

Attachment 2

WARRUMBUNGLE SHIRE COUNCIL

INSTRUMENT OF DELEGATION TO THE GENERAL MANAGER

On Thursday, 19 March 2020 the Warrumbungle Shire Council ("Council") resolved that:

1. All previous delegations of the Functions this subject of the Instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council ("General Manager"),
 - 2.1. Section 377 of the LG Act, to exercise and/or behalf on behalf of Council the Council's Functions under all Acts and Regulations in force and as amended from time to time:
 - a) **Subject to** any condition or limitation on a Function specified in Schedule 1; and
 - b) **Excluding** those functions:
 - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
 - ii. which are expressly required by legislation to be exercised by a resolution of the Council.
3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the council set out in **Schedule 2, excluding** those Functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The General Manager be conferred authority to carry out the Policy Authorities listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Authorities.
5. The General Manager be delegated and Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.
6. In the absence of the General Manager that a person appointed by resolution to act as General Manager assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.
7. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - 7.1 the requirements of the relevant Legislation;
 - 7.2 any conditions or limitations set out in **Schedule 1**; and
 - 7.3 any resolution or policy, procedure or budget adopted from time to time by the Council.
8. These delegations and authorities are effective from thy date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
9. In this delegation:

"**Acts**" includes legislation enacted by the parliaments of New South Wales and the Commonwealth of Australia;

"**Functions**" means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.

"**Legislation**" includes an Act of the parliament of New South Wales or of the Commonwealth of Australia and a Regulation under the Act.

"**LG Act**" means the *Local Government Act 1993* as amended.

Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
Legislation	Limitation (if any)
N/A	N/A
Part B – General Limitations	
N/A	

Schedule 2: Instruments of Delegation to Council

Delegator	Instrument Name	Date of Instrument
Minister for Planning – EPA Act 1979	Environmental Planning and Assessment Act – Section 59	Wednesday, 21 November 2012
NSW Department of Fair Trading	Plumbing and Drainage Act under Section 21	Thursday, 20 December 2012
Roads and Maritime Services	RMS Delegation to Councils – Regulation of Traffic	Monday, 31 October 2011

Schedule 3: Policy Authorities

Policy Authority - Administrative
Use of Council Corporate Credit Card to a maximum limit of \$15,000.
Requisition Authority Limit to \$250,000.
To carry out the regular services and operations of the Council within the sums voted by the Council for expenditure thereon and in accordance with the resolutions of Council.
To authorise MANEX training, travel and conference costs are approved subject to the Operational Plan budget, professional development opportunities and benefit to Council.
To authorise Staff Time Sheets.
Complaints and Requests –To instruct staff to take any necessary action in connection with any complaints or requests received, subject to all major matters being reported to Council.

Correspondence of Council

To attend to all correspondence addressed to the Council (except correspondence addressed to the Mayor personally) in any of the following ways:-

- a) deal with it administratively
- b) to refer it to a committee
- c) to refer it direct to Council

Legal Documents General

To sign any contract, lease, licence, deed, or other legal document, where the execution of such document is necessary to meet legal or Council formalities when such relate to the Council's normal business activities.

Legal Proceedings – Institution of

- (i) To authorise the issue of Court attendance notices, application notices, subpoenas, the laying of any information or the making of any complaint for the recovery of any penalty or the making of any order for, or in respect of, any offence, nuisance or other matter or thing whatsoever under any Act or instrument which empowers such action to be taken by Council, or its employees and to issue such Court attendance notices, applications notices, subpoenas or to lay any such information or make any such complaint.
- (ii) To order the institution of proceedings for the recovery of any penalty or the making of any order for, or in respect of, any offence, nuisance or other matter or thin whatsoever under any Act or instrument which empowers such action to be taken by Council.
- (iii) To represent Council in all aspects in any proceedings arising out of (i) – (ii) above, before any Public Hearing, Tribunal, Court or Commissions of Inquiry.

Legal Proceedings – Instruction

- (i) To institute proceedings, issue court attendance notice, application notice, subpoenas, lay any information or make any complaint for the recovery of any penalty of the making of orders in respect of any offence, nuisance or other matter or thing whatsoever under any Act or Instrument which empowers such action to be taken by Council or its employees.
- (ii) To appear and act for Council in the conduct of any action, suit or other legal or proceedings in all Courts.
- (iii) To instruct the Council's Solicitors in the conduct of any action, suit or other legal proceedings in all Courts.
- (iv) To authorise legal and other representation of Council appeals to any Court, Public Hearings, Commissions of Inquiry, Tribunal and for legal proceedings initiated by Council.

Recovery of Monies

To authorise the recovery of monies owed to Council that constitute:

- a) any sum for damage sustained by it through the person's act or default, and
- b) the costs and expenses incurred by it in remedying that damage, and
- c) the value of anything wasted, misused or unlawfully consumed, diverted or taken by the person.

Variations to Development Standards under Development Plan Control 2015 as per endorsed and adopted plan.

Pursuant to resolution 127/1516

Authority to Dispose of Assets

Authorise the disposal of assets of value less than \$100,000 (including GST), other than land or assets of potentially historical or cultural significance, and in any case not by donation, in accordance with Council's Disposal of Assets Policy Version 2, 19 September 2013 Resolution 107/1314.

