

GENERAL MANAGER

INTERPRETATION OF DELEGATIONS

- a. This instrument of delegation should be construed as operating in a manner which is valid and within the powers conferred on the Council under the Local Government Act 1993.
- b. The instrument recognises that certain functions are conferred on the General Manager under sec 335 of the Local Government Act 1993, including the day-to-day management of Council.
- c. References to the decisions of Council are references to decisions made by Council from time to time.
- d. References to policies of the Council are references to policies adopted by Council from time to time.
- e. These delegations are not intended to limit the General Managers ability to carry out such other functions and exercise such other powers as the Council may determine from time to time or as may be functions of the General Manager under the Local Government Act 1993.

DELEGATIONS

Council hereby delegates to the position of General Manager on an ongoing basis its functions, under the Local Government Act 1993 and any other Acts and regulations.

Subject to the powers, authorities, duties and functions of Council, that are:

1. Reserved to the Council by Section 377 and Section 379 of the Local Government Act 1993.
2. Which are required by any legislation or instrument to be performed by Council.
3. Delegated to the Mayor by Council from time to time.
4. Reserved by Council as set out in Schedule 1 below (Council reserved functions).

Which powers, authorities, duties and functions are to be exercised in a manner consistent with Council's policies and decisions as applicable from time to time:

SCHEDULE 1

Council Reserved Functions (Not to be exercised by the GM)

Policy and Procedure

5. The power to make or amend Council policy.
6. Approving the use of affixing of the Common Seal of the Council.
7. The release for public exhibition and comment of any plan or policy, which is required by legislation to be exhibited.
8. The exercise of functions in a manner not consistent with the policies and decisions of Council or reasonable and lawful direction of the Mayor.

Finance and Resource Allocation

9. Approving Councils Operational Plan and Budget.
10. The approval of concept designs for major capital works (projects exceeding \$2m).
11. Variation of major projects exceeding an amount of 10% above the approved budget.
12. The awarding of contracts for any tender called pursuant to Section 55 (1) of the Local Government Act 1993 where the value is greater than \$500,000.
13. Determination of applications for donations to charities, cultural and other organisations which is contrary to a resolution of Council or policy approved by Council.
14. Writing off bad debts, for amounts greater than \$5,000 (excluding GST)

Personnel Matters

15. Entering into any significant enterprise agreement except after consultation with Council.

Council Operations and Services

16. Carrying out new non-core services not already approved by Council.
17. Setting or altering the Schedule of Fees and Charges which are not within the relevant categories as determined within the Revenue Policy of Council's Operational Plan.

Legal Proceedings

18. The giving of instructions to Council's legal representatives to commence legal proceedings in the NSW Supreme Court or Federal Courts except in relation to urgent injunction proceedings and after consultation with the Mayor.
19. The giving of instructions in legal proceedings contrary to a resolution of Council except in planning or regulatory appeals where instructions can be given to resolve an appeal.

Property, Land Use and Related Matters

20. Granting of approvals to occupy and use public land (as defined in the Local Government Act 1993), crown land or any other land managed by Council except approvals up to a max fee or rental not exceeding \$10,000 or approvals relating to the temporary use of land and or facilities.
21. Adoption of a plan of management for community land.
22. Granting of owner's consent to the lodgement of an application to carry out development on significant property or land (including roads) owned or managed by Council unless the application accords with Councils adopted strategies.

Cultural

23. The development or formation of relationships with other cities, including sister city agreements.
24. The approval of civic and ceremonial events.
25. The granting of civic honours.

Planning and Development


26. Determination of applications for development consent under the Environmental Planning and Assessment Act 1979 involving the erection of a building of more than two storeys.
27. Determination of applications for development consent under the Environmental Planning and Assessment Act 1979 where a request is made by the Mayor for the development application to be the subject of a report to Council.
28. Determination of applications for approval to demolish a heritage item but this does not prevent determination of application for works modifying a heritage item in accordance with a development consent.
29. Determination of applications for consent or approval which involve a variation under the Local Government Act 1993 of a prescribed standard or a Council policy.
30. Determination of applications for development consent where:
 - a. The delegate considers determination inappropriate because the application is likely to be of a special interest or concern to the Council; or

- b. The application conflicts with or involves a major departure from the requirements of a DCP; or
- c. The objections lodged against the proposal are significant in number or in substance; or
- d. The application has significant Part 4 EP&A Act 1979 considerations, or
- e. The proposed development is of major significance, or
- f. Council, as the owner of an adjacent or nearby site, lodges an objection to the application.

All previous delegations of functions the subject of this Instrument of Delegation are revoked.

END OF DELEGATION

Adopted 8 October 2024 - Extraordinary Meeting of Council - Minute 24/160


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General Manager

23 October 2024
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Date