



DELEGATION OF AUTHORITY

ACTING GENERAL MANAGER

Resolution No:

The General Manager, and in the absence of the General Manager, the Acting General Manager, is delegated authority under Section 377 of the Local Government Act 1993 (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:

- a) Any lawful direction of the Administrator, or Council;
- b) The General Manager is restrained from carrying out any of those functions of Council excluded from delegation by the operation of Section 377(1) of the Act;
- c) The General Manager is entitled to carry out any functions delegated to the Council by the Head of the New South Wales Office of Local Government or the New South Wales Minister for Local Government, subject to any express limitations imposed by the said Head or Minister;
- d) The delegation to the General Manager is limited in accordance with Council's adopted policies in force from time to time;
- e) The General Manager, in accordance with Section 355 of the Act, implementing, without undue delay, lawful decisions of the Council;
- f) 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.

This delegation shall include, but not be limited to, the items listed in the Report to Council on this matter at Agenda Item 8.3 – Council Meeting 19 April 2022 – Delegation of Authority – General Manager, numbered from GMM01 to GMMM8.

A.	Council Meeting and Operations
GMM01	<p>To determine matters which are included in the Business Papers of Council and its Committees, subject to the inclusion of the following items when they arise, namely:</p> <ul style="list-style-type: none"> (i) reports on matters which cannot be determined under delegated authority; (ii) reports required to be submitted under any Act or Regulation; (iii) matters requiring a determination of Policy; (iv) reports directed by the Council to be submitted; (v) matters essential for the Council's information; (vi) matters requested by the Administrator/Mayor.
GMM02	To invite a group or individual to address any Council Committee.
GMM03	To lay information, to make application for search warrants, to make complaints, to initiate and carry on any proceedings and to represent Council in any Court on any matter.
GMM04	To affix the Council's Common Seal to documents provided that an attestation is still provided with each affixation of the Seal by the signatures of at least one (1) member of the Council's staff and the Administrator/Mayor or Deputy Mayor.
GMM05	To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council.
B.	General Administration
GMA01	To approve recommendations of the Consultative Committee.
GMA02	To disclose Council records in line with the Government Information (Public Access) Act 2009 (GIPA Act) Balranald Shire Council Publication Guide in consultation with Council's Public Officer.
GMA03	To enter into Pipeline Agreements with the State Government Authorities or their successor.

GMA04	<p>To exercise the power of entry and to authorise other employees of Council to have that power of entry under:</p> <ul style="list-style-type: none"> (a) The provisions of the Local Government Act, 1993 Section 191, 191A, 192 and 193. (b) The provisions of Section 119E of the Environmental Planning and Assessment Act, 1979. (c) The provisions of Section 28 of the Swimming Pools Act, 1992. (d) The provisions of Section 66 of the Rural Fires Act, 1997 (in line with Service Level Agreement). (e) The provisions of Section 37 of the Food Act, 2003. (f) The provisions of Sections 47 and 72 of the Public Health Act, 1991. (g) The provisions of Section 164 of the Roads Act, 1993. (h) The provisions of Section 42 of the Impounding Act, 1993. (i) The provisions of Sections 111 and 196 of the Protection of the Environment Operations Act, 1997 (j) The provisions of Sections 43, 44 and 50 of the Noxious Weeds Act, 1993. (k) The provisions of the Companion Animals Act, 1998.
GMA05	<p>To exercise the powers of an authorised officer/person and appoint such persons under:</p> <ul style="list-style-type: none"> (a) The Local Government Act, 1993; (b) The Impounding Act, 1993; (c) The Roads Act, 1993; (d) The Food Act, 2003; (e) The provisions of the Protection of the Environment Operations Act, 1997 (f) The Swimming Pools Act, 1992; (g) The Public Health Act, 1991; (h) The Rural Fires Act, 1997 (in line with Service Level Agreement); (i) The Noxious Weeds Act, 1993; (j) The Mines Inspection Act, 1901; (k) The provisions of the Companion Animals Act, 1998; (l) The Environmental Planning and Assessment Act 1979.
GMA06	To give approval to "approved forms" as defined by the Local Government Act, 1993.
GMA07	To issue references under Council letterhead.
GMA08	To authorise and undertake any necessary arrangements for the attendance of practical, technical and professional staff at any relevant course, seminar, congress meeting and conference but such approved attendance must be within budget limitations.
GMA09	To approve annual, sick, long service, special leave and leave without pay for Council employees.
C.	Finance
GMF1	To designate an employee of Council as the responsible accounting officer in accordance with Part 9 of the Local Government (General) Regulation, 2005.

