

**BEGA VALLEY SHIRE
COUNCIL**

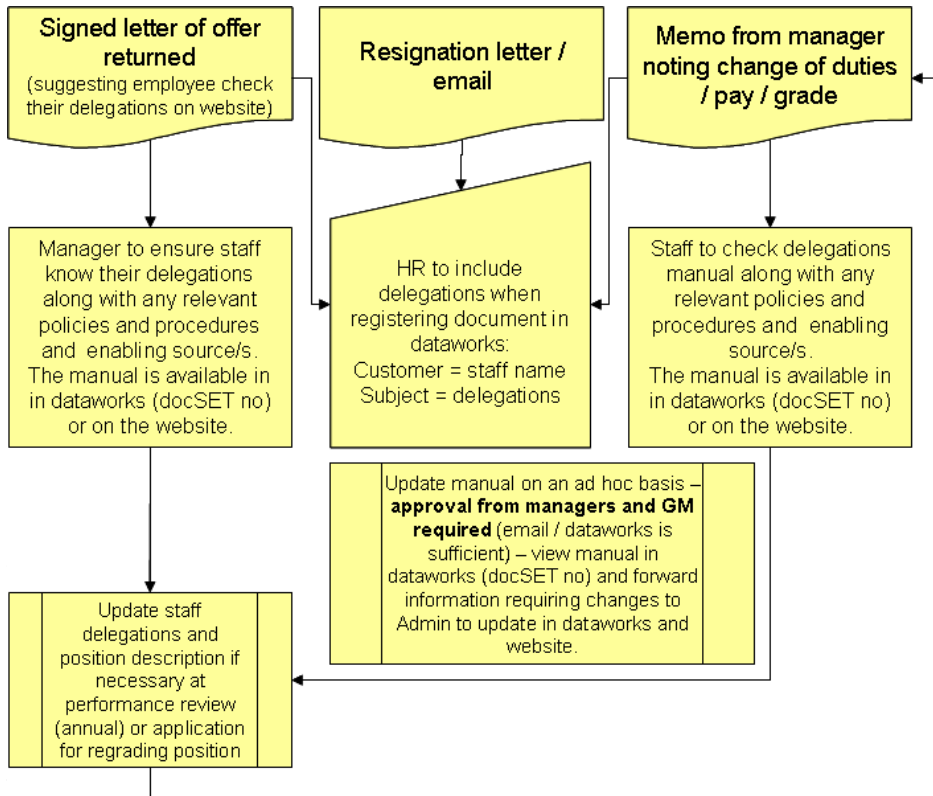
Delegation of Authority
manual

REVISED

as at 29 September 2009



Procedure:



Delegation of Authority manual

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

Contents

Introduction	ii
Positions	ii
Council	1
<hr/>	
Authority to delegate	1
The Mayor	2
<hr/>	
Delegations of Authority.....	2
Standing Committees	3
<hr/>	
Delegations of Authority.....	3
Public Exhibition	4
Section 355 Committees	5
<hr/>	
Delegations of Authority.....	5
Facility Committees	5
<hr/>	
Delegations of Authority.....	5
General Manager	6
<hr/>	
Delegations of Authority.....	6
Authority to delegate	7
Delegations to staff	8
<hr/>	

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 this Manual to the General Manager, the Mayor and Committees.

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

Delegations include staff acting in the positions mentioned.

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

Positions

In order to keep the Manual consistent, a limited list of positions is used to name the delegate. The position listed reflects the job performed rather than the individual person’s title. These are currently:

All Executive Managers	Development Engineers	Manager Recreation & Buildings
All Group Managers	Director Children’s Services	Manager Roads
All Managers	EHOs	Manager WaSS
Asset Inspectors / Surveyors	Executive Manager Business Performance	Manager Weeds
Civil Engineers	Executive Manager Organisational Support	Manager Works
Contracts Officer	Group Manager Community and Relationships	Managers Community and Relationships
Coordinator Community and Social Planning	Group Manager Infrastructure Waste and Water	Managers Infrastructure Waste and Water
Coordinator Cultural Services	Group Manager Planning and Environment	Managers Planning and Environment
Coordinator Environmental Services	Information Services	Planners
Coordinator Planning Services	Manager Building Services	Rangers
Coordinator Strategic Planning	Manager Environmental Services	Revenue staff
Corporate Planner	Manager Finance	Technical Officers
CSA Specialists	Manager Planning Services	WaSS team
Curator Regional Gallery		Weeds team
Debtor Services		Weeds trainee

