

## MINUTE EXTRACT

---

**Subject:** General Manager's Delegations  
**Item Number:** CM/4.1/21.06  
**Meeting Date:** 1/06/21

---

*The Executive Manager, Governance and Risk, advised that the report, in error, stated that the most recent Instrument of Delegation had financial limitations on the authority to accept tenders. The Instrument did not contain these limitations.*

### MOTION / DECISION

Mover: Cr Masselos  
Seconder: Cr Lewis

That:

1. Council delegates/sub-delegates to the General Manager the functions in accordance with the Instrument of Delegation to the General Manager attached to the report, subject to the following amendments:

(a) The limitation in Part A of Schedule 1 relating to the *Local Government Act 1993, s 377(1)(i)*, being amended to read as follows:

'Authority to accept tenders where the proposed contract is not for services currently provided by members of staff of the Council with a total contract value (incl GST) of up to:

- \$2.5 million during the Council end of year recess (i.e. from the day following the last Council meeting of the calendar year until the first Council or Committee meeting of the following year); and
- \$500,000 for the rest of the year.

This function cannot be sub-delegated by the General Manager.

The General Manager must report to Councillors on a monthly basis by email outlining all tenders accepted.'

(b) The limitation in Part B of Schedule 1 relating to procurement exemptions being amended to read as follows:

'Authority to approve purchases with fewer than the required quotes called for in the Purchasing Procedure up to \$150,000.

The General Manager must report to Councillors on a monthly basis by email outlining all exemptions approved under this delegation.'

2. Council authorises the Mayor and Deputy Mayor to affix the Council Seal to the Instrument of Delegation to the General Manager.

3. John Clark be appointed to act as the General Manager if the General Manager is sick or otherwise absent from work on leave or business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.

4. Should John Clark be unable or unwilling to act as General Manager at any time, Karen Mobbs be appointed to act as the General Manager if the General manager is sick or otherwise absent from work on leave or

business, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.

5. Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by Council.
6. The General Manager reports to Councillors monthly by email on tenders accepted under delegation and any procurement exemptions approved.

# Waverley Council

## Instrument of Delegation to

### General Manager



On Tuesday, 1 June 2021 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, 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 of Council on 1 July 2021 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 **Schedule 3**; 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

<b>Part A – Limitations applicable to specific statutory Function (if any)</b>	
<i>Environmental Planning and Assessment Act 1979</i>	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.
<i>Local Government Act 1993, s377(1)(i)</i>	<p>Authority to accept tenders where the proposed contract is not for services currently provided by members of staff of the Council with a total contract value (incl GST) of up to:</p> <ul style="list-style-type: none"> <li>• \$2.5 million during the Council end of year recess (i.e. from the day following the last Council meeting of the calendar year until the first Council or Committee meeting of the following year); and</li> <li>• \$500,000 for the rest of the year.</li> </ul> <p>This function cannot be sub-delegated by the General Manager.</p> <p>The General Manager must report to Councillors on a monthly basis by email outlining all tenders accepted.</p>
<b>Part B - General Limitations</b>	
<i>Asset Disposal</i>	<p><b>Asset Disposal</b></p> <p>Authority to approve the disposal of assets up to the value of \$1,000,000 in accordance with Council’s Asset Disposal Policy and Asset Disposal Procedure.</p> <p>Approval must not be given without consideration of a recommendation from the Director of the relevant business area.</p> <p>This authorisation does not apply to the disposal of real property, civil fixed assets and financial investments.</p>
<i>Debt Write Off</i>	<p><b>Debt write off</b></p> <p>Authority to write off debts up to the value of \$2500 (including GST) without a resolution of Council in accordance with clause 213(2) of the Local Government Regulation 2005 and Council resolution CM 7.5/17.07.</p>
<i>Rates and Charges Write Off</i>	<p><b>Rates and charges write off</b></p> <p>Authority to write off rates and charges up to the value of \$100 without a resolution of Council in accordance with clause 131(1) of the Local Government Regulation 2005 and Council resolution CM 7.6/17.07.</p>
<i>Procurement</i>	<p><b>Procurement Exemption</b></p> <p>Authority to approve purchases with fewer than the required quotes called for in the Purchasing Procedure up to \$150,000.</p> <p>The General Manager must report to Councillors on a monthly basis by email outlining all exemptions approved under this delegation.</p>

## 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

Pursuant to a resolution of Council at its meeting of Tuesday, 1 June 2021.

*Paula L. Masselos*

Councillor Masselos

Mayor

Date: 2/6/21

Review date: 30 June 2022



*[Signature]*

Councillor Keenan

Deputy Mayor

Date: 2/6/21

## General Manager's acknowledgement of Delegations of Authority

I, Emily Scott, 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.

*[Signature]*

Emily Scott

General Manager of Waverley Council

Date: 2/6/21