



# DELEGATIONS REGISTER

## **MAYOR**

Pursuant to the Local Government Act and Regulations, and any expressed policy or direction of Council, that Council in accordance with the provisions of Section 377 of the Local Government Act 1993 and every other enabling statutory power, delegates to the person who occupies the position of Mayor, to perform on behalf of Council the following powers, authorities, duties or functions.

### **1. Council Seal**

Authorise the Mayor to be the necessary witness to documents requiring Council's seal.

### **2. Media Relations**

To make media statements or releases on behalf of Council.

### **3. Policy Making**

To exercise in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council.

### **4. Correspondence**

To sign correspondence on behalf of the Council.

### **5. Urgent Works**

To authorise any work which is deemed urgent at a cost not exceeding \$5,000 provided that such expenditure is reported to the council at its next Ordinary Meeting.

### **6. Complaints Against the General Manager**

The Mayor shall have the power to investigate substantive written complaints against the General Manager and shall, if warranted, report to the next Ordinary Meeting of Council.

### **7. Attendance at Conference, Seminars and functions by Councillors**

The Mayor may authorise a Councillor to attend a conference, seminar or function within and outside the Council area. (Conference means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions events, etc, held within Australia, related to the industry of local government - See Policy Manual : Governance - Payment of Expenses and

Provision of Facilities for Councillors).

## **8. Day-to-Day Oversight and Liaison with the General Manager**

The Mayor shall be responsible for the day-to-day oversight and liaison with the General Manager including, but not limited to:

- . approving leave.
- . approving expenses incurred.
- . managing complaints about the General Manager.

## **DEPUTY MAYOR**

### **1. Council Seal**

Authorise the Deputy Mayor to be the necessary witness to documents requiring Council's seal.

### **2. In the absence of the Mayor**

In the absence of the Mayor and subject to compliance with the requirements of the Local Government Act 1993, and any expressed policy or direction of the Council, the Council pursuant to the provisions of Section 377 of the Act, and every other enabling statutory power, delegates to the person who occupies the position of Deputy Mayor to exercise and perform on behalf of the Council the powers, authorities, duties and functions of the Mayor including the powers, authorities, duties and functions which the council has delegated by this Instrument to the Mayor.

## **LOCAL TRAFFIC COMMITTEE**

Pursuant to the delegation of powers from the Transport for New South Wales, the authority for regulation of traffic and traffic control signs on public roads. This authority is limited to the powers, authorities, duties and functions that are specified in the TfNSW Instrument of Delegation to Council, from the TfNSW.

## **AUDIT AND RISK MANAGEMENT COMMITTEE**

The Audit & Risk Management Committee is granted delegated authority by Council to carry out its duties and responsibilities as defined in its charter. The Audit & Risk Management Committee has delegated authority to approve investigations into any matters within its scope of responsibility.

- Resolve any disagreements between management and the auditor regarding financial reporting (subject to confidentiality considerations).
- Pre-approve all auditing and non-audit services
- After due consultation with the General Manager, retain independent counsel, accountants, or others to advise the committee or assist in the conduct of an investigation.

- Meet with Council management, external auditors, or outside counsel, as necessary.
- Bathurst Regional Council acknowledges that professional independence and objectivity are key attributes of an efficient and effective Audit & Risk Management Committee. The Bathurst Regional Council and the General Manager are therefore committed to uphold and guarantee the professional independence and objectivity of the Audit & Risk Management Committee.

## **CENTRAL NSW JOINT ORGANISATION (CNSWJO)**

To authorise CNSWJO to call tenders for the supply of goods and services to Bathurst Regional Council.

## **NSW RURAL FIRE SERVICE**

That Council delegate to the Manager, Chifley Zone, NSW Rural Fire Service the authority to approve payments and expenditure up to \$1,000.

## **GENERAL MANAGER**

The General Manager's powers to act on behalf of Council are given through power of attorney, his/her employment contract and delegations made by Council pursuant to Section 377 of the Local Government Act 1993.

### **Power of Attorney**

Council has appointed its General Manager as its Attorney to act for the Council to execute instruments resulting from resolutions of meetings from time to time by Council.

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 purpose listed in the schedule.