Council

Title	Details
Authority to delegate	<p>1. Section 377</p> <p>A. General power of the Council to delegate</p> <p>In accordance with Section 377 of the <i>Local Government Act 1993</i> 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.</p> <ul style="list-style-type: none"> • 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 acceptance of tenders which are required under this Act to be invited by the Council • the adoption of a management plan (under Section 406) • 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 review of a determination of an application for approval • 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. <p>B. 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 Director-General except as provided by the instrument of delegation to the council.</p> <p>2. Terms of delegation</p> <p>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.</p> <p>Delegations will remain in force until the review is completed and revised delegations are adopted by a resolution of Council.</p>

Title	Details
	<p>3. Appeal against the exercise of authority under delegation</p> <p>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 Group Manager for review and to Council for final determination if necessary.</p>
	<p>4. Authority to delegate</p> <p>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</p>

The Mayor

Title	Details
Delegations of Authority	<p>1. General</p> <p>To deal, in cases of emergency, with any matter not precluded by Section 377 of the Local Government Act and not being otherwise delegated or development/building applications.</p>
	<p>2. Tenders - Security/Safety</p> <p>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.</p>
	<p>3. Maintenance and/or Repair of Council's Property</p> <p>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.</p>
	<p>4. Urgent Works</p> <p>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.</p>
	<p>5. Appeals to the Land and Environment Court - Briefing of Counsel</p> <p>To authorise the briefing of counsel in appeals to the Land and Environment Court in conjunction with the General Manager.</p>
	<p>6. Major Developments - Public Meetings</p> <p>(In consultation with General Manager or Group Manager 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.</p>
	<p>7. Traffic Committee and Council's Vote</p> <p>To vote on behalf of Council on the Bega Valley Traffic Committee on urgent traffic issues that arise in the December/January seasonal break.</p>
	<p>8. Delegation dealt with by Mayor to be reported to Council</p> <p>All matters dealt with under delegation to the Mayor shall be reported to the next available meeting of the Council.</p>

Standing Committees

Title	Details	Position (Delegates)	
Delegations of Authority	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.	Planning and Environment	
	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.		
	a) Consider and review the Council's Management Plan.		Governance and Strategy
	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) Consider all risk management and insurance matters.		
f) Consider and review the Council's Management Plan (in collaboration with the Finance and Infrastructure Waste and Water Committee).			
g) Facilitate communications between the Council and the community and to generally improve the process wherever possible.			
h) Identify and investigate areas where internal and external practices could be enhanced and improved for the mutual benefit of the Council and the community.			
i) Where appropriate, consider and make recommendations relating to the implementation of any major technical aid for management.			

Standing Committees

Title	Details	Position (Delegates)
	<ul style="list-style-type: none"> j) 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. k) 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. l) Liaise with the community relating to civic events and celebrations. m) Consider and recommend recipients of awards for honorary and voluntary civic service. n) Consider the structure of the external community committees established by the Council from time to time. o) Consider all appropriate proposals relating to administrative issues 	
	<ul style="list-style-type: none"> a) Consider and prioritise capital works on an annual basis, with particular emphasis on the ensuing years program. b) Consider all Infrastructure Waste and Water 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. 	Infrastructure
	<ul style="list-style-type: none"> a) Initiate, consider and review the provision of all health, welfare and community services. b) Consider all matters relating to the general health and physical wellbeing of the citizens of the Bega Valley Shire. c) Consider and review the management of all library, gallery and cultural services and their delivery. d) Initiate and consider programs provided for the youth, aged and other disadvantaged demographic groups in the shire. 	Community and Cultural
	<ul style="list-style-type: none"> a) Consider all appropriate proposals relating to economic development and education. 	Economic
Public Exhibition	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.	All Standing Committees

Section 355 Committees

Title	Details	Position (Delegates)
Delegations of Authority	At its meeting of 29 September 2009 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:	
Adopted 29 September 2009	<ol style="list-style-type: none"> 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	<p>Within the scope of its Terms of Reference:</p> <ol style="list-style-type: none"> 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

Facility Committees

Title	Details	Position (Delegates)
Delegations of Authority	Council resolved to delegate the following of its functions and powers to the Facility 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:	

