

POLICY: POWER OF ATTORNEY

DATE ADOPTED: Director Corporate Services & Finance's Report #8.3.5
Ordinary Council Meeting 20 September 2023
Resolution No. ORD2023-269

Director Corporate Services & Finance's Report #8.3.5
Council 22 September 2021
Resolution No. ORD2021-330
Council 20 October 2021
Resolution No.ORD2021-349

Director Corporate Services & Finance's Report #1
Policy 5 December 2012
Council 6 February 2013
Minute Book No. 11477

ORIGINAL ADOPTION: General Manager's Report #4
Council 16 June 2004
Minute Book No. 9252-9253

FILE REFERENCE: 11.00007

OBJECTIVE: To facilitate the execution of certain documents resulting from resolutions of Council. The purpose of the delegation is to reduce delays in the completion of documents by Council particularly where land sales are involved; subdivision developments occur involving land or easement dedication to the Council; loan mortgages; contracts: leases and the like.

Council resolved that:

- (1) The Bathurst Regional Council affix the Council Seal to the Power of Attorney as proposed in the report;
- (2) The General Manager's Delegation of Authority be amended to include the Power of Attorney.
- (3) The Bathurst Regional Council revoke the Power of Attorney issued by the former Bathurst City Council to the General Manager passed by resolution dated 16 April 1997 upon the registration of the Power of Attorney for Bathurst Regional Council.

The Power of Attorney adopted is listed below:

"**THIS POWER OF ATTORNEY** is made the seventeenth day of June Two thousand and four by BATHURST REGIONAL COUNCIL (hereinafter called "the Council") WHEREAS the Council wishes to appoint its General Manager as its Attorney to act for the Council to enable him to execute instruments resulting from resolutions made from time to time by the Council.

NOW THIS POWER OF ATTORNEY WITNESSETH and the Council DOES HEREBY NOMINATE, CONSTITUTE AND APPOINT the General Manager of the Council for the time being and from time to time holding such office to be the Attorney of the Council for and in the name of and on behalf of the Council to sign any document which the Council would be required to sign for the purposes listed in the schedule hereto provided that the General Manager is not and neither is his wife nor child nor other close relative of his personally a party to the document and for the purpose of this Power of Attorney the expression "General Manager" shall mean the person appointed to that position by the Council pursuant to the Local Government Act or the person temporarily acting in that capacity in the absence of the General Manager and the Council does further declare that:

1. This Power of Attorney shall continue in force until notice of the revocation hereof shall have been received by the Attorney
2. The Council will from time to time and at all times ratify and confirm whatever the Attorney lawfully does or causes to be done pursuant to this Power of Attorney
3. No person or body corporate shall be bound to inquire whether any person who has signed any document pursuant to this Power of Attorney is the holder of the position of General Manager.

THE SCHEDULE

- i. Agreement for the sale or purchase of any land or other form of property;
- ii. The transfer of any land;
- iii. The acceptance of the transfer of any land;
- iv. The mortgage or other form of security of or over any property;
- v. Loan Agreement documents;
- vi. The acceptance of any mortgage or other form of security;
- vii. The release of any mortgage or other form of security whether registered or unregistered (including any withdrawal of caveat or vacation of causes, writs and orders);
- viii. Any plan of subdivision of land in which the Council has an interest including plan accepting a dedication of land for any purpose;
- ix. Any instrument creating easements over land or releasing varying or modifying any such easement;
- x. The consent to the subdivision of land which is subject to a mortgage or other form of security in favour of the Council;
- xi. Consent to the grant of any easement and/or covenant affecting land which is the subject of a mortgage or other form of security in favour of the Council;
- xii. The lease of any land or other property;
- xiii. Consent to the assignment of the lease of any property;
- xiv. Surrender of the lease of any property;
- xv. Guarantees and indemnities by the Council;
- xvi. Agreements for the provision of services by the Council;
- xvii. Joint Venture agreements
- xviii. Licences for the use of any property or to permit any activity;
- xix. Deposit of money with any financial institution;
- xx. Granting and accepting options in respect of the acquisition or sale of any property whether real or personal or corporeal or incorporeal;
- xxi. To create or release vary or modify any restriction or covenanting affecting land.

IN WITNESS WHEREOF the Bathurst Regional Council has hereunto affixed its Seal on the seventeenth day of June 2004 hereinbefore written.

**THE COMMON SEAL OF THE BATHURST
REGIONAL COUNCIL**

was hereunto affixed on seventeenth day of June 2004
in pursuance of a resolution of Council passed on sixteenth day of June, 2004

ADMINISTRATOR

ACTING GENERAL MANAGER"

The Power of Attorney will then be appropriately registered with Land and Property Information.