### The Schedule

- Agreement for the sale or purchase of any land or other form of property
- The transfer of any land
- The acceptance of the transfer of any land
- The mortgage or other form of security of or over any property
- Loan Agreement documents
- The acceptance of any mortgage or other form of security
- 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)
- Any plan of subdivision of land in which the Council has an interest including plan accepting a dedication of land for any purpose
- Any instrument creating easements over land or releasing varying or modifying any such easement
- The consent to the subdivision of land which is subject to a mortgage or other form of security in favour of the Council
- 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

- The lease of any land or other property
- Consent to the assignment of the lease of any property
- Surrender of the lease of any property
- Guarantees and indemnities by the Council
- Agreements for the provision of services by the Council
- Joint Venture agreements
- Licences for the use of any property or to permit any activity
- Deposit of money with any financial institution
- Granting and accepting options in respect of the acquisition or sale of any property whether real or personal or corporeal or incorporeal
- To create, release, vary or modify any restriction or covenant affecting land

### **Contracts**

The General Manager, Director Corporate Services & Finance, Director Engineering Services, Director Cultural & Community Services, Director Environmental Planning & Building Services, are employed under contracts that are performance based.

The legislative requirements for Council to have a contract with the General Manager results in delegations being included under schedule B of the contract of employment as well as by resolution under the Local Government Act 1993.

### **Australian Fossil & Mineral Museum (Home of the Somerville Collection)**

Pursuant to an agreement between the Somerville Collection Board of Directors and the Council, the authority to:

- (a) oversee and carry out its day to day management and administration of the Australian Fossil & Mineral Museum
- (b) appoint a Company Secretary on a needs basis for the Somerville Collection, subject to the appointment being ratified at a subsequent meeting of the Somerville Collection Board.

### **Delegation**

Pursuant to the provisions of the Local Government Act 1993, and any expressed policy or direction of Council, that Council in accordance with the provisions of Section 377 of the Local Government Act, 1993 and every other enabling statutory power, delegates to its General Manager authority to exercise and to perform on behalf of the Council, all necessary powers, authorities, duties and functions, including but not limited to:

#### Corporate and Executive Powers

1. To carry on the regular services and operations of the Council within the sums voted by the Council for expenditure thereon and in accordance with any resolution of Council. To control and direct the staff of the Council.
2. To carry on the regular services, functions and operations of the Council in accordance with Local Government Act 1993, and other Legislation, Regulations and or policies of the Council.
3. To authorise any action necessary to comply with any policy or code of Council, any statutory requirements of the Local Government Act or Ordinance or any

other law, rule or regulation affecting Council.

4. To obtain legal advice from Council's Solicitors or Counsel where necessary.
5. To institute, conduct and defend legal proceedings with respect to Council's activities in all Courts, and instruct and engage Council's Solicitors and Counsel where necessary.
6. Be authorised to respond to notices in respect of such applications to the Licensing Court of NSW for Liquor licences for functions.
7. Authorise action to be taken in connection with any complaints or requests received.
8. Provide interpretation, counsel and advice on applicable Statutes, and Council's existing and proposed policies; and on statutory limitations during the deliberative and decision making process and provide to the Mayor, individual Councillors and senior staff, a common source of statutory and policy interpretation.
9. To affix the seal of Council to a document.
10. To prepare and lodge applications for grants provided such action is consistent with Council's Delivery Program and Operational Plan or Council Policy.
11. To authorise any works which is deemed urgent, provided that such expenditure is reported to the Council at its next Ordinary meeting, where funds have not been voted by Council.
12. Control communications internally and externally.
13. Rearrange and reorganise staff in all departments.
14. Sign legal contracts where Council has approved the making of that Contract.
15. Internal and external projection and promotion of Council's mantle of dignity, together with its image of efficiency and effectiveness.
16. To approve/refuse public access to Council books or documents which are required to be produced for any legal proceedings.
17. Be authorised to perform all necessary activities, to serve any notices or orders, undertake inspections, issue or refuse license and permits, to exercise the power of entry, to appoint appropriate staff as an authorised officer, authorised person, authorised Council employee, or impounding officer as the case may be, to exercise the functions of those positions under the relevant acts and associated regulations and to implement the provisions as relating to the operation of Council of the relevant Acts and associated regulations, including but not limited to:
  - Biodiversity Conservation Act 2016
  - Biosecurity Act 2015
  - Boarding Houses Act 2012
  - Building and Development Certifiers Act 2018