General Manager

Title	Details
Delegations of Authority	<p>Under Section 378 of the Act the General Manager may delegate any of the functions of the General Manager, other than the power of delegation.</p> <p>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.</p> <ol style="list-style-type: none"> 1. All functions of Council under the Local Government Act 1993 except: <ul style="list-style-type: none"> • 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 <p>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.</p> <ol style="list-style-type: none"> 2.1. Implementation of Adopted Program Budget <p>To implement any work, service or action provided for in the adopted budget without further reference to Council except for:</p> <ol style="list-style-type: none"> 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 <p>To exercise the powers and functions of an authorised officer or enforcement officer under the Protection of the Environment Operations Act 1997.</p> 2.3. Procedures for the Acquisition of Land for Public Works <p>To deal with all administrative and procedural matters relating to the acquisition 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.</p> 2.4. Appeals to the Land and Environment Court - Briefing of Counsel <p>To authorise the briefing of counsel for appeals to the Land and Environment Court.</p> 2.5. Contracts, quotes and tenders <p>To enter into contracts other than those to which section 55 of the Local Government Regulation 1999 applies, where:</p> <ol style="list-style-type: none"> 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 \$150,000. 2.6. Waive Hiring Fees <p>To waive hiring fees where satisfied that circumstances warrant it.</p> 2.7. Writing Off Debts <p>To authorise the writing off of debts to a maximum value of \$20,000.</p> 2.8. Major Developments - Public Meetings <p>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.</p>

-
- 2.9. Correspondence
To attend to all correspondence addressed to the Council (except correspondence addressed to the Mayor personally) in any of the following ways:
 - a) deal with it administratively
 - b) to refer it to a committee
 - c) to refer it direct to Council.
 - 2.10. Minuting of Council Meetings
To obtain any necessary services for the recording of minutes of Council meetings.
 - 2.11. Business Papers
To determine the composition and contents of the business paper for Council and all Committees.
 - 2.12. Destruction of Records – State Records Act
To authorise the destruction of records in accordance with the adopted disposal schedule.
 - 2.13. Closing of Council Offices and Library
To determine the closing of Council's offices and the library on Union/Award holidays.
 - 2.14. Appointment of Employees
To appoint employees of the Council for the purpose of the supervision and enforcement of all relevant Acts and Regulations.
 - 2.15. Staff - Award Band
To advance by way of one or more levels in any Band any member of staff or to transfer any member of staff from one Band to a higher Band.
 - 2.16. Salary and Award Variations
To approve variations including salary increases (within the adopted budget) in accordance with the Local Government Award and Council's salary administration policies (excluding "Senior Officers").
 - 2.17. Staff Overtime
To approve overtime for any member of staff as considered necessary.
 - 2.18. Attendance at Conferences
To determine applications for staff attendance at conferences including conferences outside New South Wales but within Australia.
 3. That these delegations extend to any person appointed by Council from time to time in the capacity of Acting General Manager.
 4. Council delegates to the General Manager the power to expend up to \$150,000 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.

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).

Peter Tegart
General Manager

Delegations to staff

Activity approvals	9	3. Agreements (s62).....	15
Authorised and/or Enforcement Officers	9	4. Works (s71).....	15
Burials of human bodies – approval	9	5. Speed zoning	15
Bushfire	9	6. Construct bridges and tunnels (S55, 78 – 79)	15
Car Parking	9	7. Private road (s86).....	15
Companion Animals	9	8. Tree felling (s88).....	15
Crown Land offences	9	9. Drainage adjacent (s94).....	15
Delegations of Director-General	9	10.Alter structures (s98).....	15
Development assessment	10	11.Weight restrictions (s112)	15
1. Determination (s80, 109C – 109Q).....	10	12.Regulate traffic (s115)	16
2. Review of determination (s82A).....	10	13.Use of footpaths (s125).....	16
3. Extension of consent (s95A).....	10	14.Public gates (s128, 130).....	16
4. Modification of consent (s87, 96).....	10	15.Bypass (s133, 136)	16
5. Refusal of development applications (s96A and Council minute 103a/00)	10	16.Offences (s137)	16
6. Enter premises for inspections (s118A – 118F)	10	17.Traffic control plans (s138)	16
7. Legal proceedings (s122 – 127)	11	18.Events (s144).....	16
8. Planning certificates (s149)	11	19.Leasing space (s149)	16
9. Building certificates (s149A).....	11	20.Leasing land (s153).....	16
10.Endorsement of 88B Instruments).....	11	21.Naming (s162)	16
Electronic information	11	22.Entry onto land (s164 – 168)	17
Enter premises	12	23.Possession of land (s175).....	17
Finance	12	24.Recovery of costs (s217)	17
1. Expenditure on works and services.....	12	25.Weight limit (s231)	17
2. Funding Agreements	12	26.Notice (s254).....	17
3. Quotes and Tenders under \$50,000	12	Signs– wilful destruction	17
Fire safety notice	12	Swimming pools	17
Food and food premises hygiene	12	1. Private	17
Legal proceedings	13	2. Public	17
1. Appearance in Court.....	13	Trees – preservation	17
2. Laying of information	13	Vermin	18
Mortuaries, Crematory and Cemeteries – inspection	13	Water & sewer	18
Noxious weeds	13	1. Water supply, sewerage and stormwater drainage.....	18
Orders & Notices	13	2. Offences	18
1. Serve – Local Government Act	13		
2. Serve – Environmental Planning and Assessment Act 1979.....	14		
3. Failure to comply	14		
4. Modify or remove.....	14		
Private works	14		
Public health	14		
Recreational vehicles	14		
Recreation – confiscating equipment	14		
Regional Gallery – acquisitions	14		
Remove offenders	14		
Roads	15		
1. Widening (s18, 23).....	15		
2. Level (Division 3, Part 3).....	15		

