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**Register of delegations**

**Adopted**  
15 January 2008

**Revised**  
12 March 2008  
1 April 2008  
2 May 2008  
11 June 2008  
12 August 2008  
15 April 2009  
29 September 2009  
28 January 2010  
22 November 2010  
4 September 2013  
17 December 2014  
28 September 2016
Introduction

In accordance with Section 377 of the Local Government Act 1993, the Council at its meeting of 29 September 2009 granted the delegations as set out in the Register of Delegations to the General Manager, the Mayor and Committees.

The General Manager has delegated those matters set out in the document “Delegations to staff”.

This Register of Delegations is to be read in conjunction with Council’s Policies and Procedures as well as relevant Acts and Regulations.

The register of delegations is in two parts:

- Part 1 - Delegations of Council, the Mayor, Committees and General Manager.
- Part 2 - Delegations to staff and purchasing delegations.

These documents are available to view on Council’s website and intranet and are version controlled in Council’s Electronic Data Management System – TRIM.

Position titles

The positions listed reflect the job performed rather than the individual person, and include any staff acting in the listed position.

Changes/revisions

The Register of Delegations is to be reviewed quarterly and reported in line with Council Integrated Planning and Report (IPR) framework, particularly the Operational Plan.

Changes to delegations to staff and purchasing delegations can only be made through the IPR process, a formal request to the General Manager or triggered by legislative/statutory changes.

Any changes to the position titles are to be approved by the General Manager so that the establishment list and position descriptions match the delegated position.

Requests for changes are to be in writing and can be sent via email.
Council

General power of the Council to delegate

In accordance with Section 377 of the *Local Government Act 1993* the Council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of the Council) any of the functions of the Council except those noted in Section 377:

- the appointment of a General Manager;
- the making of a rate;
- a determination under Section 549 as to the levying of a rate;
- the making of a charge;
- the fixing of a fee;
- the borrowing of money;
- the voting of money for expenditure on its works, services or operations;
- the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment);
- the adoption of a operational plan (under Section 405);
- the adoption of a financial statement included in an annual financial report;
- a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6;
- the fixing of an amount or rate for the carrying out by the Council of work on private land;
- the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the Council for the carrying out of any such work;
- the review of a determination made by the Council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under Section 82A of the *Environmental Planning and Assessment Act 1979*;
- the power of the Council to authorise the use of reasonable force for the purpose of gaining entry to premises under Section 194;
- a decision under Section 356 to contribute money or otherwise grant financial assistance to persons;
- the making of an application, or the giving of a notice, to the Governor or Minister this power of delegation;
- any function under this or any other Act that is expressly required to be exercised by resolution of the Council.

A Council may, by resolution, sub-delegate to the General Manager or any other person or body (not including another employee of the council) any function delegated to the council by the Chief Executive except as provided by the instrument of delegation to the council.

Terms of delegation

The authorities so delegated continue and the General Manager shall continue to exercise such powers and authorities, until the Council shall otherwise direct, provided such delegations shall be reviewed annually.

Delegations will remain in force until the review is completed and revised delegations are adopted by a resolution of Council.
Appeal against the exercise of authority under delegation

It is a condition to be extended by all persons to whom the foregoing powers are delegated, that all appeals by persons and applicants against the exercise of these powers must be submitted to the General Manager for review and to Council for final determination if necessary.

Authority to delegate

The General Manager may delegate any of the powers or authority given to the officer by the Act or Regulations or Council resolution except the power to delegate
The Mayor

General
The term of office for a Mayor elected by councillors is two years as per Section 230(1) of the Local Government Act 1993. All councillors, including mayors, are required to take an oath or affirmation of office as per Section 230(1) of the Act. The role of the Mayor in relation to this register of delegations is to deal, in cases of emergency, with any matter not precluded by Section 377 of the Local Government Act 1993 and not being otherwise delegated or development/building applications.

Tenders - Security/Safety
To authorise the invitation of tenders for urgent works involving security and/or public safety which have not been provided for in the adopted budget. As of 1 October 2016, Council may delegate to the General Manager the function of accepting tenders for services, where those services are not currently provided by council staff.

Maintenance and/or Repair of Council's Property
To authorise urgent work by way of maintenance and/or repair to Council's property subject to expenditure less than $100,000 for any one work and which has not been provided for in the adopted budget.

Urgent Works
To authorise expenditure up to $15,000 on urgent work subject to such expenditure in any one year not exceeding $50,000, which has not been provided for in the adopted budget.

