

4.6 Delegations of the General Manager

REPORT BY THE GOVERNANCE COORDINATOR
TO 12 JANUARY 2022 EXTRAORDINARY MEETING
GOV400098, GOV400002

RECOMMENDATION

That Council:

1. **receive the report by the Governance Coordinator on the Delegations of the General Manager; and**
2. **review and adopt the instrument of delegations of authority of the General Manager to be dated 12th January 2022.**

Executive summary

Section 380 of the Local Government Act requires that each Council must review all its delegations during the first 12 months of each term of office. This report deals with the Councils review of the General Manager's Delegations (s 377)

The Council in November 2021 amended the General Manager's delegation (*motion 319/21*). The amendments were introduced to limit the potential of disruption of business during the delayed and protracted period of the Councillor Elections. This report recommends maintaining some of those changes to the General Manager's delegations.

Disclosure of Interest

Nil

Detailed report

At the 3rd November 2021 meeting of Council the following motion was adopted;

That Council:

1. ***receive the report by the Governance Coordinator on the Delegation of Authority General Manager / Councillor Election 4 December 2021;***
2. ***suspend the operation of the exclusions listed in Part 4 of the General Manager's Delegations of Authority for the period 5th November 2021 to 12th January 2022; and***
3. ***amend Part 3 limitations of the General Manager's Delegations of Authority increasing emergency expenditure 3.1a from \$100,000 to \$250,000 and 3.2 accepting Council tenders from \$1,000,000 to \$3,000,000 for the period 5th November 2021 to 12th January 2022.***

This report now recommends making a change of the exclusions in the delegations as follows (*the change is identified in red*):

Part 4: Exclusions in this delegation:-

Determination of applications under the Environmental Planning and Assessment Act 1979, and other relevant Acts, which include:

- 4.1 The determination of a development application where a Senior Staff* member of Council or Councillor is the owner or applicant of the subject land (excluding Council owned or managed land).
- 4.2 The determination of a development application where Council is the owner or manager of the land if the development exceeds a construction value of \$150,000 (Change to \$1,000,000)
- 4.3 The determination of a development application for a subdivision creating more than 20 allotments.
- 4.4 The determination of a development application for the erection, alteration and/or additions to buildings exceeding a construction value of \$3,000,000.
- 4.5 To grant consent to a development application requiring a variation of more than 10% to a condition or standard specified in a Council policy, Development Control Plan (DCP) or Local Environment Plan (LEP), without providing 5 working days notification to Council, during which two Councillors request the application to be reported to Council for consideration.
- 4.6 To grant consent to a development which receives 7 or more objections during assessment.
- 4.7 To grant consent to a development application which receives 1-6 objections during assessment; without providing 5 working days notification to Council, during which two Councillors request that the application be reported to Council for consideration.
- 4.8 The determination of a development application which upon the written request of two Councillors is to be reported to Council for consideration.

*Senior Staff s332 Local Government Act 1993 No 30

It is also recommended to maintain the changes made to Part 3 Limitations in this delegation (*the changes are identified in red*):

3. Limitations in this delegation:-

- 3.1
 - a) To authorise any work at a cost not exceeding \$100,000, (change to \$250,000) which in the General Manager's opinion is necessary to respond to an emergency, community safety issue or potential public liability issue. Any such expenditure must be reported immediately to the Mayor and to the next ordinary meeting of the Council.
 - b) To authorise any work at a cost not exceeding \$250,000, which in the General Manager's opinion is necessary to respond to a S44 fire event or a declared natural disaster. Any such expenditure must be reported immediately to the Mayor and to the next ordinary meeting of the Council.
- 3.2 To accept Council tenders with a contract value of up to \$1,000,000 (change to \$3,000,000) or a contract entered into through a prescribed entity tender, where all other tender requirements of section 55 of the Local Government Act 1993 and Part 7 of the Local Government Regulation 2005 are met.

- 3.3 To determine and write-off rates, fees, charges and other debts up to and including \$2,500.00 per annum per debt.

Community Plan implications

Theme	Good Governance
Goal	Strong civic leadership
Strategy	Provide strong representation for the community at Regional, State and Federal levels

Strategic implications

Council Strategies

Not Applicable

Council Policies

Delegations & Authorisations Policy 19 May 2021

Legislation

Local Government Act 1993 Chapter 12 Part 3

Financial implications

The Delegations of Authority Instrument establishes financial limitations of the General Manager.

Associated Risks

Not Applicable

TIM JOHNSTON
GOVERNANCE COORDINATOR

SIMON JONES
DIRECTOR COMMUNITY

21 December 2021

Attachments: 1. delegation-of-authority-for-the-general-manager.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



DELEGATION OF AUTHORITY FOR THE GENERAL MANAGER

*A prosperous
and progressive
community*

ADOPTED		REVIEW DATE	
COUNCIL MEETING MIN NO	319/20	AUGUST 2021	
DATE:	21 OCTOBER 2020	FILE NUMBER	A0230005

1. Pursuant to the powers conferred on Council by Section 377 of the *Local Government Act* 1993, (LG Act) the Council hereby authorises the General Manager to exercise the under mentioned powers, in addition to those powers conferred and imposed upon General Managers by Section 335 of the *LG Act* 1993, the functions of General Manager.
 - 1.1. Council recognises that it cannot delegate those powers, authorities, duties and functions that are required by legislation to be exercised by Council under the LG Act s. 377 (1) (a) to (u); Or requiring a resolution of Council.
 - 1.2. The delegation will remain in force until otherwise revised or revoked by resolution of Council in accordance with the *LG Act 1993* (as amended). Council must review all its delegations during the first 12 months of each term of office *LG Act* s. 380
 - 1.3. Any function that is delegated by the Council may, notwithstanding the delegation, still be exercised by the Council.
 - 1.4. The General Manager will exercise the powers, authorities, duties and functions delegated, in accordance with and subject to the provisions of any legislation and in accordance with relevant policies of Council.
2. The Council delegates to the General Manager the powers, authorities, duties and functions specified in:
 - 2.1 The *Local Government Act 1993* (as amended), subject to s. 377 of the *LG Act*.
 - 2.2 All other Acts and subordinate legislation (as amended) under which Council has powers, authorities, duties and functions, subject to s.381 of the *Local Government Act 1993* (as amended).
3. **Limitations in this delegation:-**
 - 3.1 a) To authorise any work at a cost not exceeding \$100,000, which in the General Manager's opinion is necessary to respond to an emergency, community safety issue or potential public liability issue. Any such expenditure must be reported immediately to the Mayor and to the next ordinary meeting of the Council.
 - 3.1 b) To authorise any work at a cost not exceeding \$250,000, which in the General Manager's opinion is necessary to respond to a S44 fire event or a declared natural disaster. Any such expenditure must be reported immediately to the Mayor and to the next ordinary meeting of the Council.
 - 3.2 To accept Council tenders with a contract value of up to \$1,000,000 or a contract entered into through a prescribed entity tender, where all other tender requirements of section 55 of the *Local Government Act* 1993 and Part 7 of the *Local Government Regulation* 2005 are met.
 - 3.3 To determine and write-off rates, fees, charges and other debts up to and including \$2,500.00 per annum per debt.

21 OCTOBER 2020, DELEGATION OF AUTHORITY FOR THE GENERAL MANAGER

4. Exclusions in this delegation:-

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- 4.1 The determination of a development application where a Senior Staff¹ member of Council or Councillor is the owner or applicant of the subject land (excluding Council owned or managed land).
 - 4.2 The determination of a development application where Council is the owner or manager of the land if the development exceeds a construction value of \$150,000.
 - 4.3 The determination of a development application for a subdivision creating more than 20 allotments.
 - 4.4 The determination of a development application for the erection, alteration and/or additions to buildings exceeding a construction value of \$3,000,000.
 - 4.5 To grant consent to a development application requiring a variation of more than 10% to a condition or standard specified in a Council policy, Development Control Plan (DCP) or Local Environment Plan (LEP), without providing 5 working days notification to Council, during which two Councillors request the application to be reported to Council for consideration.
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¹ Senior Staff s332 Local Government Act 1993 No 30