Title	Details	Position (Delegates)
Activity approvals	Determine activity applications (refer to list in s68 LGA 1993) under Section Chapter 7 Part 1 of the Local Government Act 1993.	All Group Managers All Managers EHOs + Technical Officers Planners
Authorised and/or Enforcement Officers	Exercise the powers and functions of an authorised officer / enforcement officer under the Protection of the Environment Operations Act 1997, subject to any conditions advised by the General Manager or relevant Group Manager.	Group Manager Infrastructure Waste and Water Group Manager Planning and Environment Managers Planning and Environment Coordinator Environmental Services Development Engineers EHOs Planners Rangers
Burials of human bodies – approval	Approve the burial of a human body on private land with a minimum of five hectares and in a location that is unlikely to contaminate a drinking water supply or domestic water supply in accordance with Section 34 of the Public Health Regulations 1991.	Manager Building Services EHOs + Technical Officers
Bushfire	Undertake local authority functions and powers specified in the Rural Fires Act 1997.	Group Manager Infrastructure Waste and Water
Car Parking	Exercise powers of an authorised officer under the Local Government Act 1993 and the Road Transport (General) Act and Regulation 2005.	Rangers
Companion Animals	Act on Council's behalf in all matters relating to the administration of the Companion Animal Management Facility in accordance with Council policy and guidelines. Exercise the powers of an Authorised Officer under the provisions of the Companion Animals Act 1998 and Regulations.	Manager Environmental Services Coordinator Environmental Services Rangers
Crown Land offences	An authorised person may serve a penalty notice on anyone who appears to the authorised person to have committed an offence under the Crown Lands Act 1989, the regulations or the by-laws made under Section 128, being an offence prescribed by the regulations for the purposes of this Section.	Group Manager Planning and Environment Manager Environmental Services Coordinator Environmental Services Rangers
Delegations of Director-General	Use the delegations granted to Council by the Director General of the relevant Government body, including the delegations under Sections 65 and 69 of the EP&A Act 1979 and any other delegation granted by the Director General to the Council currently in force.	Group Manager Planning and Environment Managers Planning and Environment Coordinator Environmental Services Coordinator Strategic Planning EHOs Planners

Title	Details	Position (Delegates)
Development assessment	<p>1. Determination (s80, 109C – 109Q)</p> <p>Assess and determine development applications under the EP&A Act 1979 relating to such approvals.</p> <p>Note1: Unrestricted delegation to Group Manager Planning and Environment</p> <p>Note2: Delegation subject to any limitations imposed by Group Manager Planning and Environment</p>	<p>Group Manager Planning and Environment</p> <p>Manager Building Services</p> <p>Manager Planning Services</p> <p>Coordinator Planning Services</p> <p>Coordinator Strategic Planning</p> <p>EHOs</p> <p>Planners</p>
	<p>2. Review of determination (s82A)</p> <p>Determine requests for a review of development consent under Section 82A of the EP&A Act 1979.</p>	<p>Group Manager Planning and Environment</p>
	<p>3. Extension of consent (s95A)</p> <p>Determine applications for extensions of time in regard to use or development consent in accordance with the provisions of the EP&A Act (as amended) where the proposal generally complies with current planning controls.</p>	<p>Group Manager Planning and Environment</p> <p>Manager Building Services</p> <p>Manager Planning Services</p> <p>Coordinator Planning Services</p> <p>Coordinator Strategic Planning</p> <p>Planners</p>
	<p>4. Modification of consent (s87, 96)</p> <p>Modify development approval and approvals for complying developments under the EP&A Act.</p>	<p>Group Manager Planning and Environment</p> <p>Manager Building Services</p> <p>Manager Planning Services</p> <p>Coordinator Planning Services</p> <p>Coordinator Strategic Planning</p> <p>EHOs</p> <p>Planners</p>
	<p>5. Refusal of development applications (s96A and Council minute 103a/00)</p> <p>The following procedures are to be carried out where the Group Manager Planning and Environment is of the view that development applications may be refused which are grossly deficient in the required information subject to staff having sent at least three letters requesting the additional information or inviting withdrawal.</p>	<p>Group Manager Planning and Environment</p>
	<p>6. Enter premises for inspections (s118A – 118F)</p> <p>Enter any premises to carry out inspections, conduct surveys, take measurements and photographs considered necessary for the purpose of the EP&A Act, Regulations and any planning instrument with the consent of the occupier.</p>	<p>Group Manager Infrastructure Waste and Water</p> <p>Group Manager Planning and Environment</p> <p>Managers Planning and Environment</p> <p>Coordinator Planning Services</p> <p>Coordinator Strategic Planning</p> <p>Development Engineers</p> <p>EHOs</p> <p>Planners</p>

