



Tweed Shire Council

Delegation of Authority

Pursuant to the Powers of delegation conferred upon me by Section 378 of the Local Government Act 1993 and pursuant to every other power hereunto enabling, we, Tweed Shire Council hereby delegate the following functions, powers, duties and authorities either conferred upon me or delegated to me by the Council.

The following delegations are made to the General Manager :

Title: Delegation under Crown Lands Act to General Manager.

Enabling Source: Section 378, LGA 1993
Section 156(1) Crown Lands Act 1989

Description: Delegation from the Minister for Land and Water Conservation of the Minister's powers under Section 156(1) of the Crown Lands Act 1989 subject to the following conditions:-

- a) The delegate/General Manager may only exercise the powers or functions in respect of land within the Area of the Local Government Council of which he or she is General Manager;
- b) The delegate/General Manager may only exercise the powers or functions in respect of 'vacant public land' as defined in Section 153 of the said Act;
- c) The delegate/General Manager may not exercise the powers or functions in respect of any reserve for which a reserve trust has been appointed as trustee, other than where the reserve trust is managed by the Local Government Council

Delegation under the Crown Lands Act to sign Development Applications on Reserves Trust land.

Financial Limit: \$0.00

Title: Management of the Council

Enabling Source: Section 377, LGA 1993

Description: The day-to-day management of the Council.

Financial Limit: \$0.00

Title: Functions of Council

Enabling Source: Section 377, LGA 1993 (excluding those prohibited under section 377)

Description: The functions of Council other than those specifically prohibited under Section 377 of the Local Government Act These being:

- 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
- the acceptance of tenders which are required under this Act to be invited by the Council
- the adoption of a management plan
- 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
- review of a determination of an application for approval
- the power of Council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194 of the Local Government Act
- the power of Council to authorise the use of reasonable force for the purposes of gaining entry to premises under Section 118D of the Environmental Planning and Assessment Act

- a decision under section 356 to contribute money or otherwise grant financial assistance to persons for the purposes of this Act
- the making of an application, or the giving of a notice, to the Governor or Minister
- this power of delegation

Financial Limit: \$0.00

Title: Appoint an Acting General Manager

Enabling Source: Section 377, LGA 1993

Description: To appoint an Acting General Manager due to the absence of the General Manager on Council activities or leave.

Financial Limit: \$0.00

Title: Direct and dismiss staff

Enabling Source: Section 377, LGA 1993

Description: To direct and dismiss staff.

Financial Limit: \$0.00

Title: Implement Council's EEO Management Plan

Enabling Source: Section 377, LGA 1993

Description: To implement the Council's Equal Employment Opportunity Management Plan.

Financial Limit: \$0.00

Title: Write off and abandon money

Enabling Source: Section 377, LGA 1993
Section 378, LGA 1993

Description: To write off and abandon money due to Council being of less than ten thousand dollars (\$10,000) in any one instance in accordance with Clause 20 of the Financial Management Regulations.

Financial Limit: \$0.00

Title: Determine Development Applications

Enabling Source: EPA Act 1979
Minute O1 of 22 January 2008

Description: Determination of all development applications and certificates under the Environmental Planning & Assessment Act 1979 as amended, except for proposals with a capital investment value of more than \$10,000,000 and subdivisions consisting of more than 50 lots.

Financial Limit: \$0.00

Title: Delegated responsibility for all functions of the Trusts

Enabling Source: Section 377, LGA 1993

Description: In accord with the requirements of the Local Government Act 1993, the General Manager be delegated responsibility for all functions of the Trusts other than those specifically prohibited under Section 377 of the Local Government Act.

Financial Limit: \$0.00

Title: Delegations Donations and Subsidies Policy

Enabling Source: Donations Policy
Section 377, LGA 1993

Description: Delegation to determine, in consultation with the Mayor, donations to other bodies not specified within Council's donations and subsidies policy and subject to the following guidelines:

- a. The group/organisation has a primary focus on community support within the Tweed or nationally.
- b. The donations will support and encourage community service or service excellence.
- c. The maximum donation will not exceed \$50.00 for an individual or \$75.00 for a group.

Financial Limit: \$0.00

Title: Delegations under the Food Act 2003

Enabling Source: Food Act 2003
Section 377, LGA 1993

Description: Delegates its functions as an enforcement agency, conferred on it by the Food Act 2003, to the General Manager.

Financial Limit: \$0.00

Title: Delegations under Companion Animals Act 1998

Enabling Source: Companion Animals Act 1998
Section 377, LGA 1993

Description: Delegation under the provisions of the Companion Animals Act 1998 the power to declare a dog dangerous.

Financial Limit: \$0.00

Title: Appoint officers under the Protection of the Environment Operations Act 1997

Enabling Source: Clause 187, Protection of the Environment Operations Act 1997

Description: Delegation under Section 377 of the Local Government Act 1993 power to appoint officers as authorised officers as per the provision of Clause 187 of the Protection of the Environment Operations Act 1997.

Financial Limit: \$0.00

Title: Staff appointments within Division

Enabling Source: Section 378, LGA 1993

Description: Make staff appointments within the Division within approved structure, staffing numbers and levels of remuneration.

Financial Limit: \$0.00

Title: Finance - GM

Enabling Source: Section 377 LGA 1993

Description: Authorised delegations subject to the following limitations:-
- Provisions of the Local Government Act 1993 (financial and operational)
- Resolution of Council
- In accordance with adopted Management Plan and Budgets of Council.
- In accordance with any policy of Council adopted by Resolution.
Finance 1 purchasing delegation: \$200 million

Financial Limit: \$200,000,000

Title: Delegation under Food Safety Standards 3.2.2

Enabling Source: Clauses 15 and 17 Food Safety Standards 3.2.2
Clauses 10 and 14 Food Standards Code 3.2.3
Section 377, LGA 1993

Description: Delegation of functions in respect as to the appropriate enforcement agency in relation to Food Safety Standards 3.2.2 (Clauses 15 and 17) and 3.2.3 (Clauses 10 and 14) of the Food Standards Code.

Financial Limit: \$0.00

Title: Appointment as Trust Executive Officer

Enabling Source: Section 377, LGA 1993

Description: The General Manager to be appointed as the Executive Officer of:
Tweed Reserves Trust
Tweed Coast Reserve Trust
Jack Evans Boatharbour Reserve Trust; and
Tweed Coast Holiday Parks Reserve Trust

Financial Limit: \$0.00

Title: Under Liquor Act 1982 and Registered Clubs Act 1976

Enabling Source: Minute O139
Operations Committee Meeting - 3 June 2008

Description: Council delegates to the General Manager the power to authorise Council Officers to make submissions under Sections 44 and 45 of the Liquor Act 1982 and Sections 25 and 26 of the Registered Clubs Act 1976.

Financial Limit: \$0.00

- under Section 118D of the Environmental Planning and Assessment Act
- a decision under section 356 to contribute money or otherwise grant financial assistance to persons for the purposes of this Act
- the making of an application, or the giving of a notice, to the Governor or Minister
- this power of delegation

Financial Limit: \$0.00

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