GMF2	<p>To declare each parcel of rateable land in the Balranald Shire Council area to be within one or other of the following categories:-</p> <ul style="list-style-type: none"> • farm land • residential • mining • business
GMF3	To accept payment of rates and charges due and payable by a person in accordance with an agreement made with the person and to write off or reduce interest accrued on rates or charges if the person complies with the agreement.
GMF4	To write off accrued interest on rates or charges payable by a person if the person is unable to pay the accrued interest for reasons beyond the person's control or where payment of the accrued interest would cause that person extreme hardship.
GMF5	To invest money in accordance with Section 625 of the Local Government Act, 1993.
GMF6	To approve reimbursement for shortages in the Cashier's tray up to \$50 in any one case.
GMF7	To approve the submission of tenders, quotations and estimates for private works.
GMF8	To authorise the refund of fees in total or in part in respect of applications either refused by Council or withdrawn by the applicant.
GMF9	To authorise the release of any bond or bank guarantee where the required works or services have been completed in accordance with approvals granted by Council
GMF10	To require the lodgement of a cleaning deposit for the hiring of Council's parks, ovals, sporting facilities or buildings.
GMF11	To prepare and lodge applications for the payment of a Library Subsidy in accordance with Section 13 of the Library Act, 1939.
GMF12	To authorise expenditure of Council for works and services required in accordance with the adopted annual budget of Council up to a maximum of \$250,000.
GMF13	To initiate, negotiate and authorise royalty agreements on Council's behalf with local landholders for the acquisition of resources in the performance of Council's works program.
GMF14	To engage (or dismiss) contractors on an hourly, daily, weekly or monthly basis for works in accordance with Council's Work Program.
GMF15	To authorise the hire of Council's plant and resources for private works at comprehensive hire rates or at suitably negotiated rates.

GMF16	To write off accrued interest on rates and charges payable by a ratepayer who is paying by instalments in accordance with the provisions relating to the annual rate levy, Council's policy.
GMF17	To destroy Council records in accordance with the provisions of the State Records Act 1998 (NSW).
GMF18	To expend Council's maintenance votes in accordance with, and subject to the limits as adopted by Council in the annual budget.
GMF19	To write off Rates and Charges and other debts owed to Council as per its policies as per <i>Section 131 of the Local Government Act 1993 and Section 213 of Local Government Regulations</i> .
GMF20	To sign cheques and authorise EFT payments as signatory and/or counter signatory
GMF21	To certify payment and authorise EFT payments in relation to payroll.
GMF23	To approve the payment of a fixed sum of money in respect of court judgments and Child Support Agency directives applying Council employees.
D.	Roads
GMR1	To close roads and bridges temporarily or impose load limits subject to the provisions of the Roads Act, 1993, for repair or construction when necessary.
GMR2	To approve applications for permission to open streets, subject to the proviso that applications received from private individuals (other than from State and Commonwealth authorities) shall not be approved until the cost of reinstatement has been paid in full.
GMR3	To deal with all matters relating to the alteration or deletion of easements or restrictions as to use pursuant to Section 88 (B) of the Conveyancing Act.
GMR4	To issue approvals for structures on footways pursuant to Sections 125 and 126 of the Roads Act, 1993.
GMR5	To give direction to remove obstructions or encroachments on public road pursuant to Section 107 of the Roads Act, 1993.
GMR6	To approve ramp and gate installations in accordance with Council policy.
GMR7	To approve the movement of stock, machinery or any other materials along or across any Council controlled road or through any built up area of the Shire, subject to any provisions of the Roads Act, 1993.
E.	Town Planning / Building Control
GMPB1	To determine the amount of any bond required to be lodged by developers as security for completion of works.
GMPB2	To exercise Council's power under the Environmental Planning Assessment Act to commence the preparation of a draft Local Environmental Plan and a Draft Development Control Plan.

GMPB3	To issue or serve approvals and orders under the provisions of Chapter 7 of the Local Government Act, 1993 and regulations thereunder including the extension, renewal, modification and revocation of any approval granted.
GMPB4	To implement Regulation 157c of the Construction Safety Act relating to Amusement Devices.
GMPB5	To implement the provisions of the Environmental Restoration and Rehabilitation Trust Act, 1990 as an authorised delegate under such Act.
GMPB6	To consider and determine objections and seek the concurrence of the Director-General of the Division of Local Government in relation to such objections under Section 82 of the Local Government Act, 1993.
GMPB7	To approve the re-location and re-positioning of buildings.
GMPB8	To approve the classification or re-classification of buildings under the provisions of the Local Government (General) Regulations, 2005 and the issue of appropriate certificates and statements.
GMPB9	To approve or refuse the issue of Building Certificates pursuant to the Environmental Planning and Assessment Act, 1979 as amended.
GMPB10	To authorise the service of orders on owners, builders or other persons to correct any breach of any approval or defects in buildings and structures.
GMPB11	To approve unconditionally or subject to conditions or refuse applications received in respect to the construction of fences, advertising signs and street banners.
GMPB12	To approve, subject to the payment of fees fixed by Council from time to time and pursuant to Section 68 of the Local Government Act, 1993 the erection of hoardings on footpaths.
GMPB13	To consider the applications and to issue unconditionally or subject to conditions or refuse applications for the occupation of caravans or other temporary accommodation on building sites.
GMPB14	To grant or refuse the extension/renewal of building approvals issued by Council.
GMPB15	To approve the variation of building lines where such variation is of a minor significance.
GMPB16	To accept or reject certifications submitted under Section 93 of the Local Government Act, 1993.
GMPB17	To approve Development Applications for all developments/classes of buildings where no substantial community objection is registered.
GMPB18	To refuse Development Applications that do not comply with legislation, Council's LEP or DCP.
GMPB19	To authorise, where appropriate, the determination of Land and Environment Court matters by an Assessor of the Court.