- Community Land Development Act 2021
- Companion Animals Act 1998
- Conveyancing Act 1919
- Crown Land Management Act 2016
- Dividing Fences Act 1991
- Environmental Planning and Assessment Act 1979
- Fire and Rescue NSW Act 1989
- Food Act 2003
- Government Information (Public Access) Act 2009
- Health Records & Information Privacy Act 2002
- Heritage Act 1977
- Impounding Act 1993
- Independent Commission Against Corruption Act 1988
- Interpretation Act 1987
- Land Acquisition (Just Terms Compensation) Act 1991
- Library Act 1939
- Local Government Act 1993
- Local Land Services Act 2013
- Motor Vehicle Sports (Public Safety) Act 1985
- Mount Panorama Motor Racing Act 1989
- Native Title (New South Wales) Act 1994
- Ombudsman Act 1974
- Plumbing and Drainage Act 2011
- Privacy and Personal Information Protection Act 1998
- Property and Stock Agents Act 2002
- Protection of Environment Operations Act 1997
- Public Health Act 2010
- Public Interest Disclosures Act 1994
- Real Property Act 1900
- Recreation Vehicles Act 1983
- Road Transport Act 2013
- Roads Act 1993
- Rural Fires Act 1997
- State Emergency and Rescue Management Act 1989
- State Emergency Service Act 1989
- Strata Schemes Development Act 2015
- Swimming Pools Act 1992
- Transport Administration Act 1988
- Unclaimed Money Act 1995
- Waste Avoidance and Resource Recovery Act 2001
- Water Management Act 2000
- Work Health and Safety Act 2011

## Corporate Services/Administration

- 101 To determine the matters which are to be included in the business papers, subject to the inclusion of the following items whenever they arise:
- (a) Reports on matters that cannot be determined under delegated authority;
  - (b) Reports required to be submitted under any Act or Ordinance;
  - (c) Reference to any deputations which the Council has agreed to receive;
  - (d) Matters requiring a determination of Policy;
  - (e) Reports directed by Council to be submitted;
  - (f) Matters essential for the Council's information;
  - (g) Matters requiring a vote;
  - (h) Matters or decisions of a potentially contentious nature, or involving a significant variation of Council's policy or standard practice relating to Development Applications.
- 102 Have charge of the records of Council, except as otherwise specifically provided, and be responsible for the recording, filing and safe keeping of such records.
- 103 Keep accurate, permanent records of all properties purchased, leased or sold by, or in the possession of Council.
- 104 Sign contracts for the sale and purchase price of land where Council has approved the sale or purchase price.
- 105 Authority to terminate any lease or rental agreement on any Council owned property where the terms of the lease have been breached, and accounts fall into arrears.
- 106 Sign all applications addressed to the Registrar General to record the Council as the registered owner of resumed land.
- 107 Authority to establish, maintain, alter or terminate leaseback agreements with employees.
- 108 To approve payment of expenses for elected members.
- 109 Authorise such employees time off for fighting fires within the boundaries of the Council area without loss of pay if properly called out by the Fire Brigade or the Rural Fire Service, where employees of the Council are members of the Voluntary Fire Brigade or Volunteer Rural Fire Service Brigades.
- 110 Review Council's exposure to risk on a continuing basis and effect any changes by way of insurance, retention or transfer to protect Council's interest.
- 111 To determine levels of public liability insurance required in accordance with Council's adopted policy.
- 112 The authority to exercise and perform on behalf of Council, all powers, authorities, duties, functions and matters in relation to Asset Management Initiatives applying to:



- (a) Public roads;
  - (b) Footpaths;
  - (c) Carparks;
  - (d) Parks, reserves, recreational facilities, gardens and cemeteries;
  - (e) Solid Waste Disposal Depot;
  - (f) Council owned and managed public buildings and facilities;
  - (g) Floodplain Management.
- 113 Be authorised to offer a reward for information leading to the conviction of people found vandalising Council property, and further that Council, without exception, takes all legal steps available to it to prosecute people found vandalising Council property.
- 114 Authority to exercise and perform on behalf of Council all functions, powers, authorities, duties and matters contained in Council's asset management program.
- 115 Authority to appoint alcohol and drug testing officers.
- 116 To adopt on behalf of council the Publication Guide required under Section 20 of the Government Information (Public Access) Act 2009.
117. To appoint a representative of Council as the Chairperson to the Local Emergency Management Committee in accordance with Section 28 of the State Emergency and Rescue Management Act 1989.
- 118 To appoint a Disclosures Coordinator for the purpose of the Public Interest Disclosures Act (1994)

### Finance

- 201 To authorise the payment of salaries and wages of the staff of the Council.
- 202 To authorise the purchase of goods, works and services and to obtain tenders for items over \$250,000.
- 203 To keep accounts of the Council and present to audit in accordance with the requirements made by or under the Local Government Act 1993 and regulations.
- 204 Determine the categorisation of each parcel of rateable land in accordance with Section 514 of the Local Government Act 1993.
- 205 Authorise financial transactions (excluding investments) on behalf of Council.
- 206 *This item is intentionally left blank*
- 207 To authorise the investment of surplus Council funds and sign such application and redemption documents as may be required.
- 208 To determine applications for reductions of rental charges for Council facilities in accordance with Council's policy.
- 209 To determine applications for pensioner rate reduction in accordance with the provisions of Section 575 of the Local Government Act 1993.

- 210 To take action at any time for recovery of unpaid rates and any other amounts owing to Council.
- 211 To order restriction or disconnection of premises if excess water accounts are not paid.
- 212 To approve applications for extension of time to pay accounts.
- 213 To lay information, issue summonses, swear statements and affidavits for enforcing default judgements and institute any other legal and approved procedure necessary for the recovery of outstanding amounts and debts owing to the Council.
- 214 To determine assistance to ratepayers experiencing genuine and substantial hardship.
- 215 To allow unpaid rates to accumulate and be paid from the estate of such aged pensioners, where such a request has been made, or from the sale of the house provided that in such cases no Council rate rebate shall be granted.
- 216 To certify that prices and computations on invoices/payments have been checked and are correct, and as far as able to be ascertained, are fair and reasonable and are in accordance with any quotation/contract under which the goods/services were supplied.
- 217 To determine the amount of bond required to be lodged by developers as surety for completion of works under Council's control.
- 218 To write-off rates or debts which are determined not financially viable to recover to a limit in any one case not exceeding \$5,000.
- 219 To authorise goodwill payments for Public Liability/Public Indemnity claims up to \$5,000.
- 220 To sign Section 603 Certificates on behalf of Council.
- 221 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.
- 222 To authorise the disposal of surplus materials and goods.
- 223 To sign as the responsible accounting officer the statement of financial position with respect to Budget Review Statements in accordance with the Regulation.
- 224 To authorise Council participation in tenders called by CNSWJO on behalf of the participating councils.
- 225 To authorise the purchase of goods, works and services from Local Government Procurement in accordance with funds voted by Council and Council's Purchasing Manual.
- 226 To sign certificates under Section 54 of the Local Government Act 1993 in relation to the classification of public land.

## Engineering

- 301 To organise and allocate the priority of all construction and maintenance works, subject to any direction of the Council.
- 302 To determine applications for the use of (approve subject to conditions, or refuse) public roads for :
- (a) walk-a-thons, motor car trials, charitable collections or other like events;
  - (b) recruiting or similar purposes or for public health or other purposes on behalf of the Army, Navy or Air Force or other organisations to utilise part of a road or land owned by or under the control of the Council.
- 303 Be authorised to issue permits for holding of street stalls, processions on roads; holding of meetings in public places; and use of roads during building operations and standing of vehicles in restricted parking areas for any specific purposes and any other Act regulating functions under the control of the Council.
- 304 To provide temporary grandstands at Carrington Park for crowds anticipated to be in excess of 5,000 people, funded from Carrington Park Vote, subject to the provision of substantiated material by the promoters.
- 305 (i) To sign and issue approval of designs for subdivision plans and construction certificates.
- (ii) To sign survey requests/amendments to the Land Titles Office.
- (iii) To sign property identification reports.
- (iv) To sign survey plans.
- 306 To order the removal of obstructions placed illegally on road reserves, footpaths and public places.
- 307 To close the Ben Chifley Dam to specified users.
- 308 To close roads, or parts thereof, temporarily for repairs or construction.
- 309 To issue/refuse compliance and construction certificates in relation to subdivisions and engineering works.
- 310 Determine the extent and design of works associated with subdivisions and other development applications in accordance with Council Policies and Codes and to determine whether such works have been completed to a satisfactory standard.
- 311 To write to affected landowners seeking an indication on whether they wish the construction of concrete footpaving to be done, upon receipt of such requests for such work and then arrange a report to Council.
- 312 Grant approval for helicopter touchdowns on Public Reserves in a manner and at a time under such conditions as may be appropriate.

