



## **Delegation of Authority General Manager**

### **Section 377 Local Government Act 1993**

Oberon Council, pursuant to its powers under Section 377 Local Government Act 1993, hereby delegates to **Alan Cairney**, the employee of Council in whom Council has vested the functions of **GENERAL MANAGER**, the exercise of the powers, functions, duties and authorities contained in the Local Government Act 1993 and specified in Schedule 1 and Schedule 2, subject to the limitations specified in Schedule 3.

This delegation shall commence on 19 April 2011, and remain in force until specifically altered or revoked in writing.

### **SCHEDULE 1**

#### **LOCAL GOVERNMENT ACT 1993**

#### **CHAPTER 6 – SERVICE FUNCTIONS**

##### **i) PART 2 – PUBLIC LAND**

Section 54 – Issue of land classification certificates.

##### **ii) PART 3 – RESTRAINTS & QUALIFICATIONS**

Section 67 – Authority to approve of the carrying out of any lawful work on private land as provided by the Section and in accordance with the rates determined by Council.

#### **CHAPTER 7 – REGULATORY FUNCTIONS**

##### **i) PART 1 – APPROVALS**

Section 68 – Approval of activities specified in the attached Table 1, except in so far as this Act, the regulations or a local policy adopted by Council shows the activity to be carried out without approval. This delegation does not apply to any activity specified in Part B of the table on land to which any of the following Acts apply –

- Water Board Act 1987
- Water Supply Authorities Act 1987

Section 82(3) – Concur in the making of a direction for the modification of the provisions of Clause 54 or Clause 55 of the Local Government (Approvals) Regulation, 1993, when determining an application for approval where the General Manager is satisfied than an



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objection lodged with the Council under Section 82 (1) of the Local Government Act, 1993, to a Local Approvals Policy is well founded.

Section 94 – Determination of applications by granting approval, either unconditionally or subject to conditions, or by refusing approval.

Section 99 – Giving of notice to applicants of determination of applications.

Section 106 – Exercising Council's power to amend an approval, in accordance with the procedures outlined in Section 106.

Section 107 – Exercise Council's powers to extend or review an approval.

Section 108/109 – Exercise Council's powers to revoke or modify an approval in any of the following circumstances –

- a. If the approval was obtained by fraud, misrepresentation or concealment of facts;
- b. For any cause arising after the granting of the approval which, had it arisen before the approval was granted, would have caused the Council not to have granted the approval (or not to have granted it in the same terms);
- c. For any failure to comply with a requirement made by or under this Act relating to the subject of the approval;
- d. For any failure to comply with a condition of the approval.

### ii) **PART 2 – ORDERS**

Section 124 – Order a person to do or refrain from doing a thing specified in Column 1 of the attached Table No 2 if the circumstances specified opposite it in Column 2 of the Table exist and the person comes within the description opposite it in Column 3 of the Table.

Section 125 – Order a person responsible for a public nuisance to abate it.

### iii) **PART 4 – CERTIFICATES CONCERNING BUILDINGS**

Section 172 – Determine an application for the issue of a building certificate by issuing or by refusing to issue a building certificate to the applicant.

## **CHAPTER 8 – ANCILLARY FUNCTIONS**

### i) **PART 1 – ACQUISITION OF LAND**



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Section 186/187 – Negotiate on Council's behalf the acquisition of land for the purpose of exercising any of its functions, up to the stage of presenting offers to Council for determination.

### ii) **PART 2 – ENTRY ON TO LAND AND OTHER POWERS**

Sections 191/192 – Authorise Council employees (or other persons) to enter any premises for the purpose of enabling Council to exercise its functions.

## **CHAPTER 15 – COUNCIL FINANCES**

### i) **PART 3 – ORDINARY RATES**

Section 514 – Determine and declare the categorization of land for purposes of ordinary rates.

### ii) **PART 7 – PAYMENT OF RATES AND CHARGES**

Section 567 – Write off accrued interest on rates and charges payable by a person if, in his opinion –

- a. The person is unable to pay the accrued interest for reasons beyond the person's control; or
- b. Payment of the accrued interest would cause the person hardship.

### iii) **PART 13 – INVESTMENTS**

Section 625 – Arrange the investment of money that is not, for the time being, required by Council for any other purpose. Money may be invested only –

(a) In a form of investment notified by order of the Minister published in the Gazette.

**Editorial note.** See Gazettes No 152 of 24.11.2000, p 12041; No 94 of 29.7.2005, p 3977; No 97 of 15.8.2008, p 7638 and No 160 of 24.12.2008, p 13140.

- (b) An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.
- (c) The acquisition, in accordance with section 358, of a controlling interest in a corporation or an entity within the meaning of that section is not an investment for the purposes of this section.
- (d) No overseas investments to be made unless hedged in accordance with Councils resolution of 9 October 2007 (Resolution No. 38)



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- (e) No investments to be made which mature beyond 12 months of the term of each Council, in accordance with Councils resolution of 9 October 2007 (Resolution No. 38)

And in accordance with Council's Investment Policy and any subsequent resolution of Council in relation to the investment of surplus funds.

### **SCHEDULE 2**

The function of Council as specified in other Acts under which Council has powers, authorities, duties and functions.

### **SCHEDULE 3**

1. The function of delegation and sub-delegation by the General Manager pursuant to Section 378, Local Government Act 1993, shall be exercised in writing signed by the General Manager.
2. Council may, by resolution, direct the General Manager in the exercise of any function herein delegated.
3. The General Manager shall exercise the functions herein delegated in accordance with and subject to –
  - i) The provisions of the Local Government Act 1993 and any other relevant legislation.
  - ii) All and every policy of the Council adopted by resolution and current at the time of the exercise of the function herein delegated.
4. Authorisation of Payments

Authority to issue orders for goods and services within the sums allocated and voted for by Council to a maximum individual order of \$150,000.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
Alan Cairney, General Manager

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
Don Fitzpatrick, Mayor

**END OF DELEGATION**