GMPB20	To grant a departure from a development standard pursuant to the various Development Control Plans where that provision is available and where such departure is considered to be in accordance with the overall aims and objectives of the relevant plan.
GMPB21	To serve any notices or orders or intention of any notice or order under the provisions of the Local Government Act and Regulations, Environmental Offences and Penalties Act and Regulations, Public Health Act and Regulations, Food Act and Regulations, Protection of the Environment Act, 1997 and regulations.
GMPB22	Pursuant to any delegation from the Director-General of the Department of Health to issue clean up notices under Section 51 of the Food Act, 1989.
GMPB23	Pursuant to any delegation from the Director-General of the Department of Health to serve Orders for Closure under Section 52 of the Food Act, 1989.
GMPB24	To approve or refuse applications for the installation of waste treatment devices and human waste storage facilities under Section 68 of the Local Government Act, 1993.
GMPB25	To issue Undertaker and Mortuary approvals pursuant to Section 68 of the Local Government Act, 1993.
GMPB26	To authorise the carrying out of work by Council pursuant to Section 678 of the Local Government Act, 1993.
GMPB27	To reject applications for approval pursuant to Section 85 of the Local Government Act, 1993.
F.	Bushfire / Emergency Services
GMBE1	To authorise the release of Council plant and other resources to assist firefighting and emergency work.
GMBE2	To authorise the use of Council resources to support the Balranald Local Emergency Management Committee, Balranald Local Emergency Operations Controller or Balranald State Emergency Service Local Controller.
GMBE3	To authorise the use of Council's resources and exercise the powers conferred under Section 36 of the Environmentally Hazardous Chemicals Act, 1985.
GMBE4	To make Council appointments to the Balranald Local Emergency Management Committee pursuant to the State Emergency Rescue and Management Act, 1989.
G.	Impounding / Stock Control/Saleyards
GMI1	To appoint Impounding Officers and authorised persons to impound and/or destroy certain animals and articles pursuant to the Impounding Act, 1993.
GMI2	To implement the provisions of the Companion Animals Act 1999 and regulations and serve any notice for breaches of the subject Act and Regulations.

GMI3	To issue any temporary grazing permits for public roads or for any Council controlled lands in accordance with Council's policy on this matter, or any other appropriate State or Federal legislation or any reasonable conditions of approval as determined by the General Manager.
H.	Miscellaneous Operational Matters
GMMM1	To determine applications for use of public roads for walkathons, charitable collections, motorcar trials, bicycle races and the like where the involvement of the Balranald Local Traffic Committee is not specifically required.
GMMM2	To determine the conditions of use of Council's parks gardens and reserves and other places in accordance with section 632 of the Local Government Act, 1993.
GMMM3	To vary the dates of opening and closing of the Balranald Pool Complex.
GMMM4	To impose and enforce any necessary restrictions to the water supplies of Balranald and Euston.
GMMM5	To issue pavement concessions for aircraft wishing to use the Balranald Aerodrome in accordance with the guidelines issued by the Department of Transport.
GMMM6	In consultation with the Administrator/Mayor the authority to approve or refuse applications for mineral explorations throughout the Shire unconditionally or subject to any appropriate conditions.
GMMM7	To approve the free utilisation of Council plant and equipment to charitable, service, voluntary and community organisations within the Shire in accordance with Council's policy.
GMMM8	To issue NOTAMS advices to the CASA in accordance with appropriate legislative requirements.

This delegation shall remain in force whilst the incumbent is employed with Council or amended by a new delegation.

DELEGATION SUMMARY

Position Title	Acting General Manager
Department	General Manager
Commencement of Delegation	
Review Date	
Incumbent	Kerry Jones

SCHEDULES

SCHEDULE 1

- 1) Local Government Act, 1993 and Regulations.
- 2) Other Acts under which Council has powers, authorities, duties and functions.
- 3) Any other function delegated to the Council by any other person or body provided that such delegation is not contrary to the particular Instrument of Delegation signed or authorised by that person or body.

SCHEDULE 2

- 1) Subject to the provisions of the Local Government Act, 1993 and other legislation relevant to the delegations.
- 2) Council may by resolution direct to the General Manager in the exercise of any function herein delegated.
- 3) Jeff Sowiak shall exercise the functions herein delegated in accordance with and subject to:
 - a) The provisions of the Local Government Act, 1993 as amended.
 - b) All and every policy of the Council adopted by resolution and current at the time of the exercise of the functions herein delegated.
- 4) The authority to use or expend funds from petty cash is limited to transactions involving expenditure of up to \$100.00.
- 5) Other Delegations of Authority as listed in the table below:

Approved on

by resolution 2022/

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Mike Colreavy
Administrator

Acknowledgement and Acceptance

I hereby accept this delegation of functions and the associated authority and accountability

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Kerry Jones
Acting General Manager

Date:

