

# MID-COAST COUNCIL

## INSTRUMENT OF DELEGATION TO GENERAL MANAGER

On Wednesday, 9 October 2024 the Mid-Coast 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 Adrian Panuccio, 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:
  - 2.a **Subject to** any condition or limitation on a Function specified in Schedule 1; and
  - 2.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 conferred authority to carry out the Policy Authorities listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Authorities.
5. 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.
6. In the absence of the General Manager that a person appointed by resolution to act as General Manager 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.

7. These delegations and authorities are subject to, and are to be exercised in accordance with:

- a.a the requirements of the relevant Legislation;
- a.b any conditions or limitations set out in **Schedule 1** and **Schedule 3**; and
- a.c any resolution or policy, procedure or budget adopted from time to time by the Council.

8. 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.

9. In this delegation:

- o **“Functions”** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
- o **“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.
- o **“LG Act”** means the *Local Government Act 1993* as amended.

## Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
Legislation	Limitation (if any)
<i>Local Government (General) Regulation 2021.</i> Clause 178 Acceptance of tender submissions	Maximum value of \$1,000,000 (excluding GST) unless prior approval is provided by resolution to accept a tender for a specific purpose.
Part B – General Limitations	
N/A	

## Schedule 2: Instruments of Delegation to Council

Delegator	Instrument Name	Date Of Instrument
Minister for Planning and Environment	Instrument of Delegation under section 3.36 of the <i>Environmental Planning and Assessment Act 1979</i> .	28 September 2016
NSW Fair Trading (as the plumbing regulator)	Instrument of Delegation under section 21 of the <i>Plumbing and Drainage Act 2011</i> .	1 January 2013
NSW Food Authority	Instrument of Appointment under section 111(4) of the <i>Food Act 2003</i> .	1 July 2024

## Schedule 3: Policy Authorities

Code	Policy Authority	Conditions/Limitations (if any)
ADMINEXEA	Execute deeds of release to settle industrial disputes or claims on Council.	N/A
ADMINEXEB	To affix the common seal of the council as authority and execute any documents requiring the signature of the General Manager in the company of the Mayor, Deputy Mayor or other Councillor where Council has approved the documents' intent and resolved to affix Council's seal.	N/A
ADMINEXEC	Execute agreements for establishment of private water lines on Council roads under Council seal.	N/A
ADMINEXED	Sign all applications addressed to the Registrar General to record the Council as the registered owner of resumed land.	N/A

ADMINEXEE	Sign any contract, lease, licence, deed, or legal or other document, where the execution of such document is necessary to meet legal or Council formalities when such relate to Council's normal business activities.	N/A
ADMINGENA	Authorised to carry out administrative actions, including written and oral communication, necessary to perform the duties and functions of this position.	N/A
ADMINGENG	Accept service of documents on behalf of Council.	N/A
APPROVF	To approve, or not approve, an extension to term (not exceeding an additional 5 years) or a reduction in rent/fees requested by a lessee or licensee in accordance with Council's Leasing and Licencing of Council Land and Buildings Policy.	N/A
CORRESB	Sign correspondence relating to the core position responsibilities and other correspondence as required.	N/A
DISMORA	Authority to discharge any mortgages held by Council on condition that all conditions of the mortgage have been met. <b>The authority exercised under this delegation is to be reported to Council.</b>	N/A
FINEXPB10	To authorise invoices for payment where expenditure has been appropriately authorised, an order placed with the supplier and works/services/goods are as requested. This delegation can be exercised irrespective of the amount of the invoice subject to appropriate certification of the works/services/goods received.	N/A

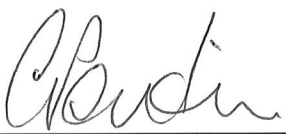


FINEXPBL	The position holder is delegated authority to authorise all expenditure and/or purchase orders up to the value of \$1,000,000 (excluding GST).	<p>(WITH THE FOLLOWING LIMITATIONS:</p> <p>a) the expenditure must relate to the position holder's area of responsibility;</p> <p>b) the expenditure must be in accordance with the adopted budget;</p> <p>c) the expenditure must be incurred in accordance with Council's Procurement Policy;</p> <p>d) the expenditure must not involve the acceptance of a tender which is required under the <i>Local Government Act 1993</i> to be invited and accepted by the Council or by the General Manager under delegated authority; and</p> <p>e) the expenditure must not require a resolution of the Council under the <i>Local Government Act 1993</i> and associated Regulation</p>
FINEXPC	To authorise the payment of the salaries and wages of the staff of the Council within the sums voted by the Council for expenditure thereon.	N/A
FINEXPD	Approve the abandonment of debts in accordance with the provisions of clause 213 of the <i>Local Government (General) Regulation 2021</i> and rates and charges in accordance with the provisions of clause 131 of the <i>Local Government (General) Regulation 2021</i> . Debts, rates and charges over \$10,000 are by Council resolution and under \$10,000 by General Manager.	N/A

FINEXPL	Authority to re-allocate approved budget allocations within divisional budgets, up to limit of \$50,000, subject to the amendment being included within the next monthly / quarterly budget review report to Council.	N/A
GENMATA	Exercise the functions of the Council position to which the position-holder is appointed in accordance with the job description for that position, Council resolutions and policies, Council's Enterprise Agreement and management direction.	N/A
PUBRELA	Make media statements on all matters relating to the current Division of Council.	N/A
PUBRELB	Respond to media enquiries on all matters relating to the current division of Council.	N/A
STAFFA	To authorise timesheets for employees within the area of control of the position (referred hereafter as relevant staff)	N/A
STAFFB	Determine all leave applications relative to all relevant staff having due regard to the proper functioning of the Section and maintenance of appropriate levels of service to the public.	N/A
STAFFC	Authorise the attendance of relevant staff at technical seminars/conferences/residential schools and the like, subject to funding being available in the Council's budget.	N/A
STAFFD	To authorise the payment of travelling and subsistence expenses for relevant staff in accordance with Council's policy on travelling and subsistence expenses.	N/A

STAFFE	Approve overtime for relevant staff in accordance with approved budget.	N/A
STAFFF	Approve relevant staff members to act in higher grade positions during periods of absence of key staff members in the Division.	N/A

Pursuant to a Resolution of the Council at its meeting of Wednesday, 9 October 2024,

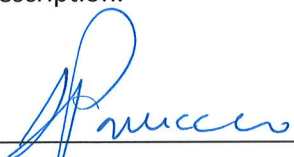


The Mayor

Date: Wednesday, 9 October 2024

### General Manager’s acknowledgement of Delegations of Authority

I, Adrian Panuccio, 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.



General Manager of Mid-Coast Council

Date: 19 October 2024