application that seeks a variation to a development standard in an LEP or a requirement of a DCP where it would result in a material adverse impact on a person who made a written objection to the application due to non-compliance;</li> <li>d. Any development application where the Council are the applicant, owner, or have the care and/or control of the land on which the application is proposed;</li> <li>e. Any development application which the General Manager or a Councillor requests in writing, prior to determination under delegated authority that it be referred to Council for determination;</li> <li>f. Any development application where a written objection to the proposal has been received during exhibition where mediation has not resolved the issue raised or Council determination has been requested by the objector; and/or</li> <li>g. Any application for modification of consent where Council (or the Land and Environment Court) made the determination on the application, other than: <ul style="list-style-type: none"> <li>▪ Modifications to a Council consent which involve only minor changes; or</li> <li>▪ Modification which, following renotification receive no submissions.</li> </ul> </li> </ol>	MES PCIC PO BHS
4.	<p><b>Issue of Permits, Certificates or Approvals</b></p> <p>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</p>	MES, BHS, PO, PCIC

	<p>and the Environmental Planning and Assessment Act 1979 or related legislation including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Certificates issued under Part 6 of the Environmental Planning and Assessment Act; and</li> <li>• Section 68 of the Local Government Act.</li> </ul>	
5.	<p><b>Ministerial Delegation of Local Environmental Plan making Decisions</b>  Recommend to the General Manager subject to the Minister delegating functions under section 3.36 of the Environmental Planning and Assessment Act, and subject to the Council resolving to accept the Ministerial delegation, only those functions identified in the Ministerial delegation may be carried out.</p>	DEBD MES
6.	<p><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.</p>	MEA DINF DE

<b>PART D – OPERATIONAL</b>		<b>Appointed Delegates</b>
7.	<p><b>Implementation of Adopted Community Strategic Plan</b> To implement any work, service or action provided for in the adopted Community Strategic Plan without further reference to Council except for:</p> <ul style="list-style-type: none"> <li>▪ the acceptance of tenders which are required under the Act to be invited by the Council.</li> </ul>	Directors
8.	<p><b>Funding Application</b> Authority to sign funding applications and associated documents, once approved by the Council.</p>	Directors Managers
9.	<p><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 in accordance with council fees and charges adopted by resolution of council.</p>	DCS MPCS
10.	<p><b>Removal of Derelict Vehicles</b> Authority to engage contractors to remove derelict vehicles from roads, road reserves and public places.</p>	RANG MES DEBD
11.	<p><b>Approve Applications for Street Activities</b> Recommend to the General Manager to approve or refuse:</p> <ul style="list-style-type: none"> <li>▪ applications for street stalls or similar activity;</li> <li>▪ applications for the collection of money for charitable appeals or similar activity.</li> </ul>	MES MEA
12.	<p><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.</p>	DINF MES
13.	<p><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).</p>	DINF MES
14.	<p><b>Government Information (Public Access) Act 2009</b> a) Proactive release of information; b) Informal access to information; c) To act as Council's "principal officer" to determine and review formal applications and provide information to access information in compliance with the Government Information (Public Access) Act 2009.</p>	a) and b) All staff within their PD  c) DCS, MIM, REC
15.	<p><b>To Enforce the Payment of Rates</b></p> <ul style="list-style-type: none"> <li>▪ To issue notices under the Act for the recovery of rates.</li> <li>▪ 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.</li> </ul>	DCS MF RO

<b>PART D – OPERATIONAL</b>		<b>Appointed Delegates</b>
<b>16.</b>	<p><b>Rate Books</b> 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>	DCS MF RO DO APA
<b>17.</b>	<p><b>Insurance Claims – Policy Excess</b> To resolve claims on Council’s behalf up to the level of the excess applicable to each insurance policy.</p>	DCS APA DINF
<b>18.</b>	<p><b>Council Property – Notices to Quit</b> Recommend to the General Manager 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>	Directors APA
<b>19.</b>	<p><b>Use of Council Owned Properties</b> To approve or refuse to grant Council’s consent to a third-party development application that may traverse or impact upon Council land.</p>	Directors
<b>20.</b>	<p><b>Maintenance and Repair of Council Properties</b> To authorise repairs/maintenance of Council’s buildings, equipment and plant within the limits approved in the annual budget.</p>	DINF MO MEA
<b>21.</b>	<p><b>Replacement of Council’s Motor Vehicles and Plant</b> To authorise the expenditure of funds for the replacement of Council’s plant, equipment and vehicles within budget.</p>	DINF
<b>22.</b>	<p><b>Maintenance of Council’s Motor Vehicles and Plant</b> To authorise the expenditure of funds for the repair and maintenance of Council’s plant, equipment and vehicles within budget.</p>	DINF MO SFDSP
<b>23.</b>	<p><b>Hire of Council Plant</b> 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>	DINF MO
<b>24.</b>	<p><b>Determination of Reserve Price and Disposal of Plant, Equipment and Vehicles by Public Auction, Tender or Trade-in</b> 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 (ie, Red Book); and</li> <li>▪ results from previous auctions for similar plant, equipment or vehicles has been considered.</li> </ul>	DINF AP MO

<b>PART D – OPERATIONAL</b>		<b>Appointed Delegates</b>
<b>25.</b>	<b>Saleyards</b> To operate, manage and maintain Council's saleyards.	Nil
<b>26.</b>	<b>Dividing Fences</b> 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 Dividing Fences Act.	Nil
<b>27.</b>	<b>Airstrip</b> To operate and maintain the Council airstrip in accordance with all applicable legislative requirements.	DINF MEA
<b>28.</b>	<b>Impounding Officer</b> To exercise the powers of Council's Impounding Officer.	DEBD MES RANG
<b>29.</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.	DINF
<b>30.</b>	<b>Waste Management Centre (Landfill and Transfer Stations)</b> To operate and maintain Council's Landfill and Transfer Stations in accordance with all applicable legislative requirements.	DINF MO SPG
<b>31.</b>	<b>Cemeteries</b> To operate and maintain Council's Cemeteries in accordance with all applicable legislative requirements.	DINF MO SPG
<b>32.</b>	<b>Maintain Cemetery Records</b> Update and maintain Council's Cemetery records in accordance with all applicable legislative requirements.	DINF MO SPG AO (Inf) MPCS CSO CSTLDS
<b>33.</b>	<b>Public Swimming Pools</b> To operate and maintain Council's Public Swimming Pools in accordance with all applicable legislative requirements.	DINF & Contractor MEA
<b>34.</b>	<b>Water Supply System</b> To operate and maintain Council's Water Supply System in accordance with all applicable legislative requirements.	DINF MO MEA SWSO