The term “urgent” herein refers to matters requiring immediate attention of the Mayor and decision making due to situational factors that may have occurred. Council will continue to report all urgent matters according to its statutory obligations but will also give delegation to the Mayor to act on behalf of Council in the event of:

- Natural disasters or events effecting the implementation of Council’s Business Continuity Plan (BCP)
- Significant public liability issues
- Work Health and Safety of elected officials, or
- Incidents involving Council owned or operated property

Appeals to the Land and Environment Court - Briefing of Counsel
To authorise the briefing of counsel in appeals to the Land and Environment Court in conjunction with the General Manager.
Major Developments - Public Meetings
(In consultation with General Manager or Director of Planning and Environment).
Call public meetings to discuss development proposals that are considered to be of a magnitude which would affect a particular part of, or the whole of the area in order that residents, ratepayers and all interested parties have the opportunity to fully discuss and express their views to Council before any decision is entered into.

Traffic Committee and Council’s Vote
To vote on behalf of Council on the Bega Valley Traffic Committee on urgent traffic issues arising in the December/January seasonal break.

Delegation dealt with by Mayor to be reported to Council
All matters dealt with under delegation to the Mayor shall be reported to the next available meeting of the Council.

Standing Committees
Planning and Environment (Sustainability)
At its meeting of 29 September 2009 Council resolved to delegate the following of its functions and powers to the Standing Committee named therein and the Committee has the power and authority to determine the following matters after the presentation of a report to the Committee to:

a. Consider and recommend outcomes regarding development applications to the Council;
b. Consider and recommend the adoption of Development Control Plans, planning guidelines and policies;
c. Review from time to time Council’s Local Environmental Plan and to consider and make recommendations in relation to amendments to it;
d. Assist the Council in the formulation of its strategic land use plans and in this context consider the broad social, economic and financial needs of the shire without unduly impacting on work done in conjunction with other committees in relation to the ongoing strategic corporate planning of the shire;
e. Consider and make recommendations in relation to plans of management for Council reserves and other areas under its care and control;
f. Consider draft Local Environmental Plans, Development Control Plans and Plans of Management;
g. Consider policies and guidelines for relevant environmental, health and building matters;
h. Consider and recommend policies for Council’s pollution control functions having particular regard to its obligations under the Pollution of the Environment legislation;
Governance and Strategy (Leading Organisation)

a. Consider all risk management and insurance matters;
b. Facilitate communications between the Council and the community and to generally improve the process wherever possible;
c. Identify and investigate areas where internal and external practices could be enhanced and improved for the mutual benefit of the Council and the community;
d. Consider matters relating to the Council’s organisational structure and all appropriate matters arising from the employment of Council’s staff including contracts of employment and appropriate performance appraisals and review;
e. Consider and review the Council’s Code of Conduct, Code of Meeting Practice and other codes and policies not addressed by other Standing Committees of the Council;
f. Liaise with the community relating to civic events and celebrations;
g. Consider and recommend recipients of awards for honorary and voluntary civic service;
h. Consider the structure of the external community committees established by the Council from time to time;
i. Consider all appropriate proposals relating to administrative issues.

Finance (Leading Organisation)

The objective of the Finance Standing Committee is to support the efficient and effective financial management of the organisation. The Finance Standing Committee shall consider, review, prioritise and resolve:

a. Council’s Annual Operating Budget;
b. Council’s Revenue Policy (including rates, fees and charges);
c. Council’s Quarterly Budget Review Statements;
d. Reports on Council’s investments;
e. Year-end financial reporting including audit;
f. Community Strategic Plan related financial reporting;
g. Investments and loan programs and policies;
h. Council’s Long Term Financial Plan.

Economic Development and Business Growth (Enterprising)

a. Consider and review the Council’s Community Strategic Plan (CSP);
b. Consider and review the annual budget, loan program and where appropriate, submissions for external funding;
c. Consider and recommend the schedule of fees and charges having regard to the principles of cost recovery, revenue generation and the users’ capacity to pay.
d. Consider and recommend financial policies;
e. Where appropriate, consider and make recommendations relating to the implementation of any major technical aid for management.

Transport and Utilities (Accessibility)

a. Consider and prioritise capital works on an annual basis, with particular emphasis on the ensuing year’s program;
b. Consider all Transport and Utilities issues, particularly changes to service levels;
c. Consider and recommend works policies;
d. Develop strategic direction for all waste management issues, particularly new initiatives in waste minimisation and recycling practices;
e. Develop strategic direction for the management of the development of water and sewerage systems business plans;
f. Consider and review Section 94 and Section 64 charges and policy;
g. Consider and investigate the provision of on- and off-street car parking;
h. Consider and formulate policy in relation to streetscapes, including tree planting programs and other beautification/amenity issues.