Title	Details	Position (Delegates)
	<p>7. Legal proceedings (s122 – 127) Act as Council's representative in hearings before the Courts.</p>	<p>Group Manager Planning and Environment Manager Building Services Manager Planning Services Coordinator Planning Services Coordinator Strategic Planning Contracts Officer Development Engineers EHOs Planners</p>
	<p>8. Planning certificates (s149) Issue Planning Certificates under Section 149 of the Environmental Planning and Assessment Act 1979.</p>	<p>Manager Planning Services Coordinator Planning Services Coordinator Strategic Planning Planners CSA specialists</p>
	<p>9. Building certificates (s149A) Approve, refuse and sign all building certificates and certificates of classifications and certificates of occupancies required under the Local Government Act, 1993 the Environmental Planning and Assessment Act 1979 and Regulations and Approvals Regulations and/or the Building Code of Australia.</p>	<p>Manager Building Services EHOs</p>
	<p>10. Subdivision Certificates (s) Approve, refuse and sign subdivision certificates and linen plans in accordance with the Environmental Planning and Assessment Act 1979 and Conveyancing Act 1919.</p>	<p>Group Manager Planning and Environment Manager Planning Services Coordinator Planning Services Coordinator Strategic Planning Planners</p>
	<p>11. Endorsement of 88B Instruments) Sign 88B Instruments as Authorised Officer where Council is denoted as having the power to release, vary or modify the easement, restriction or positive covenant under the Conveyancing Act 1919. Note 1: This delegation does not apply to matters involving public land or where the Council seal needs to be affixed.</p>	<p>Group Manager Planning and Environment Manager Planning Services Coordinator Planning Services Coordinator Strategic Planning Planners</p>
	<p>12. Refund of Development Application fees Refund development application fees in accordance with adopted Council policy.</p>	<p>Group Manager Planning and Environment Manager Planning Services Coordinator Planning Services Coordinator Strategic Planning</p>
Electronic information	Monitoring of incoming and outgoing information via the internet or email to ensure compliance with Council's policies.	Information Services

Title	Details	Position (Delegates)
Enter premises	Enter any premises at any reasonable hour or time at which the business is usually carried out to exercise the functions of Council in accordance with Chapter 8 Part 2 of the Local Government Act 1993.	Group Manager Infrastructure Waste and Water Group Manager Planning and Environment Managers Infrastructure Waste and Water Managers Planning and Environment Coordinator Environmental Services Coordinator Planning Services Coordinator Strategic Planning Development Engineers EHOs + Technical Officers Planners Rangers WaSS team
Finance	<p>1. Expenditure on works and services</p> Approve expenditure in accordance with Council's policy and adopted budget (refer to Unit Delegations at rear of manual), endorsed at the Council meeting held to adopt the annual budget.	All Executive Managers All Group Managers All Managers and Co-ordinators in Community & Relationships
	<p>2. Funding Agreements</p> Negotiate and sign funding agreements with government departments and agencies in accordance with Council's policy and endorsed at the Council meeting held to adopt the annual budget.	All Executive Managers All Group Managers
	<p>3. Quotes and Tenders under \$50,000</p> Accept quotations for the provision of goods, works and services for under \$50,000 (subject to the provisions of Section 55 of the Local Government Act, 1993) and the Local Government (General) Regulation.	All Executive Managers All Group Managers All Managers and Co-ordinators in Community & Relationships
Fire safety notice	Take action against an owner to erect a Fire Safety Notice adjacent to a fire isolated passageway, ramp or stairway in accordance with EP&A Regulation 2000, Section 183.	Manager Building Services EHOs
Food and food premises hygiene	Authorised officers under sections 114 and 115 of the Food Act 2003 are entitled to exercise all powers and functions of authorised officer under the Food Act 2003 without limitations and conditions.	Group Manager Planning and Environment Manager Building Services EHOs + Technical Officers