PART D – OPERATIONAL		Appointed Delegates
35.	<p><b>Sewer System</b> To operate and maintain Council's Sewer System in accordance with all applicable legislative requirements.</p>	DIN MEA MO SWSO
38.	<p><b>Administer Functions Provided by Other Legislation</b> To administer the provisions of the following legislation as they apply to Council:</p>	
	<ul style="list-style-type: none"> <li>▪ Cemeteries and Crematorium Act 2013</li> </ul>	DINF MEA MO SPG CSO MPCS DCS
	<ul style="list-style-type: none"> <li>▪ Children (Education and Care Services National Law Application) Act 2010</li> </ul>	Nil
	<ul style="list-style-type: none"> <li>▪ Community Land Development Act 1989</li> </ul>	DEBD MES PO PCIC
	<ul style="list-style-type: none"> <li>▪ Companion Animals Act 1998</li> </ul>	RANG MES
	<ul style="list-style-type: none"> <li>▪ Conveyancing Act 1919</li> </ul>	DIRECTORS* MES PO PCIC
	<ul style="list-style-type: none"> <li>▪ Crown Lands Act 1989</li> </ul>	MES RANG
	<ul style="list-style-type: none"> <li>▪ Environmental Planning and Assessment Act 1979</li> </ul> <p>Note- BST and AO (ES) have power of entry</p>	MES RANG PCIC BHS PO BST AO (ES)
	<ul style="list-style-type: none"> <li>▪ Fire Brigades Act 1989</li> </ul>	DINF
	<ul style="list-style-type: none"> <li>▪ Fluoridation of Public Water Supplies Act 1957</li> </ul>	DINF, SE, MO, SWSO MEA
	<ul style="list-style-type: none"> <li>▪ Food Act 2003</li> </ul> <p>Note- BST has power of entry</p>	MES, BHS BST, PCIC
	<ul style="list-style-type: none"> <li>▪ Government Information (Public Access) Act 2009</li> </ul>	DCS MIM
<ul style="list-style-type: none"> <li>▪ Graffiti Control Act 2008</li> </ul>	MES RANG	

PART D – OPERATIONAL	Appointed Delegates
<ul style="list-style-type: none"> <li>▪ Heritage Act 1977</li> </ul>	MES PCIC PO
<ul style="list-style-type: none"> <li>▪ Impounding Act 1993</li> </ul>	MES RANG
<ul style="list-style-type: none"> <li>▪ Library Act 1939</li> </ul>	TLL MCED
<ul style="list-style-type: none"> <li>▪ Liquor Act 2007</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Local Government Act 1993</li> </ul>	Directors MES RANG BST AO (ES) PCIC BHS PO
<ul style="list-style-type: none"> <li>▪ Mine Health and Safety Act 2004</li> </ul>	DINF
<ul style="list-style-type: none"> <li>▪ Privacy and Personal Information Protection Act 1998</li> </ul>	Directors
<ul style="list-style-type: none"> <li>▪ Protection of the Environment Operations Act 1997</li> </ul>	MES RANG BST PCIC BHS PO
<ul style="list-style-type: none"> <li>▪ Public Health Act 2010</li> </ul>	MES RANG BST PCIC BHS
<ul style="list-style-type: none"> <li>▪ Public Health Regulation 2012</li> </ul>	DINF MEA MO SPG CSO MPCS DCS MES
<ul style="list-style-type: none"> <li>▪ Roads Act 1993</li> </ul>	DINF MEA MO MES RANG
<ul style="list-style-type: none"> <li>▪ Roads Transport (General) Act 2005</li> </ul>	DINF MEA MO MES
<ul style="list-style-type: none"> <li>▪ Rural Fires Act 1997</li> </ul>	DINF MEA MO MES RANG
<ul style="list-style-type: none"> <li>▪ State Emergency and Rescue Management Act 1989</li> </ul>	DINF MEA MO

PART D – OPERATIONAL		Appointed Delegates
	<ul style="list-style-type: none"> <li>▪ Swimming Pools Act 1992</li> </ul>	MES BST PCIC BHS DINF MES MO
	<ul style="list-style-type: none"> <li>▪ The Plumbing and Drainage Act 2011</li> </ul>	DINF MES MO MES BST PCIC BHS
	<ul style="list-style-type: none"> <li>▪ Unclaimed Money Act 1995</li> </ul>	DCS
	<ul style="list-style-type: none"> <li>▪ Unhealthy Building Land Act 1990</li> </ul>	MES, PO, BHS
	<ul style="list-style-type: none"> <li>▪ Water Supply Authorities Act</li> </ul>	DINF, MEA, SWSO
	<ul style="list-style-type: none"> <li>▪ Work Health and Safety Act</li> </ul>	DIRECTORS*
39.	<p><b>Road Rules</b> To administer the provisions of the Road Rules 2008 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.</p>	DENG MEA
40.	<p><b>Parking Infringement Notices</b> To issue Parking Infringement Notices.</p>	RANG MES
41.	<p><b>Temporary Road Closure</b> To approve temporary road closures where:</p> <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 Services 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>	DINF ECO MEA
42.	<p><b>Sign Adjustment</b> To under the following sign adjustments to:</p> <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 (eg 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>	DINF ECO MEA