- 313 Authorise the private planting of trees and /or shrubs on footpaths.
- 314 To sign permits authorising maintenance or removal of trees under Council's Tree Preservation Policy and Council's Tree Preservation Order.
- 315 To remove dangerous trees on public works' construction sites under the control of the Council, where such removal is necessary, to allow work to proceed immediately.
- 316 To carry out private works and authorise the hire of Council plant subject to satisfactory arrangements being made for the payment of such works.
- 317 (i) To purchase new light vehicles and dispose of existing vehicles where the standard of the vehicle remains the same;
- (ii) To have the discretion to dispose of vehicles at other than 50,000km;
- (iii) Obtain trade prices when replacing vehicles; and
- (iv) To have the discretion to dispose of vehicle by either auction or trade-in.
- 318 To authorise the release of Council plant and other resources to assist fire fighting, emergency work, and assist the Local Emergency Management Committee in emergency work.
- 319 (i) To hire Council plant and equipment or to make it available to community groups in accordance with Council's Section 356 policy.
- (ii) To approve annual, standard parking and camping requests that occur each year from the Bathurst AH&P Association Inc.
- 320 Authorise the carrying out of water supply extensions up to 225m per tenement.
- 321 Authorise the carrying out of sewer extensions up to 75 m per tenement.
- 322 To determine the conditions of use of parks, gardens, reserves and other public places under Council's control.
- 323 To enter into Pipeline Agreements with the Rail Infrastructure Corporation.
- 324 To implement water restrictions in accordance with Council policy.

#### Planning & Development

- 401 To determine Development Applications, Complying Development Certificates, and Construction Certificates.
- 402 To determine the fast tracking of Development Applications.
- 403 To issue or refuse to issue compliance, construction, subdivision and occupation certificates under Part 6.
- 404 To defend appeals against failure or refusal to issue Part 6 certificates.

- 405 To give notice of intention to serve orders and issue orders, and modify or revoke orders pursuant to the Local Government Act, Environmental Planning and Assessment Act, Food Act, Companion Animals Act.
- 406 To review determinations of development applications made by other staff under delegated authority.
- 407 To issue or refuse to issue a complying development certificate.
- 408 To modify or refuse to modify a complying development certificate.
- 409 To vary or extend the lapsing period of a consent in accordance with Sections 4.53 and 4.54.
- 410 To approve or refuse applications to modify development consents, being consents originally determined under delegated authority.
- 411 To defend appeals made pursuant to Part 8 of the Environmental, Planning & Assessment Act (EP&A).
- 412 To refer for comment Development Applications within the Conservation Areas to the National Trust, where deemed appropriate.
- 413 That Council delegate to the General Manager the powers, authorities, duties and functions delegated to Council by "Instrument of Delegation" dated 9 August 1995 by the Director General of the Department of Local Government, pursuant to Section 745 of the Local Government Act 1993, as amended in respect to Section 82(3) of that Act in relation to modification of the provisions of Clauses 51 or 52 of the Local Government (General) Regulation 2021.
- 414 To ensure that premises used for the preparation, storage and/or sale of food are maintained.
- 415 To commence legal proceedings pursuant to the Environmental Planning and Assessment Act 1979, the Local Government Act 1993 and the Protection of the Environment Operations Act 1997.
- 416 *This item is intentionally left blank.*
- 417 To approve of a flue terminating at a location not complying with the provisions of the policy if satisfied that compliance with the policy is not practicable, and that the proposed alternative is satisfactory.
- 418 Sign applications on behalf of Council as applicant and/or owner for works previously approved by Council to be undertaken by Council or on Council's behalf.
- 419 To sign Section 10.7 and Division 6.26 certificates.
- 420 To sign and issue certificates under clause 735A of the Local Government Act 1993, and Clause 41 of Schedule 5 of the Environmental Planning and Assessment Act 1979, as amended.
- 421 To exercise all of the powers of Council in respect of:

- (a) Applications for all those matters listed in Part A of the Table contained in Section 68 of the Local Government Act 1993.
  - (b) The variation of building lines made under Council's Approvals Policy.
  - (c) The variation of Restrictive Covenants created pursuant to Section 88B of the Conveyancing Act 1919, as amended, provided that the subject of the variation complies with the relevant planning instrument.
  - (d) Applications for those matters contained in Items 5 and 6 of Part B of the table contained in Section 68 of the Local Government Act 1993.
  - (e) Applications for all those matters listed in Part C of the table contained in Section 68 of the Local Government Act 1993.
  - (f) Applications for those matters contained in Items 3, 4, 5 and 6 of Part D of the table contained in Section 68 of the Local Government Act 1993.
  - (g) Applications for all those matters listed in Part E of the table contained in Section 68 of the Local Government Act 1993.
  - (h) Applications for all those matters listed in Part F of the table contained in Section 68 of the Local Government Act 1993.
- 422 Determine applications for the creation of temporary construction zones on public roads restricting public parking in such zones.
- 423 To take any action considered necessary under the Mount Panorama Operations Policy.
- 424 To administer the policy in relation to advertising on light standards.
- 425 To exercise the local plan-making authority and planning proposal authority of the Council under Part 3 of the EPA Act 1979, to:
- (a) Prepare and exhibit a planning proposal
  - (b) Exercise any delegation conferred upon him/her from time to time by the Director-General of the Department of Planning Industry and Environment under the Act.
- 426 To prepare a draft Development Control Plan in accordance with Section 72 of the Environmental Planning & Assessment Act 1979 and in accordance with the appropriate Regulations, but not including Clause 24(1) of the Regulations, and exhibit, but not to adopt or amend, Town Planning Codes, Guidelines and Policies.
- 427 Development Applications
- (a) To make any decision or to take any actions required of or open to Council to take in accordance with Part IV "Environmental Planning Control" of the Environmental Planning and Assessment Act 1979 as amended, but not including the power:
    - (1) To determine any Development Application in respect of a designated development as defined in Section 4;

- (2) To determine any Development Application in relation to which a negative submission has been received and where the matters raised in that submission have not been resolved; or,
  - (3) To revoke or modify a Development Consent (not being at the applicant's request) in accordance with Section 103;
- (b) To call meetings of the Departmental Discussion Forum in relation to any Development Application or Compliance Certificate.
  - (c) To call meetings of the Council Discussion Forum in relation to any Development Application or Compliance Certificate.
- 428 To assume the concurrence of the Director General of the Department of Planning for variations of development standards in accordance with State Environmental Planning Policy 1 and Department of Environment and Planning Circular 117.
- 429 To authorise the release of subdivision certificates by signing the required documents, where the Council Seal or Power of Attorney is not required.
- 430 To refund unexpended Development Application fees on actual costs basis.
- 431 To commission an independent structural assessment of a building for which a Development Application has been made for demolition where, in assessing the development, the building is found to be of heritage significance.
- 432 To authorise the refund of fees in total or in part in respect of applications either refused by Council or withdrawn by the applicant under the provisions of Section 88 of the Local Government Act 1993.
- 433 To carry out rabbit eradication on roadsides in conjunction with the Local Land Services.
- 434 To impound stock pursuant to Section 2 of the Act.
- 435 To implement the delegations from the NSW Heritage Office in respect of issuing approvals under Section 60 of the Heritage Act 1977 and the making of orders.
- 436 Pursuant to Section 381(3) of the Local Government Act 1993 approve the NSW Food Authority's delegation to the General Manager to provide written approval for dispensations and alternative methods of compliance in regard to the Food Standards Code's Standard 3.2.2 (clauses 15 and 17) and Standard 3.2.3 (clauses 10 and 14).
- 437 Pursuant to Section 109E(3) of the Food Act 2003, and conditional upon approval from the NSW Food Authority approve the General Manager to sub-delegate the power to provide written approvals for dispensations and alternative methods of compliance in regard to the Food Standards Code's Standard 3.2.2 (clause 15 and 17) and standard 3.2.3 (clauses 10 and 14) to the Director Environmental, Planning and Building Services.
- 438 Authority to make recommendations in relation to applications for accreditation of Council building surveyors under the Building Professionals Act 2005.