Title	Details	Position (Delegates)
Legal proceedings	1. Appearance in Court	All Executive Managers All Group Managers All Managers Corporate Planner Coordinator Environmental Services Coordinator Planning Services Coordinator Strategic Planning Contracts Officer EHOs + Technical Officers Planners Rangers Revenue staff
	2. Laying of information	All Executive Managers All Group Managers Managers Infrastructure Waste and Water Managers Planning and Environment Contracts Officer EHOs + Technical Officers Rangers
Mortuaries, Crematory and Cemeteries – inspection	Enter and inspect any equipment, register, record or part of a mortuary, crematory or cemetery in accordance with Section 57 of the Public Health Regulations 1991..	Manager Building Services EHOs + Technical Officers
Noxious weeds	Administer the provisions of the Noxious Weeds Act 1993 including the service of notices, authorisation of prosecutions and taking action in the case of failure to comply with a notice or order in respect to private property.	Manager Environmental Services Manager Weeds Rangers Weeds team + Weeds trainee
Orders & Notices	Authority is granted to:	
	1. Serve – Local Government Act a) Orders and Notices and review and determine representations made under Chapter 7, Part 2. Note: Managers only to review and determine representations under s134 and 135. b) Penalty Notices in respect to offences under the Local Government Act (other than an offence under Section 312, 642, 650 or 651).	All Executive Managers All Group Managers Managers Infrastructure Waste and Water Managers Planning and Environment Coordinator Environmental Services Coordinator Planning Services Coordinator Strategic Planning Contracts Officer EHOs + Technical Officers Planners Rangers WaSS team Weeds team

Title	Details	Position (Delegates)
	<p>2. Serve – Environmental Planning and Assessment Act 1979</p> <p>a) Orders and Notices and review and determine representations made under Part 6, Division 2A.</p> <p>b) Penalty Notices in respect to offences under Section 127A.</p> <hr/> <p>3. Failure to comply</p> <p>Take action against a person who fails to comply with an Order issued under Section 124 or approval issued under s68 of the LGA 1993.</p> <hr/> <p>4. Modify or remove</p> <p>In accordance with Sections 152 and 153 of the Local Government Act, authorisation to modify an Order given to a person if agreed to by that person, and revoke any Order given by Council.</p>	<p>Group Manager Planning and Environment Manager Building Services Manager Environmental Services Coordinator Environmental Services Coordinator Planning Services Coordinator Strategic Planning Contracts Officer EHOs + Technical Officers Planners</p> <hr/> <p>Group Manager Infrastructure Waste and Water Group Manager Planning and Environment Managers Planning and Environment Managers Infrastructure Waste and Water EHOs + Technical Officers Rangers</p> <hr/> <p>Group Manager Planning and Environment Manager Building Services EHOs + Technical Officers</p>
Private works	In accordance with Section 67 of the Local Government Act, be able to enter into agreements for private works with the owner / occupier of private land for work that can be carried out on the land at the rates fixed by Council.	Group Manager Infrastructure Waste and Water Managers Infrastructure Waste and Water Manager Weeds
Public health	Implement the primary function of control of communicable disease pursuant to the Public Health Act 1991 and the Skin Penetration Guidelines issued by the NSW Health Department and all other ancillary functions.	Manager Building Services EHOs + Technical Officers
Recreational vehicles	Exercise the powers and functions of an authorised officer under Section 33 of the Recreation Vehicles Act 1983.	Rangers
Recreation – confiscating equipment	Authority under Section 681A of the Local Government Act 1993 to take into possession of skating or water based recreational equipment used in contravention of Sections 632 and 633.	Group Manager Infrastructure Waste and Water Group Manager Planning and Environment Manager Environmental Services
Regional Gallery – acquisitions	Authorise the acquisition of works of art for the Bega Regional Gallery collection subject to budget limits determined in the adopted Budget.	Coordinator Cultural Services
Remove offenders	Under Section 681 of the Local Government Act 1993 authority to remove a person committing an offence against this Act from Council owned community land.	Rangers