Enter into a short term lease (under 5 years) or licence on behalf of Council, with the Council as lessee or licensee, of land not owned by Council required for operational purposes.

Grant a lease or licence of operational land for a period of less than 10 years.

Policy Authority – Financial

To be a signatory to the bank accounts of Council.

Expenditure and authorisations – certify the prices and computations on all creditor payments.

Authority to sign as the authorising officer on Council's voucher payments for any costs.

Advances – Cash – To fix and vary the level of cash advances.

Cheques/Orders for Goods – Signing – to sign and or to specify the servants authorised to sign cheques and orders for goods of Council.

Accounts – Payments – Authority to pay all accounts as they fall due.

Authority to write off Rates and Charges up to \$10,000 and to write off debts to Council up to \$500 in accordance with Clause 131 of the Local Government (General) Regulation 2005.

Policy Authority – Media

To make media statements and issue press releases in respect of Council Resolutions and decisions.

Policy Authority - Staff

Salaries – To authorise the payment of the salaries and wages of the employees of Council within the sums voted by Council expenditure thereon.

LEGISLATION

- Aged Care Act 1977
- Aviation Transport Security Act 2004 (Cth)
- Biosecurity Act 2015
- Biodiversity Conservation Act 2016
- Biodiversity Conservation Regulation 2017
- Boarding Houses Act 2012
- Building Professional Act 2005
- Building Products (Safety) Act 2017

- Cemeteries and Crematoria Act 2013
- Children(Protection & Parental Responsibility) Act 1997
- Civil Aviation Act 1988 (Cth)
- Commons Management Act 1989
- Community Land Development Act 1989
- Community Land Management Act 1989
- Companion Animals Act 1998
- Companion Animals Regulation 2018
- Contaminated Land Management Act 1997
- Conveyancing Act 1919
- Crown Land Management Act 2016
- Crown Land Management Regulation 2018

- Dams Safety Act 2015
- Dams Safety Regulation 2019
- Dangerous Goods (Road and Rail Transport) Act 2008
- Disability Inclusion Act 2014

- Electricity Supply Act 1995
- Environment Planning And Assessment Act 1979
- Environment Planning And Assessment Regulation 2000

- Fines Act 1996
- Fire and Emergency Services Levy Act 2017
- Fisheries Management Act 1994
- Fluoridation Of Public Water Supplies Act 1957
- Food Act 2003

- Game & Feral Animal Control Act 2002
- Gas Supply Act 1996
- Geographical Names Act 1966
- Government Information (Public Access) Act 2009
- Graffiti Control Act 2008
- Growth Centres (Development Corporations) Act 1974

- Heavy Vehicle National Law (NSW) and Heavy Vehicle (Adoption of National Law) Act 2013
- Heritage Act 1977
- Holiday Parks (Long-Term Casual Occupation) Act 2002
- Housing Act 2001

- Impounding Act 1993

- Inclosed Land Protection Act 1901
- Independent Pricing & Regulatory Tribunal Act 1992
- Land & Environment Court Act 1979
- Land Acquisition (Just Terms Compensation) Act 1991
- Library Act 1939
- Library Regulation 2018
- Liquor Act 2007 And Liquor Regulation 2008
- Local Government Act 1993
- Local Government (General) Regulation 2005
- Local Government (Manufactured Home Estates, Caravan Parks, Camping Ground And Moveable Dwellings) Regulation 2005
- Local Government And Other Authorities (Superannuation) Act 1927
- Local Land Services Act 2013
- Major Events Act 2009
- Ombudsman Act 1974
- Passenger Transport (General) Regulation 2017
- Pesticides Act 1999
- Pipelines Act 1967
- Protection of the Environment Operations (Clean Air) Regulation 2010
- Protection of the Environment Operations (Waste) Regulation 2014
- Protection of the Environment Operations Act 1997
- Privacy & Personal Information Protection Act 1998
- Public Health Act 2010
- Public Health Regulation 2012
- Public Interest Disclosures Act 1994
- Public Works and Procurement Act 1912
- Real Property Act 1900
- Residential (Land Lease) Communities Act 2013
- Restricted Premises Act 1943
- Roads Act 1993
- Roads Transport Act 2013
- Road Transport (General) Regulation 2013
- Rural Fires Act 1997
- Rural Fires Regulation 2013
- Service NSW (One Stop Access To Government Services) Act 2013
- State Emergency And Rescue Management Act 1989
- State Emergency Act 1989
- State Environmental Planning Policy (Vegetation in Non Rural Areas) 2017
- State Records Act 1998
- Strata Schemes Development Act 2015
- Strata Schemes Management Act 2015
- Surveying And Spatial Information Act 2002
- Surveillance Devices Act 2007
- Swimming Pools Act 1992
- Swimming Pools Regulation 2018

- Tattoo Parlours Act 2012
- Transport Administration Act 1988
- Trees (Disputes Between Neighbours) Act 2006

- Valuation Of Land Act 1916

- Water Management Act 2000
- Water Management (General) Regulation 2018
- Wilderness Act 1987
- Work Health And Safety Act 2011