PART D – OPERATIONAL		Appointed Delegates
43.	<p><b>Special Use Zones</b>            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);</li> </ul> <p>subject to consent being obtained from the NSW Police and in addition:</p> <ul style="list-style-type: none"> <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 State Transit Authority.</li> </ul>	DINF MEA ECO
44.	<p><b>Traffic Facilities</b>            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 consultation of local residents.</li> </ul>	DINF MEA
45.	<p><b>Warning Signs</b>            To approve the installation of Warning Signs, as defined in applicable Australian Standards, where:</p> <ul style="list-style-type: none"> <li>▪ the proposed sign can be found in Section 3 Warning Signs of the Australian Standard 1742.1-1991; and</li> <li>▪ the NSW Police agree with the installation.</li> </ul>	DINF MEA ECO MO
46.	<p><b>Signs Across Driveways</b>            To approve or refuse an application for signs or line marking across a driveway.</p>	DINF MEA ECO MO
47.	<p><b>Traffic Bollards</b>            To approve or refuse an application for the use of traffic bollards.</p>	DINF MEA ECO MO
48.	<p><b>Vehicular Crossings and Footpath Restorations</b>            To approve or refuse the construction of vehicular crossings and/or restoration works on Council land or over Council controlled road reserves.</p>	DINF MEA TOS
49.	<p><b>Street Lighting</b>            To approve the installation of additional street lighting facilities and associated charges.</p>	DINF MEA TOS
50.	<p><b>Storm Water Drainage Works</b>            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>	DINF MEA MO SWSO MES BHS PCIC

<b>PART D – OPERATIONAL</b>		<b>Appointed Delegates</b>
<b>51.</b>	<p><b>Variation of Working Hours</b> 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 have to 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>	DEBD MES BHS
<b>52.</b>	<p><b>Positive Covenants, Easements and Section 88B Instruments under the Conveyancing Act, 1919</b> Recommend to the General Manager 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 Conveyancing Act 1919, in accordance with section 28 of the Environmental Planning and Assessment Act and subject to any Council Policy and the Law.</p>	DEBD MES BHS
<b>53.</b>	<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>	MES, PO
<b>54.</b>	<p><b>Professional Certifications</b> 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 particular type of work.</p>	MES BHS PCIC
<b>55.</b>	<p><b>Building Professionals Act 2005</b> Authority under section 5 of the Building Professionals Act 2005 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>	MES DINF
<b>56.</b>	<p><b>Work on Private Land by Agreement</b> To exercise Council's power to carry out work on private land.</p>	DIRECTORS MES, BHS
<b>57.</b>	<p><b>Entering of Premises</b> 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>	SES RANG MES PO BHS BHT PCIC AO (ES)
<b>58.</b>	<p><b>Water Restrictions</b> Recommend to Council Water Restrictions in accordance with NSW State Government direction.</p>	DINF

<b>PART D – OPERATIONAL</b>		<b>Appointed Delegates</b>
<b>59.</b>	<b>Motor Vehicle Fleet</b> To manage Council’s motor vehicle fleet.	DINF MO SFDSP
<b>60.</b>	<b>Suspend or cancel the operation of an Alcohol-Free Zone in accordance with section 645 of the Act</b>	MES

## 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>Department</b>	means the Department of Local Government, or any future department (or combined department) carrying out the functions of the present Department of Local Government for the State of New South Wales
<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 Department 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

## DOCUMENT CONTROL

DOC ID	Details	Date	Resolution No.
	<i>Part 1</i>	19/10/17	
	<i>Part 2</i>	16/12/17	

*Council reserves the right to review, vary or revoke this policy at any time  
This Policy is scheduled for review annually*

# **APPENDIX 1**

## **EXPENDITURE LEVEL DELEGATIONS FOR AUTHORISATION AND PAYMENT**



## APPENDIX 1:

### Expenditure Level Delegations for Authorisation and Payment

Position Title	Current Incumbent	Maximum Authorisation (inc GST) for Requisition of Goods or Services and Works under delegation	Maximum Authorisation (inc GST) for requisition of goods or services approved by council resolution	Authorisation to invest	Authorised to approve petty cash expenditure limited to \$100 per transaction	Approval level for Purchasing of goods and services by purchasing card per month	Power to sign cheques	Power to approve EFT payments
Mayor	Norm Brennan	0	0	0	0	\$2,000	No	No
General Manager	Adam McSwain	\$149,999	unlimited	\$2,000,000	Yes	\$10,000	Yes	Yes
Director Corporate Services	Caroline Wallis	\$149,999	\$250,000	\$2,000,000	Yes	\$7,500	Yes	Yes
Manager Finance	Colleen O'Connor	50,000	\$50,000	\$1,000,000	Yes	\$5,000	Yes	Yes
Financial Accountant	Rindayi Matienga	\$20,000	\$20,000	\$500,000	Yes	0	Yes	Yes
Finance/Admin Officer	Jacinta Hawley	\$3,000	\$3,000	No	No	0	Yes	Yes
Manager People & Customer Service	Helen Flisher	\$20,000	\$20,000	0	Yes	0	No	No
Manager Information Management	Mark Siena	\$50,000	\$50,000	0	No	\$5,000	No	No
Manager Environmental Services	Julie Rogers	\$50,000	\$50,000	0	No	\$5,000	No	No
Planning Officer	Shavaun Tasker	\$5,000	\$5,000	0	No	0	No	No
Building & Health Surveyor	Vacant	\$3,000	\$3,000	0	No	0	No	No
Planning & Continuous Improvement Coordinator	Marie Sutton	\$5,000	\$5,000	0	No	0	No	No
Manager Community & Economic Development	Michelle Cobb	\$50,000	\$50,000	0	Yes	\$5,000	No	No
Director Infrastructure	Oliver McNulty	\$149,999	\$250,000	0	Yes	\$7,500	Yes	Yes
Assets & Procurement Administrator	Michael Todd	\$20,000	\$20,000	0	No	0	No	No
Manager Operations	Warwick Newell	\$50,000	\$50,000	0	No	\$10,000	No	No
Supervisor Water &	Shanon Williams	\$20,000	\$20,000	0	No	0	No	No