Title	Details	Position (Delegates)
Roads	Under the provisions of the <i>Roads Act 1993</i> .	
	<p>1. Widening (s18, 23) Direct surveys to be carried out for the widening of a public road and invite by public notice submissions to the proposed plan.</p>	<p>Group Manager Infrastructure Waste and Water Manager Roads Manager Works</p>
	<p>2. Level (Division 3, Part 3) Fix or vary the levels of a public road.</p>	<p>Group Manager Infrastructure Waste and Water Manager Roads Manager Works</p>
	<p>3. Agreements (s62) Enter into agreements under which some or all of the functions of the Roads Authority in respect to a classified road become, to the extent provided in the Agreement, the responsibility of the RTA.</p>	<p>Group Manager Infrastructure Waste and Water</p>
	<p>4. Works (s71) Authorise road work to be carried out on any public road within expenditure limits voted by Council.</p>	<p>Group Manager Infrastructure Waste and Water Managers Infrastructure Waste and Water</p>
	<p>5. Speed zoning Approve road works speed limits on Council roads.</p>	<p>Group Manager Infrastructure Waste and Water Manager Roads Manager Works</p>
	<p>6. Construct bridges and tunnels (S55, 78 – 79) Authorise the construction of bridges and tunnels across navigable waters.</p>	<p>Group Manager Infrastructure Waste and Water Manager Roads Manager Works</p>
	<p>7. Private road (s86) Direct the owner of a private road to carry out work considered necessary</p>	<p>Group Manager Infrastructure Waste and Water Manager Roads</p>
	<p>8. Tree felling (s88) Authorise the removal or lopping of any tree or other vegetation on a public road that is considered necessary.</p>	<p>Group Manager Infrastructure Waste and Water Manager Recreation & Buildings Manager Roads Manager Works</p>
	<p>9. Drainage adjacent (s94) Authorise drainage works in or on any land in the vicinity of a road for draining or protecting a road</p>	<p>Group Manager Infrastructure Waste and Water Managers Infrastructure Waste and Water</p>
	<p>10. Alter structures (s98) Direct a person having a structure on a road to alter the structure or its location.</p>	<p>Group Manager Infrastructure Waste and Water Managers Infrastructure Waste and Water</p>
	<p>11. Weight restrictions (s112) Determine and enforce appropriate weight restrictions on any public road or bridge that prohibits vehicles with a laden weight exceeding a specified weight.</p>	<p>Group Manager Infrastructure Waste and Water Manager Roads</p>

Title	Details	Position (Delegates)
	<p>12. Regulate traffic (s115) The regulation of traffic on a public road under the provisions of Section 115 of the Roads Act 1993</p>	<p>Group Manager Infrastructure Waste and Water Manager Roads Manager Works</p>
	<p>13. Use of footpaths (s125) The approval of the footpath of a public road for the purpose of a restaurant.</p>	<p>Group Manager Planning and Environment Manager Building Services Manager Planning Services Coordinator Planning Services EHOs + Technical Officers Planners</p>
	<p>14. Public gates (s128, 130) Issue or revoke a permit for the erection of a gate across an unfenced public road adjacent to a boundary fence subject to Part 6 of the Roads (General) Regulation 2000.</p>	<p>Group Manager Infrastructure Waste and Water Manager Roads</p>
	<p>15. Bypass (s133, 136) Permit the construction or closure of a bypass where a road intersects a boundary fence, such bypass to consist of a ramp to allow vehicles to be driven over the top of a boundary fence, or, a cattle or sheep grid located beside the gate under the Roads Act 1993.</p>	<p>Group Manager Infrastructure Waste and Water Manager Roads Manager Works</p>
	<p>16. Offences (s137) Take action for offences caused under the Roads Act 1993.</p>	<p>Group Manager Infrastructure Waste and Water</p>
	<p>17. Traffic control plans (s138) Approve traffic control plans for works on all roads within the shire.</p>	<p>Manager Roads Manager Works Asset Inspectors / Surveyors</p>
	<p>18. Events (s144) Consent or grant a permit to any person to conduct an event on a public road.</p>	<p>Group Manager Infrastructure Waste and Water Manager Roads Manager Works</p>
	<p>19. Leasing space (s149) Lease airspace above or land below the surface of a public road for up to 99 years but not without Council approval and consent from the Director (Govt Body).</p>	<p>Group Manager Infrastructure Waste and Water Group Manager Planning and Environment Manager Roads</p>
	<p>20. Leasing land (s153) Lease land comprising a public road to the adjoining owner or lessee (Section 17) if the road is not being used by the public, for up to 10 years subject to conditions and compliance with Section 154.</p>	<p>Group Manager Infrastructure Waste and Water Manager Roads Manager Works</p>
	<p>21. Naming (s162) Name roads under the control of Council including public roads or a road dedicated to Council by way of a subdivision of land and excludes Crown public roads, private roads and roads under the control of any state government authority.</p>	<p>Group Manager Infrastructure Waste and Water Development Engineers</p>