- 439 To undertake the powers, authorities, duties and functions delegated to Council by "Instrument of Delegation" dated 8 November 2012 by the Acting Commissioner for Fair Trading pursuant to Section 21 of the Plumbing and Drainage Act 2011.
- (a) to monitor compliance with the Plumbing and Drainage Act (s19(a))
  - (b) to ensure that any plumbing and drainage work carried out does not threaten public health or safety (s19(b))
  - (c) to undertake any other functions conferred or imposed on the plumbing regulator by the Plumbing and Drainage Act (s19(c)) other than:
    - receiving notices of work and other documentation required to be submitted to the plumbing regulator concerning proposed alternative solutions (s9(3) of the Plumbing and Drainage Act and Clause 10 of the Plumbing and Drainage Regulation)
    - authorising fittings for use in plumbing and drainage work (s20)
    - initiating criminal proceedings as provided for in Part 5 of the Plumbing and Drainage Act.
- 440 To undertake the following plan-making functions delegated by the Minister
- (a) to make – and determine not to make – an LEP under section 59(2), and (3) of the EP&A Act
  - (b) to defer inclusion of certain matters in an LEP under section 59(3) and
  - (c) to identify which matters must be considered and which stages of the plan-making process must be carried out again prior to resubmission (section 59(4)) if the council defers the proposal or if a matter is deferred from the LEP
- 441 to enter into agreements with members of the public for certification works as defined under the Building Professionals Act 2005.
- 442 to transfer properties between categories of notification of land on a Section 10.7 Certificate as outlined in the Bathurst Regional Council Contaminated Land Policy in accordance with the outcomes of appropriate geotechnical investigations.
- 443 That Council delegate to the General Manager the powers, authorities, duties and functions delegated to Council by "Instrument of Delegation" dated 14 February 2019 by the Chief Executive of Roads and Maritime Services pursuant to Section 125 (3) of the Roads Act 1993 in relation to the approval of Footway Restaurants.



# Introduction and Protocols – Delegations Instrument

## Introduction

Pursuant to Section 377 of the Local Government Act Council, in performing its functions can either exercise these directly or by delegation to other groups. As part of the overall running of the Council, Council delegates a number of tasks to the General Manager to ensure the efficient day to day management of Council.

Additionally, in accordance with Section 378 of the Act the General Manager may delegate any of the functions of the General Manager, other than this power of delegation.

## When are revisions required?

Section 380 of the Local Government Act states that the Register of Delegations is required to be reviewed during the first 12 months of each term of office. Additionally, it is Council policy that a review of delegations occurs every 12 months. However, there will be times when the delegations register will require revision. These are listed as follows:

- When the powers granted to the General Manager are changed for any reason; such as
  - By resolution of Council, or
  - Amendment to an Act of Parliament;
- When the General Manager determines that a new delegation needs to be made or an existing delegation amended;
- When a staff member with delegations resigns and someone new is appointed to the position. Note name change only;
- When a position or (department) undergoes a name change, or has its responsibilities revised.

## Responsibility for making revisions

- The General Manager is the only person who can authorise a revision of a delegation;
- Any changed delegation must be in writing and under the General Manager's signature;
- The responsibility for amending delegations in the circumstances indicated are as follows:

**Circumstance****Responsible person**

When the powers granted to the General Manager is changed for any reason.

Director Corporate Services & Finance

When the General Manager determines that a new delegation needs to be made or an existing delegation amended.

Director Corporate Services & Finance

When a staff member with delegations resigns and someone new is recruited. Note name only.

Director Corporate Services & Finance

When a position or department undergoes a name change or has its responsibilities revised.

Director (relevant department)

**Process for Revising a Delegation**

- A delegation can only be changed when the General Manager signs the Instrument of Delegation.

The Schedule of Delegation should be prepared in the following format:

Act/Reference	Function	Authority/Limitation
The Act which empowers the General Manager	Brief description of the power, duty or authority being delegated	Details of the authority and any limitations on this authority that need to be spelt out.

Once authorised by the General Manager, the Manager Corporate Governance will then:

1. Log the instrument and the delegation into the physical Register of Delegations.
2. Issue the revised approved delegation in accordance with the distribution list.

**Changing People or Positions**

When a person or position name changes, but there are no changes in the delegated responsibilities, the General Manager or Director's signature on the letter of appointment is sufficient to trigger the change.

When the delegated responsibilities change with the person or position, it is the responsibility of the Director to ensure that the process of revising a delegation is adhered to and that the Manager Corporate Governance is advised to amend the control delegation register and issue an update.

**Correspondence**

- Any officer given authorised delegation to sign correspondence must forward a copy to the file.
- Standard letters must be in the manual of standard procedures.