Sewerage Operations								
Technical Officer Services	Mark Cook	\$10,000	\$10,000	0	No	0	No	No
Operations, Administration & Stores Officer	Annette Danckert	\$5,000	\$5,000	0	No	\$5,000	No	No
Supervisor Parks & Gardens	Paul Hussey	\$20,000	\$20,000	0	No	\$1,000	No	No
Design & Projects Engineer	Michael Williams	\$20,000	\$20,000	0	No	0	No	No
Administration Officer (Inf)	Nicole Rogers	\$20,000	\$20,000	0	No	0	No	No
Supervisor Roads	Tony Oddy	\$20,000	\$20,000	0	No	0	No	No
Manager Engineering & Assets	Mark Dalzell	\$50,000	\$50,000	0	No	\$5,000	No	No
Technical Officer Survey & Design	Vacant	\$10,000	\$10,000	0	No	0	No	No
Technical Officer Assets	Kevin Campbell	\$10,000	\$10,000	0	No	0	No	No
Supervisor Fleet, Depots & Special Projects	Geoff Pitt	\$20,000	\$20,000	0	No	\$1,000	No	No
Services Engineer	Vacant	\$20,000	\$20,000	0	No	0	No	No
Team Leader General Maintenance	Glenn Beehag	\$5,000	\$5,000	0	No	0	No	No
Team Leader Mechanics	Ricky Hayes	\$10,000	\$10,000	0	No	\$5,000	No	No
Team Leader Water & Sewerage Operations	Adam Goodear	\$5,000	\$5,000	0	No	0	No	No
Team Leader Parks & Gardens	Brad Knight	\$5,000	\$5,000	0	No	\$1,000	No	Np
Executive Assistant	Belinda Perrett	\$5,000	\$5,000	0	Yes	0	No	No
Team Leader Tourism & Culture	Jane Frazer	\$5000	\$5000	0	Yes	0	No	No
Administration Officer (ES)	Margie Butcher	\$1,000	\$1,000	0	No	0	No	No
Ranger	Justin Learmonth	\$1,000	\$1,000	0	No	0	No	No
Team Leader Parks & Gardens	Brad Knight	\$5,000	\$5,000	0	No	\$1,000	No	No
Team Leader Library Services	Ariane Fehring	\$5,000	\$5,000	0	Yes	0	No	No



Community & Economic Development Project Officer	Erica Laing	\$5,000	\$5,000	0	No	0	No	No
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## **APPENDIX 2**

# **CERTIFICATES OF AUTHORITY**

# CERTIFICATE OF AUTHORITY

(for Council officers carrying out enforcement and compliance)

<b>Certificate of Authority</b>		 <b>Edward River</b> COUNCIL	
<b>Name:</b>	<b>Julie Rogers</b>		
<b>Position:</b>	<b>Manager Environmental Services</b>		
<b>Date:</b>			

1. This certificate evidences the delegation of authority granted by the General Manager of Edward River Council to the above named Council Officer.

### Source of Powers

2. The named Council officer is authorised to exercise all powers, authorities, duties and functions of an authorised officer, impounding officer or delegated employee (or such other title describing an employee substantially carrying out the duties of the position of the recipient) pursuant to all Acts of New South Wales (and any applicable Federal legislation) that this certificate identifies and extends to all related Rules and Regulations, including, but not limited to the following:

<i>Environmental Planning and Assessment Act 1979</i>	<i>Local Government Act 1993</i>	<i>Companion Animals Act 1998</i>
<i>Impounding Act 1993</i>	<i>Crown Lands Act 1989</i>	<i>Plumbing and Drainage Act 2011</i>
<i>Protection of the Environment Operations Act 1997</i>	<i>Swimming Pools Act 1992</i>	<i>Heritage Act 1977</i>
<i>Roads Act 1993 and Road Transport (General) Act 2013</i>	<i>Rural Fires Act 1997</i>	<i>Public Health Act 2010</i>
<i>Boarding Houses Act 2012</i>	<i>Graffiti Control Act 2008</i>	<i>Road Rules 2014 NSW Consolidated Regulations – under the Road Transport Act 2013</i>
<i>Food Act 2003</i>		

### Nature and Limitation of Powers

3. The named Council officer has been delegated with the authority to exercise and/or perform on Council's behalf all powers, authorities, duties and functions of all Acts identified in paragraph 2 and any corresponding Rules and Regulations, subject to:
  - (a) any subsequent and contrary resolution of the Council;
  - (b) any subsequent and contrary written or oral direction of the General Manager;
  - (c) any limitation or control placed upon a delegation detailed in paragraph 5 below;

- (d) any limitation or control prescribed within the Council's *Delegations of Authority Manual*.
- 4. For the purposes of the *Plumbing and Drainage Act 2011*, the named Council officer is an inspector.
- 5. The named Council officer is limited in the operation of his/her powers, authorities, duties and functions as follows:
  - (a) No Limitations
- 6. If, under any other legislation or planning instrument, a power, authority, duty or function is conferred or imposed on a person in the above named position of the Council officer (or such other title describing an employee substantially carrying out the duties of the position of the named Council officer), that power, authority, duty or function is expressly delegated to the named Council officer.
- 7. This Certificate of Authority permits the exercise of all powers at the following premises:
  - (a) Residential, providing:
    - (i) the Council officer has the consent of the owner,
    - (ii) the Council officer is exercising a legal power of entry in accordance with one of the prescribed Acts identified in paragraph 2 above;
    - (iii) the Council officer is exercising a search warrant,
  - (b) Industrial; and
  - (c) Business Premises

unless the applicable legislation expressly restrains access.

**Identification of Council officer**

- 8. The named Council officer is identified by the attached photograph and signature.
- 9. This Certificate of Authority constitutes an 'Identification Card' and a 'written authorisation' for the purposes of any applicable legislation contained in paragraph 2.
- 10. This Certificate of Authority will be produced by the named Council officer upon request.

**Authentication and Application of Authority**

- 11. This Certificate of Authority is issued by the General Manager of the Council and is endorsed by the execution of this Certificate by the General Manager.
- 12. This Authority supersedes all prior Certificates of Authority issued to the named Council officer.
- 13. This Authority will remain in force until:
  - (a) withdrawn by the General Manager;
  - (b) superseded by a subsequent Certificate of Authority; or
  - (c) the named Council officer ceases employment with Council.

By executing this document I acknowledge the contents of this Certificate of Authority and agree to be bound by its controls and limitations.

\_\_\_\_\_  
 General Manager  
 Date.....

\_\_\_\_\_  
 Signature of Council officer  
*acknowledging delegation*  
 Date.....

# CERTIFICATE OF AUTHORITY

(for Council officers carrying out enforcement and compliance)

<b>Certificate of Authority</b>			
<b>Name:</b>	<b>Justin Learmonth</b>		
<b>Position:</b>	<b>Ranger</b>		
<b>Date:</b>			

1. This certificate evidences the delegation of authority granted by the General Manager of Edward River Council to the above named Council Officer.

## Source of Powers

2. The named Council officer is authorised to exercise all powers, authorities, duties and functions of an authorised officer, impounding officer or delegated employee (or such other title describing an employee substantially carrying out the duties of the position of the recipient) pursuant to all Acts of New South Wales (and any applicable Federal legislation) that this certificate identifies and extends to all related Rules and Regulations, including, but not limited to the following:

<i>Environmental Planning and Assessment Act 1979</i>	<i>Local Government Act 1993</i>	<i>Companion Animals Act 1998</i>
<i>Impounding Act 1993</i>	<i>Crown Lands Act 1989</i>	<i>Road Rules 2014 NSW Consolidated Regulations – under the Road Transport Act 2013</i>
<i>Protection of the Environment Operations Act 1997</i>	<i>Rural Fires Act 1997</i>	
<i>Roads Act 1993 and Road Transport (General) Act 2013</i>	<i>Graffiti Control Act 2008</i>	

## Nature and Limitation of Powers

3. The named Council officer has been delegated with the authority to exercise and/or perform on Council's behalf all powers, authorities, duties and functions of all Acts identified in paragraph 2 and any corresponding Rules and Regulations, subject to:
  - (a) any subsequent and contrary resolution of the Council;
  - (b) any subsequent and contrary written or oral direction of the General Manager;
  - (c) any limitation or control placed upon a delegation detailed in paragraph 5 below;
  - (d) any limitation or control prescribed within the Council's *Delegations of Authority Manual*.
4. For the purposes of the *Plumbing and Drainage Act 2011*, the named Council officer is an inspector.
5. The named Council officer is limited in the operation of his/her powers, authorities, duties and functions as follows:

(a) No Limitations

6. If, under any other legislation or planning instrument, a power, authority, duty or function is conferred or imposed on a person in the above named position of the Council officer (or such other title describing an employee substantially carrying out the duties of the position of the named Council officer), that power, authority, duty or function is expressly delegated to the named Council officer.

7. This Certificate of Authority permits the exercise of all powers at the following premises:

(a) Residential, providing:

- (i) the Council officer has the consent of the owner,
- (ii) the Council officer is exercising a legal power of entry in accordance with one of the prescribed Acts identified in paragraph 2 above;
- (iii) the Council officer is exercising a search warrant,

(b) Industrial; and

(c) Business Premises

unless the applicable legislation expressly restrains access.

**Identification of Council officer**

8. The named Council officer is identified by the attached photograph and signature.

9. This Certificate of Authority constitutes an 'Identification Card' and a 'written authorisation' for the purposes of any applicable legislation contained in paragraph 2.

10. This Certificate of Authority will be produced by the named Council officer upon request.

**Authentication and Application of Authority**

11. This Certificate of Authority is issued by the General Manager of the Council and is endorsed by the execution of this Certificate by the General Manager.

12. This Authority supersedes all prior Certificates of Authority issued to the named Council officer.

13. This Authority will remain in force until:

- (a) withdrawn by the General Manager;
- (b) superseded by a subsequent Certificate of Authority; or
- (c) the named Council officer ceases employment with Council.

By executing this document I acknowledge the contents of this Certificate of Authority and agree to be bound by its controls and limitations.

\_\_\_\_\_  
General Manager

Date.....

\_\_\_\_\_  
Signature of Council officer  
*acknowledging delegation*

Date.....



# CERTIFICATE OF AUTHORITY

(for Council officers carrying out enforcement and compliance)

<b>Certificate of Authority</b>			
<b>Name:</b>	<b>Maggie MCalman</b>		
<b>Position:</b>	<b>Building Surveyor Trainee</b>		
<b>Date:</b>			

1. This certificate evidences the delegation of authority granted by the General Manager of Edward River Council to the above named Council Officer.

## Source of Powers

2. The named Council officer is authorised to exercise all powers, authorities, duties and functions of an authorised officer, impounding officer or delegated employee (or such other title describing an employee substantially carrying out the duties of the position of the recipient) pursuant to all Acts of New South Wales (and any applicable Federal legislation) that this certificate identifies and extends to all related Rules and Regulations, including, but not limited to the following:

<i>Environmental Planning and Assessment Act 1979</i>	<i>Local Government Act 1993</i>	<i>Plumbing and Drainage Act 2011</i>
<i>Protection of the Environment Operations Act 1997</i>	<i>Swimming Pools Act 1992</i>	<i>Public Health Act 2010</i>
<i>Boarding Houses Act 2012</i>	<i>Food Act 2003</i>	

## Nature and Limitation of Powers

3. The named Council officer has been delegated with the authority to exercise and/or perform on Council's behalf all powers, authorities, duties and functions of all Acts identified in paragraph 2 and any corresponding Rules and Regulations, subject to:
  - (a) any subsequent and contrary resolution of the Council;
  - (b) any subsequent and contrary written or oral direction of the General Manager;
  - (c) any limitation or control placed upon a delegation detailed in paragraph 5 below;
  - (d) any limitation or control prescribed within the Council's *Delegations of Authority Manual*.
4. For the purposes of the *Plumbing and Drainage Act 2011*, the named Council officer is an inspector.
5. The named Council officer is limited in the operation of his/her powers, authorities, duties and functions as follows:
  - (a) No Limitations

6. If, under any other legislation or planning instrument, a power, authority, duty or function is conferred or imposed on a person in the above named position of the Council officer (or such other title describing an employee substantially carrying out the duties of the position of the named Council officer), that power, authority, duty or function is expressly delegated to the named Council officer.
7. This Certificate of Authority permits the exercise of all powers at the following premises:
  - (a) Residential, providing:
    - (i) the Council officer has the consent of the owner,
    - (ii) the Council officer is exercising a legal power of entry in accordance with one of the prescribed Acts identified in paragraph 2 above;
    - (iii) the Council officer is exercising a search warrant,
  - (b) Industrial; and
  - (c) Business Premises

unless the applicable legislation expressly restrains access.