Title	Details	Position (Delegates)
	<p>22. Entry onto land (s164 – 168)</p> <p>Enter any land during daylight hours or for emergency purposes in respect to road work for the purpose of inspecting the land, digging up any ground, taking measurements, making surveys and taking levels, taking samples or photographs.</p> <p>Note: Section 172 provides that a certificate of authority must be given to the appropriate officers</p>	<p>Group Manager Infrastructure Waste and Water</p> <p>Manager Roads</p> <p>Manager Works</p> <p>Asset Inspectors / Surveyors</p> <p>Development Engineers</p>
	<p>23. Possession of land (s175)</p> <p>Take possession of land along or near the line of the road for as long as necessary for carrying out roadwork or providing a temporary road, provided seven days written notice is given.</p>	<p>Group Manager Infrastructure Waste and Water</p> <p>Manager Roads</p> <p>Manager Works</p>
	<p>24. Recovery of costs (s217)</p> <p>Determine contributions from adjacent private land owners for the cost of constructing or paving any kerb, gutter or footway on the public road adjoining any property.</p>	<p>Group Manager Infrastructure Waste and Water</p> <p>Manager Roads</p> <p>Manager Works</p>
	<p>25. Weight limit (s231)</p> <p>Direct the necessary action for offences where vehicles exceed the weight limit by more than 10%.</p>	<p>Group Manager Infrastructure Waste and Water</p> <p>Manager Roads</p>
	<p>26. Notice (s254)</p> <p>Notices are to be served personally, by post or left at the person's address</p>	<p>Group Manager Infrastructure Waste and Water</p> <p>Manager Recreation & Buildings</p> <p>Manager Roads</p> <p>Manager Works</p>
Signs– wilful destruction	<p>Authority under Section 667 of the Local Government Act 1993 to take action against a person who wilfully destroys, defaces, damages or interferes with a sign erected by Council.</p>	<p>Rangers</p>
Swimming pools	<p>1. Private</p> <p>Exercise or perform any or all powers, authorities, duties and functions pertinent to the Swimming Pools Act 1992.</p> <p>2. Public</p> <p>Control and regulate public swimming pools and spas in accordance with Public Health Regulations 1991, Sections 14 – 17A</p>	<p>Group Manager Planning and Environment</p> <p>Manager Building Services</p> <p>EHOs + Technical Officers</p> <p>Manager Building Services</p> <p>EHOs + Technical Officers</p>
Trees – preservation	<p>Approve and refuse applications made under Council's Tree Preservation Order, subject to any conditions imposed by the General Manager or Group Manager Planning and Environment.</p>	<p>Group Manager Planning and Environment</p> <p>Managers Planning and Environment</p> <p>Manager Recreation & Buildings</p> <p>Coordinator Environmental Services</p> <p>Coordinator Planning Services</p> <p>EHOs + Technical Officers</p> <p>Planners</p>

Delegations to staff

Title	Details	Position (Delegates)
Vermin	Under Section 82 of the Public Health Regulations 1991, take action against an owner or occupier for the control of vermin on private property	Group Manager Planning and Environment Manager Environmental Services Manager Weeds EHOs + Technical Officers Weeds team
Water & sewer	<p><i>1. Water supply, sewerage and stormwater drainage</i></p> <p>Exercise powers in relation to water supply, sewerage and stormwater drainage in accordance with Local Government (General) Regulation 2005.</p>	Group Manager Infrastructure Waste and Water Manager Finance Manager WaSS Debtor Services Revenue Accountant
	<p><i>2. Offences</i></p> <p>Under the Local Government Act 1993, authority to take action against a person who removes, damages, destroys or interferes with any Council property used in water, sewerage or drainage activities (Section 634), or tampers in any way with a water meter (Section 636), and to take action against a person who discharges any prohibited matter into a sewer, public drain or gutter of Council (Section 638).</p>	Group Manager Infrastructure Waste and Water Manager Finance Manager WaSS Contracts Officer Debtor Services Revenue Accountant WaSS team