Community, Relations and Leisure (Liveability)

a. Consider all matters relating to the health and wellbeing of the citizens of the Bega Valley Shire;
b. Initiate, consider and review the provision of all health, welfare and community services, programs and facilities provided by Council;
c. Consider and review the management of all leisure and recreation facilities and services and their delivery;
d. Consider and review the management of all library, gallery and cultural services and their delivery;
e. Consider, initiate and evaluate programs provided for:
   i. Children;
   ii. Young People;
   iii. People with a disability;
   iv. Aged; and
   v. Disadvantaged demographic groups in the Shire;
f. Consider all appropriate proposals relating to economic development and education.

Public Exhibition

All Standing Committees

To determine to place any proposal on public exhibition for the purposes of involving the community prior to any final determination by the Council except in circumstances where there is a statutory duty for the Council itself to take such a decision.
## Section 355 Committees

### Delegations of Authority

At its meeting of 29 September 2009, and subsequently in 2012, 2013 and 2014, Council resolved to delegate the following of its functions and powers to the Section 355 Committees named therein and that Committee has the power and authority to determine the following matters after the presentation of a report to the Committee to:

<table>
<thead>
<tr>
<th>Title</th>
<th>Details</th>
<th>Position (Delegates)</th>
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</table>
| **Adopted 29 September 2009** | 1. Any aspect of cemetery management or operation.  
2. Asset development plans for cemeteries.  
3. Cemetery fees and charges.  
4. Financial allocations to individual cemeteries from Council or other funding sources. | General Cemeteries Committee |
| **Adopted 29 September 2009** | Within the scope of its Terms of Reference:  
1. Seek any information it requires from Council staff and external sources.  
2. Obtain whatever advice it requires, including advice from external sources (including legal advice).  
3. Request the attendance of Council officers and other appropriate persons at committee meetings. | Internal Audit Committee |
| **Adopted by Council 2012 Review of Committee Structure** | The delegated functions of the General Cemetery Committee are to:  
1. Make recommendations to Council on any aspect of cemetery management or operation, including policy, procedures and guidelines  
2. Recommend to Council asset development plans for cemeteries,  
3. Recommend to Council cemetery fees and charges,  
4. Recommend financial allocations to individual cemeteries from Council or other funding sources  
Council delegates to each individual Cemetery Committee the following functions and authorities:  
1. General care, maintenance and appearance of the cemetery  
2. Financial delegations for incidental purchases of up to $100.00  
3. Authorisation of essential emergency repairs where Council’s after hours assistance line is unable to | $355 General Cemetery Committee  
Individual Cemetery Community Committee's |
## Title  
coordinate emergency repairs