#### **Identification of Council officer**

8. The named Council officer is identified by the attached photograph and signature.
9. This Certificate of Authority constitutes an 'Identification Card' and a 'written authorisation' for the purposes of any applicable legislation contained in paragraph 2.
10. This Certificate of Authority will be produced by the named Council officer upon request.

#### **Authentication and Application of Authority**

11. This Certificate of Authority is issued by the General Manager of the Council and is endorsed by the execution of this Certificate by the General Manager.
12. This Authority supersedes all prior Certificates of Authority issued to the named Council officer.
13. This Authority will remain in force until:
  - (a) withdrawn by the General Manager;
  - (b) superseded by a subsequent Certificate of Authority; or
  - (c) the named Council officer ceases employment with Council.

By executing this document I acknowledge the contents of this Certificate of Authority and agree to be bound by its controls and limitations.

---



General Manager  
Date

---

Signature of Council officer  
*acknowledging delegation*

# CERTIFICATE OF AUTHORITY

(for Council officers carrying out enforcement and compliance)

<b>Certificate of Authority</b>		 <b>Edward River</b> COUNCIL	
<b>Name:</b>	<b>Margie Butcher</b>		
<b>Position:</b>	<b>Administration Officer</b>		
<b>Date:</b>			

1. This certificate evidences the delegation of authority granted by the General Manager of Edward River Council to the above named Council Officer.

## Source of Powers

2. The named Council officer is authorised to exercise all powers, authorities, duties and functions of an authorised officer, impounding officer or delegated employee (or such other title describing an employee substantially carrying out the duties of the position of the recipient) pursuant to all Acts of New South Wales (and any applicable Federal legislation) that this certificate identifies and extends to all related Rules and Regulations, including, but not limited to the following:

<i>Environmental Planning and Assessment Act 1979</i>	<i>Local Government Act 1993</i>	
---	----------------------------------	--

## Nature and Limitation of Powers

3. The named Council officer has been delegated with the authority to exercise and/or perform on Council's behalf all powers, authorities, duties and functions of all Acts identified in paragraph 2 and any corresponding Rules and Regulations, subject to:
  - (a) any subsequent and contrary resolution of the Council;
  - (b) any subsequent and contrary written or oral direction of the General Manager;
  - (c) any limitation or control placed upon a delegation detailed in paragraph 5 below;
  - (d) any limitation or control prescribed within the Council's *Delegations of Authority Manual*.
4. For the purposes of the *Plumbing and Drainage Act 2011*, the named Council officer is an inspector.
5. The named Council officer is limited in the operation of his/her powers, authorities, duties and functions as follows:
  - (a) No Limitations
6. If, under any other legislation or planning instrument, a power, authority, duty or function is conferred or imposed on a person in the above named position of the Council officer (or such other title describing an employee substantially carrying out the duties of the position of the

named Council officer), that power, authority, duty or function is expressly delegated to the named Council officer.

7. This Certificate of Authority permits the exercise of all powers at the following premises:

- (a) Residential, providing:
  - (i) the Council officer has the consent of the owner,
  - (ii) the Council officer is exercising a legal power of entry in accordance with one of the prescribed Acts identified in paragraph 2 above;
  - (iii) the Council officer is exercising a search warrant,
- (b) Industrial; and
- (c) Business Premises

unless the applicable legislation expressly restrains access.

**Identification of Council officer**

8. The named Council officer is identified by the attached photograph and signature.

9. This Certificate of Authority constitutes an 'Identification Card' and a 'written authorisation' for the purposes of any applicable legislation contained in paragraph 2.

10. This Certificate of Authority will be produced by the named Council officer upon request.

**Authentication and Application of Authority**

11. This Certificate of Authority is issued by the General Manager of the Council and is endorsed by the execution of this Certificate by the General Manager.

12. This Authority supersedes all prior Certificates of Authority issued to the named Council officer.

13. This Authority will remain in force until:

- (a) withdrawn by the General Manager;
- (b) superseded by a subsequent Certificate of Authority; or
- (c) the named Council officer ceases employment with Council.

By executing this document I acknowledge the contents of this Certificate of Authority and agree to be bound by its controls and limitations.

\_\_\_\_\_  
General Manager

\_\_\_\_\_  
Signature of Council officer  
*acknowledging delegation*

Date.....

Date.....

# CERTIFICATE OF AUTHORITY

(for Council officers carrying out enforcement and compliance)

<b>Certificate of Authority</b>		 <b>Edward River</b> COUNCIL	
<b>Name:</b>	<b>Marie Sutton</b>		
<b>Position:</b>	<b>Planning and Continuous Improvement Officer</b>		
<b>Date:</b>			

1. This certificate evidences the delegation of authority granted by the General Manager of Edward River Council to the above named Council Officer.

## Source of Powers

2. The named Council officer is authorised to exercise all powers, authorities, duties and functions of an authorised officer, impounding officer or delegated employee (or such other title describing an employee substantially carrying out the duties of the position of the recipient) pursuant to all Acts of New South Wales (and any applicable Federal legislation) that this certificate identifies and extends to all related Rules and Regulations, including, but not limited to the following:

<i>Environmental Planning and Assessment Act 1979</i>	<i>Local Government Act 1993</i>	<i>Plumbing and Drainage Act 2011</i>
<i>Protection of the Environment Operations Act 1997</i>	<i>Swimming Pools Act 1992</i>	<i>Heritage Act 1977</i>
<i>Boarding Houses Act 2012</i>	<i>Public Health Act 2010</i>	<i>Food Act 2003</i>

## Nature and Limitation of Powers

3. The named Council officer has been delegated with the authority to exercise and/or perform on Council's behalf all powers, authorities, duties and functions of all Acts identified in paragraph 2 and any corresponding Rules and Regulations, subject to:
  - (a) any subsequent and contrary resolution of the Council;
  - (b) any subsequent and contrary written or oral direction of the General Manager;
  - (c) any limitation or control placed upon a delegation detailed in paragraph 5 below;
  - (d) any limitation or control prescribed within the Council's *Delegations of Authority Manual*.
4. For the purposes of the *Plumbing and Drainage Act 2011*, the named Council officer is an inspector.
5. The named Council officer is limited in the operation of his/her powers, authorities, duties and functions as follows:
  - (a) No Limitations
6. If, under any other legislation or planning instrument, a power, authority, duty or function is conferred or imposed on a person in the above named position of the Council officer (or such other title describing an employee substantially carrying out the duties of the position of the

named Council officer), that power, authority, duty or function is expressly delegated to the named Council officer.

