

Waverley Council

Instrument of Delegation to

General Manager



On Thursday, 10 October 2019 the Waverley Council ("**Council**") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council ("**General Manager**"), being at the date of this instrument Ross McLeod, be delegated authority under section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council's Functions under all Legislation in force and as amended from time to time:
 - a. **Subject to** any condition or limitation on a Function specified in Schedule 1; and
 - b. **Excluding** those Functions:
 - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
 - ii. which are expressly required by legislation to be exercised by a resolution of the Council.
3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2**, **excluding** those Functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The General Manager be delegated any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.
5. In the absence of the General Manager that a person/persons appointed to act as General Manager by resolution made on 16 April 2019 assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.
6. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. the requirements of the relevant Legislation;
 - b. any conditions or limitations set out in **Schedule 1**; and
 - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
7. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
8. In this delegation:
 - "**Functions**" means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
 - "**Legislation**" means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
 - "**LG Act**" means the *Local Government Act 1993* as amended.

Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
Environmental Planning and Assessment Act 1979	All functions delegated to the Waverley Local Planning Panel (WLPP) under Local Planning Panels Direction – Development Applications dated 23 February 2018 and Local Planning Panels Direction – Planning Proposals dated 27 September 2018 and any subsequent Direction.
Local Government Act 1993, s377(1)(i)	Council delegates to the General Manager the authority to accept tenders in accordance with s377(1)(i) for contracts with a total contract value (incl GST) of up to: <ul style="list-style-type: none">• \$2.5M during the Council end of year recess (i.e. from the day following the last Council meeting of the calendar year until the first Operations and Community Services meeting of the following year); and• \$500,000 for the rest of the year.
Part B – General Limitations	
N/A	

Schedule 2: Instruments of Delegation to Council

Delegator	Instrument Name	Date Of Instrument
Roads & Maritime Services	Regulation of Traffic	Tuesday, 1 November 2011
Roads & Maritime Services	Regulation of Traffic	Tuesday, 1 November 2011
Roads & Maritime Services	Regulation of Traffic	Tuesday, 1 November 2011
NSW Food Authority	Instrument of appointment of a Category B enforcement agency	Tuesday, 1 July 2008
Minister for Heritage	Authorisation for Local Councils to make Interim Heritage Orders	Monday, 22 April 2013

Pursuant to a Resolution of the Council at its meeting of 10 October 2019

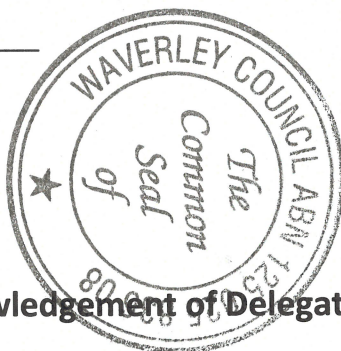


Councillor Masselos

Mayor

Date: 23/10/19

Review date: 30 September 2020





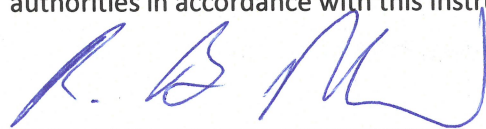
Councillor Keenan

Deputy Mayor

Date: 23/10/19

General Manager's acknowledgement of Delegations of Authority

I Ross Barry McLeod, currently employed by the Council in the position of General Manager, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.



Ross McLeod

General Manager of Waverley Council

Date: 23/10/19