### 4. Nomination of a representative and alternate on the s355 General Cemetery Committee

### 5. Opportunity to engage in the development of a management plan for the cemetery

<table>
<thead>
<tr>
<th>Title</th>
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<tbody>
<tr>
<td><strong>Title</strong></td>
<td><strong>Details</strong></td>
</tr>
<tr>
<td>The roles and responsibilities of the General Halls and Buildings Committee as delegated by resolution of Council are to:</td>
<td>S355 General Halls and Buildings Committee</td>
</tr>
<tr>
<td>1. Make recommendations to Council on any aspect of hall and building management and/or hall and building committee operations</td>
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</tr>
<tr>
<td>2. Make recommendations to Council on appropriate fees and charges structures for halls and buildings</td>
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<tr>
<td>3. Advise Council of the membership of individual hall and building community committees</td>
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<tr>
<td>4. Recommend financial allocations for individual halls and buildings from Council funds and/or funds from other sources, and</td>
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<tr>
<td>5. Establish working groups or special task groups where required and report back to the committee.</td>
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<tbody>
<tr>
<td>The roles and responsibilities of the Individual Hall (Community) Committees as delegated by resolution of Council are:</td>
<td>Individual Hall and Building Community Committees</td>
</tr>
<tr>
<td>1. The general care and maintenance of the facility in line with Facility Management Plans,</td>
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<tr>
<td>2. The management of bookings for the broader community’s use of the facility,</td>
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<tr>
<td>3. The implementation of the hall Facility Budgets (operational, maintenance and capital development budgets) with assistance from Council, where required as outlined in the Facility Management Plans,</td>
<td></td>
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<tr>
<td>4. Financial delegations of up to $5,000.00 for activities endorsed in the Facility Budget where funds are available and do not negatively impact the hall operational budget requirements,</td>
<td></td>
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<tr>
<td>5. Financial delegations for incidental purchases of up to $100.00.</td>
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<tr>
<td>6. Authorisation of essential emergency repairs where Council’s after hours assistance line is unable to coordinate emergency repairs, and</td>
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<tr>
<td>7. Nomination of a representative and an alternate for</td>
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<tr>
<td>appointment by resolution of Council to the Section 355 General Hall and Building Committee.</td>
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</tbody>
</table>
| The roles and responsibilities of the General Sportsground Committee as delegated by resolution of Council are to: | 1. Make recommendations to Council on any aspect of sportsground management and/or sportsground operations  
2. Make recommendations to Council on appropriate fees and charges structures for sportsgrounds  
3. Advise Council of the membership of individual sportsground community committees  
4. Recommend financial allocations for individual sportsgrounds from Council funds and/or funds from other sources, and  
5. Establish working groups or special task groups where required and report back to the committee. | S355 General Sportsground Committee      |
| The roles and responsibilities of the Individual Sportsground (Community) Committees as delegated by resolution of Council are: | 1. The general care and maintenance of the facility as identified in Sportsground Facility Management Plans;  
2. The management of bookings for the broader community’s use of the facility as identified in the Sportsgrounds Facility Management Plans;  
3. The implementation of the sportsground facility budgets (operational, maintenance and capital) with assistance from Council, where required;  
4. Financial delegations of up to $5,000 by following the procurement policies of Council for activities identified in the Sportsground Facility Management Plans where funds are available and do not negatively impact the sportsground operational budget requirements;  
5. Financial delegations for incidental purchases of up to $100;  
6. Authorisation of essential emergency repairs to maintain operation and use of the facility where Council’s after hours assistance line is unable to coordinate emergency repairs;  
7. Nomination of representative/s as identified in the Sportsground Committee Guidelines for appointment to the Section 355 General Sportsground Committee;  
8. Make recommendations related to their individual sportsgrounds via their S355 Sportsground Committee | Individual Sportsground (Community) Committees |
<table>
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<tr>
<th>Title</th>
<th>Details</th>
<th>Position (Delegates)</th>
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<tr>
<td></td>
<td>9. Provide information to Council relating to the use and management of facilities for review and comparison to be used in developing improvements and efficiencies where practical and achievable.</td>
<td>Individual community asset management committees</td>
</tr>
<tr>
<td></td>
<td>In relation to non-sportground community assets, Council appoints members of the community to various committees which have the following roles and responsibilities:</td>
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<tr>
<td></td>
<td>1. The general care and maintenance of the facility as identified in Facility Management Plans;</td>
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<td></td>
<td>2. The management of bookings for the broader community’s use of the facility as identified in the Facility Management Plans;</td>
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<tr>
<td></td>
<td>3. Financial delegations for incidental purchases of up to $100;</td>
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<tr>
<td></td>
<td>4. Provide information to Council relating to the use and management of facilities for review and comparison to be used in developing improvements and efficiencies where practical and achievable.</td>
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<td>The roles and responsibilities of the Access Advisory Committee as delegated by resolution of Council on 30 July 2014 are to:</td>
<td>S355 Access Advisory Committee</td>
</tr>
<tr>
<td></td>
<td>1. Consider, discuss and provide advice on specific issues relating to access to Bega Valley Shire Council assets and services</td>
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<td></td>
<td>2. Assist in the development of Council’s Disability Inclusion Action Plan</td>
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<td>3. Provide consultation on relevant Development Applications</td>
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<td>4. Provide input to the development and review of relevant policies, procedures and processes</td>
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<td></td>
<td>5. Discuss and provide advice on issues of access relating to Council services and facilities</td>
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<td>The roles and responsibilities of the Bega Valley Shire Community Service Medallion Committee as delegated by resolution of Council on 20 July 2016 are to:</td>
<td>S355 Bega Valley Shire Community Service Medallion Committee</td>
</tr>
<tr>
<td></td>
<td>1. Assist Council in acknowledging and rewarding the outstanding work of volunteers across the shire.</td>
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<td>2. Act in an advisory manner to discuss, consider and advise on nominations received for the award.</td>
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<td>3. Provide input to Council on advertising of nominations for recipients.</td>
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<td>4. Review nominations received by the Council.</td>
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<td>5. Participate in the presentation of medallions to recipients of the award.</td>
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<tr>
<td>Title</td>
<td>Details</td>
<td>Position (Delegates)</td>
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<tr>
<td></td>
<td>The roles and responsibilities of the Bega Valley Shire Coastal Planning and Management Committee as delegated by resolution of Council on 21 October 2008 are to:</td>
<td>$355 Coastal Planning and Management Committee</td>
</tr>
<tr>
<td></td>
<td>1. Consider the extent to which Coastal plans and programs are in accord with the Coastal Wilderness Masterplan and LEP.</td>
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<td></td>
<td>2. Oversee the implementation of Council’s Estuary and Coastal Management Programs and overseeing the development of any new plans.</td>
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<td></td>
<td>3. Be a communication conduit between a network of local volunteer groups, industry and Government agencies.</td>
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<td>4. Provide a solid base for Council to develop a tripartite funding partnership with the Commonwealth and State Governments for natural resource management funding.</td>
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<td></td>
<td>5. Report regularly to Council formally through the Planning and Environment Committee.</td>
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</table>
General Manager