7. This Certificate of Authority permits the exercise of all powers at the following premises:

- (a) Residential, providing:
  - (i) the Council officer has the consent of the owner,
  - (ii) the Council officer is exercising a legal power of entry in accordance with one of the prescribed Acts identified in paragraph 2 above;
  - (iii) the Council officer is exercising a search warrant,
- (b) Industrial; and
- (c) Business Premises

unless the applicable legislation expressly restrains access.

**Identification of Council officer**

- 8. The named Council officer is identified by the attached photograph and signature.
- 9. This Certificate of Authority constitutes an 'Identification Card' and a 'written authorisation' for the purposes of any applicable legislation contained in paragraph 2.
- 10. This Certificate of Authority will be produced by the named Council officer upon request.

**Authentication and Application of Authority**

- 11. This Certificate of Authority is issued by the General Manager of the Council and is endorsed by the execution of this Certificate by the General Manager.
- 12. This Authority supersedes all prior Certificates of Authority issued to the named Council officer.
- 13. This Authority will remain in force until:
  - (a) withdrawn by the General Manager;
  - (b) superseded by a subsequent Certificate of Authority; or
  - (c) the named Council officer ceases employment with Council.

By executing this document I acknowledge the contents of this Certificate of Authority and agree to be bound by its controls and limitations.

\_\_\_\_\_  
General Manager

\_\_\_\_\_  
Signature of Council officer  
*acknowledging delegation*

Date.....

Date.....

# CERTIFICATE OF AUTHORITY

(for Council officers carrying out enforcement and compliance)

<b>Certificate of Authority</b>		 <b>Edward River</b> COUNCIL	
<b>Name:</b>	<b>Michael Maher</b>		
<b>Position:</b>	<b>Ranger</b>		
<b>Date:</b>			

1. This certificate evidences the delegation of authority granted by the General Manager of Edward River Council to the above named Council Officer.

## Source of Powers

2. The named Council officer is authorised to exercise all powers, authorities, duties and functions of an authorised officer, impounding officer or delegated employee (or such other title describing an employee substantially carrying out the duties of the position of the recipient) pursuant to all Acts of New South Wales (and any applicable Federal legislation) that this certificate identifies and extends to all related Rules and Regulations, including, but not limited to the following:

<i>Environmental Planning and Assessment Act 1979</i>	<i>Local Government Act 1993</i>	<i>Companion Animals Act 1998</i>
<i>Impounding Act 1993</i>	<i>Rural Fires Act 1997</i>	<i>Road Rules 2014 NSW Consolidated Regulations – under the Road Transport Act 2013</i>
<i>Protection of the Environment Operations Act 1997</i>	<i>Graffiti Control Act 2008</i>	
<i>Roads Act 1993 and Road Transport (General) Act 2013</i>		

## Nature and Limitation of Powers

3. The named Council officer has been delegated with the authority to exercise and/or perform on Council's behalf all powers, authorities, duties and functions of all Acts identified in paragraph 2 and any corresponding Rules and Regulations, subject to:
  - (a) any subsequent and contrary resolution of the Council;
  - (b) any subsequent and contrary written or oral direction of the General Manager;
  - (c) any limitation or control placed upon a delegation detailed in paragraph 5 below;
  - (d) any limitation or control prescribed within the Council's *Delegations of Authority Manual*.
4. For the purposes of the *Plumbing and Drainage Act 2011*, the named Council officer is an inspector.
5. The named Council officer is limited in the operation of his/her powers, authorities, duties and functions as follows:
  - (a) No Limitations

6. If, under any other legislation or planning instrument, a power, authority, duty or function is conferred or imposed on a person in the above named position of the Council officer (or such other title describing an employee substantially carrying out the duties of the position of the named Council officer), that power, authority, duty or function is expressly delegated to the named Council officer.
7. This Certificate of Authority permits the exercise of all powers at the following premises:
  - (a) Residential, providing:
    - (i) the Council officer has the consent of the owner,
    - (ii) the Council officer is exercising a legal power of entry in accordance with one of the prescribed Acts identified in paragraph 2 above;
    - (iii) the Council officer is exercising a search warrant,
  - (b) Industrial; and
  - (c) Business Premises

unless the applicable legislation expressly restrains access.

**Identification of Council officer**

8. The named Council officer is identified by the attached photograph and signature.
9. This Certificate of Authority constitutes an 'Identification Card' and a 'written authorisation' for the purposes of any applicable legislation contained in paragraph 2.
10. This Certificate of Authority will be produced by the named Council officer upon request.

**Authentication and Application of Authority**

11. This Certificate of Authority is issued by the General Manager of the Council and is endorsed by the execution of this Certificate by the General Manager.
12. This Authority supersedes all prior Certificates of Authority issued to the named Council officer.
13. This Authority will remain in force until:
  - (a) withdrawn by the General Manager;
  - (b) superseded by a subsequent Certificate of Authority; or
  - (c) the named Council officer ceases employment with Council.

By executing this document I acknowledge the contents of this Certificate of Authority and agree to be bound by its controls and limitations.

\_\_\_\_\_  
General Manager

\_\_\_\_\_  
Signature of Council officer  
*acknowledging delegation*

Date.....

Date.....



# CERTIFICATE OF AUTHORITY

(for Council officers carrying out enforcement and compliance)

<b>Certificate of Authority</b>		 <b>Edward River</b> COUNCIL	
<b>Name:</b>	<b>Shavaun Tasker</b>		
<b>Position:</b>	<b>Planning Officer</b>		
<b>Date:</b>			

1. This certificate evidences the delegation of authority granted by the General Manager of Edward River Council to the above named Council Officer.

## Source of Powers

2. The named Council officer is authorised to exercise all powers, authorities, duties and functions of an authorised officer, impounding officer or delegated employee (or such other title describing an employee substantially carrying out the duties of the position of the recipient) pursuant to all Acts of New South Wales (and any applicable Federal legislation) that this certificate identifies and extends to all related Rules and Regulations, including, but not limited to the following:

<i>Environmental Planning and Assessment Act 1979</i>	<i>Local Government Act 1993</i>	<i>Heritage Act 1977</i>
<i>Protection of the Environment Operations Act 1997</i>	<i>Boarding Houses Act 2012</i>	

## Nature and Limitation of Powers

3. The named Council officer has been delegated with the authority to exercise and/or perform on Council's behalf all powers, authorities, duties and functions of all Acts identified in paragraph 2 and any corresponding Rules and Regulations, subject to:
  - (a) any subsequent and contrary resolution of the Council;
  - (b) any subsequent and contrary written or oral direction of the General Manager;
  - (c) any limitation or control placed upon a delegation detailed in paragraph 5 below;
  - (d) any limitation or control prescribed within the Council's *Delegations of Authority Manual*.
4. For the purposes of the *Plumbing and Drainage Act 2011*, the named Council officer is an inspector.
5. The named Council officer is limited in the operation of his/her powers, authorities, duties and functions as follows:
  - (a) No Limitations
6. If, under any other legislation or planning instrument, a power, authority, duty or function is conferred or imposed on a person in the above named position of the Council officer (or such other title describing an employee substantially carrying out the duties of the position of the

named Council officer), that power, authority, duty or function is expressly delegated to the named Council officer.

7. This Certificate of Authority permits the exercise of all powers at the following premises:
- (a) Residential, providing:
    - (i) the Council officer has the consent of the owner,
    - (ii) the Council officer is exercising a legal power of entry in accordance with one of the prescribed Acts identified in paragraph 2 above;
    - (iii) the Council officer is exercising a search warrant,
  - (b) Industrial; and
  - (c) Business Premises

unless the applicable legislation expressly restrains access.

**Identification of Council officer**

8. The named Council officer is identified by the attached photograph and signature.
9. This Certificate of Authority constitutes an 'Identification Card' and a 'written authorisation' for the purposes of any applicable legislation contained in paragraph 2.
10. This Certificate of Authority will be produced by the named Council officer upon request.

**Authentication and Application of Authority**

11. This Certificate of Authority is issued by the General Manager of the Council and is endorsed by the execution of this Certificate by the General Manager.
12. This Authority supersedes all prior Certificates of Authority issued to the named Council officer.
13. This Authority will remain in force until:
- (a) withdrawn by the General Manager;
  - (b) superseded by a subsequent Certificate of Authority; or
  - (c) the named Council officer ceases employment with Council.

By executing this document I acknowledge the contents of this Certificate of Authority and agree to be bound by its controls and limitations.

\_\_\_\_\_  
General Manager

\_\_\_\_\_  
Signature of Council officer  
*acknowledging delegation*

Date.....

Date.....

**APPENDIX 3:**

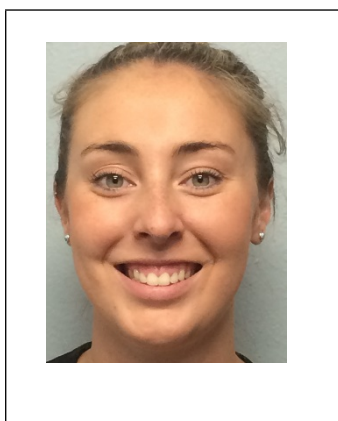
**SWIMMING POOL CERTIFICATES OF  
IDENTIFICATION**

## Swimming Pools Regulation 2008

### Schedule 1: Certificate of Identification

#### Swimming Pools Act 1992

**This certifies that Maggie McCalman, whose photograph and signature appear below, is an inspector for Edward River Council for the purposes of the *Swimming Pools Act 1992*.**



**Maggie McCalman**

The holder of this certificate is empowered, by section 27B or 28 of the [Swimming Pools Act 1992](#), to enter any premises in or on which he or she suspects that a swimming pool is situated and to examine the premises and, in particular, any swimming pool, and any barrier or other means of restricting access to any swimming pool, situated in or on the premises.

This power may be exercised with the consent of the occupier of the premises or, if that consent cannot be obtained, at any time (between 9.00 a.m. and sunset) after 24 hours' notice of the proposed exercise of the power has been given to the occupier of the premises.

The holder of this certificate is not empowered to enter such part of any building as is used for residential purposes, or any moveable dwelling, otherwise than with the consent of the occupier of the building or dwelling or under a search warrant.

\_\_\_\_\_  
General Manager

Date.....

\_\_\_\_\_  
Signature of Council officer  
*acknowledging delegation*

Date.....



**Swimming Pools Regulation 2008**

**Schedule 1: Certificate of Identification**

**Swimming Pools Act 1992**

**This certifies that Marie Sutton, whose photograph and signature appear below, is an inspector for Edward River Council for the purposes of the *Swimming Pools Act 1992*.**



**Marie Sutton**

The holder of this certificate is empowered, by section 27B or 28 of the [Swimming Pools Act 1992](#), to enter any premises in or on which he or she suspects that a swimming pool is situated and to examine the premises and, in particular, any swimming pool, and any barrier or other means of restricting access to any swimming pool, situated in or on the premises.

This power may be exercised with the consent of the occupier of the premises or, if that consent cannot be obtained, at any time (between 9.00 a.m. and sunset) after 24 hours' notice of the proposed exercise of the power has been given to the occupier of the premises.

The holder of this certificate is not empowered to enter such part of any building as is used for residential purposes, or any moveable dwelling, otherwise than with the consent of the occupier of the building or dwelling or under a search warrant.

\_\_\_\_\_  
General Manager

Date.....

\_\_\_\_\_  
Signature of Council officer  
*acknowledging delegation*

Date.....