Under Section 378 of the Act the Council may delegate any of the functions of the General Manager, other than the power of delegation.

Under Sections 379 and 381 further delegations of regulatory functions and exercise of functions conferred or imposed on Council employees under other Acts may be delegated.

1. All functions of Council under the Local Government Act 1993 except:
   - Those functions excluded by Section 377 of that Act; and
   - Those functions delegated to Management Committees under Section 377 of that Act.

2. Section 381 Local Government Act 1993

   To exercise all functions conferred or imposed on any Council employee under other Acts, in accordance with Section 381 of the Local Government Act, 1993.

2.1 Implementation of Adopted Program Budget

   To implement any work, service or action provided for in the adopted budget without further reference to Council except for:
   a. the acceptance of tenders which are required under the Local Government Act 1993 to be invited by the Council, and
   b. the determination of priorities where lump sum funding only has been provided.

2.2 Protection of the Environment Operations Act 1997 – Section 187

   To exercise the powers and functions of an authorised officer or enforcement officer under the Protection of the Environment Operations Act 1997.

2.3 Procedures for the Acquisition of Land for Public Works

2.4 Procedures for the Acquisition of Land

   To deal with all administrative and procedural matters relating to the acquisition’ lease and sale of land which has been approved by Council including negotiations following the determination by Council of the price to be paid for acquiring the land, valuations, surveys and referrals to solicitors.

2.5 Appeals to the Land and Environment Court - Briefing of Counsel

   To authorise the briefing of counsel for appeals to the Land and Environment Court.

2.6 Contracts, quotes and tenders

   To accept tenders for services where those services are not currently provided by Council staff. The General Manager will also have the delegated authority to enter into contracts other than those to which section 55 of the Local Government Regulation 1999 applies, where:
   a. the provision or performance of the works, services or equipment the subject of the relevant contract have been approved by Council, and
   b. funds have been voted; and
c. accept quotations for the provision of goods, works and services between $50,000 and $500,000.

2.7 Waive Hiring Fees
To waive hiring fees where satisfied that circumstances warrant it.

2.8 Writing Off Debts
To authorise the writing off of debts to a maximum value of $20,000.
To enter into or withdraw from legal actions relating to debt.

2.9 Major Developments - Public Meetings
To call public meetings in respect of major proposals considered to be of a magnitude which would affect a particular part of, or the whole of the area so that residents, ratepayers and all interested parties are given an opportunity to fully discuss and express their views to Council before any decision is entered into.

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

d. deal with it administratively
e. to refer it to a committee
f. to refer it direct to Council.

2.11 Minuting of Council Meetings
To obtain any necessary services for the recording of minutes of Council meetings.

2.12 Business Papers
To determine the composition and contents of the business paper for Council and all Committees.

2.13 Destruction of Records – State Records Act
To authorise the destruction of records in accordance with the adopted disposal schedule.

2.14 Closing of Council Offices and Library
To determine the closing of Council’s offices and the library on Union/Award holidays.

3. That these delegations extend to Directors nominated by the General Manager, from time-to-time, to act in the capacity of Acting General Manager.

4. Council delegates to the General Manager the power to expend up to $500,000 on any single event or time without the need to report the matter to Council provided the General Manager has confirmed that funds are available within the current approved budget of Council to cover the expenditure.
Approval

Authority to delegate

In accordance with Section 378 of the Local Government Act 1993, I hereby delegate the matters set out under ‘Delegations to staff’ to those staff named therein, or the persons who from time to time hold, or are acting in, the positions named therein (as applicable).

Leanne Barnes
General Manager