

Ballina Shire Council

Delegation of Authority

Local Government Act 1993, Section 377

General Manager

Ballina Shire Council, pursuant to s377 of the *Local Government Act 1993* and a resolution of the Council passed at a duly convened meeting of the Council held on 27 August 2009:

- (a) revokes all previous delegations of the Council's functions given by the Council to the General Manager of the Council; and
- (b) delegates to the General Manager (and to any person duly acting in that position from time to time), the functions of the Council specified in Schedule 1 subject to the conditions and limitations specified in Schedule 2.

This delegation takes effect on 27 August 2009 and remains in force until expressly amended or revoked by instrument in writing authorised by resolution of the Council.

Schedule 1 – Functions Delegated

Any function of the Council that may lawfully be delegated by the Council that is:

- (1) conferred or imposed by or under any Act or instrument; or
- (2) conferred or imposed by or under a code, policy or procedure adopted by the Council and in force from time to time.

Schedule 2 – Conditions & Limitations

- (1) The delegate must exercise a delegated function in a manner that is consistent with any applicable code, policy or procedure of the Council that has been adopted by resolution of the Council and is in force at the time the function is exercised.
- (2) The delegate may not exercise a delegated function so as to make, amend or revoke any code, policy or procedure adopted by resolution of the Council.
- (3) The delegate may not exercise a delegated function so as to vary the principal functional areas within an organisation structure adopted by resolution of the Council.
- (4) The delegate may not exercise a function so as to vary any existing Council service that would, in the delegate's opinion, significantly adversely affect the cost to the Council of the provision of the service or level of service provided by the Council.
- (5) The delegate may not exercise a delegated function that has also been delegated to the Mayor.
- (6) The delegate may not exercise a function in so far as it involves the determination of:
 - a) an application to review or modify a development consent by amending or omitting a condition imposed by the Council to address the concerns of objectors, or

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- b) an application relating to a matter that is the subject of an appeal pending before the Land and Environment Court, or
 - c) an application that has been called-up to the Council unless and until the call-up is revoked.
- (7) The delegate may not write off of a debt owed to the Council that exceeds \$1,000.

In this Schedule:

Application means:

- (a) a *development application* within the meaning of Part 4 of the *Environmental Planning and Assessment Act 1979*, or
- (b) an application under s96 of the *Environmental Planning and Assessment Act 1979* to modify a development consent, or
- (c) an application under s82A of the *Environmental Planning and Assessment Act 1979* to review a determination of the Council relating to a development application

Called-up, in relation to an Application, means:

- (d) an application pending before the Council that is the subject of a written notice, signed by not less than three (3) councillors, requesting that the application be considered by the governing body of the Council at the next ordinary meeting of the Council and given to the General Manager not less than 12 days before that meeting, or
- (e) an application pending before the Council in respect of which the Council has resolved that the application must be considered by the governing body of the Council at a meeting of the Council specified in the resolution,

but does not include such an application following the meeting of the Council referred to in paragraph (a) or (b) if the application was not finally determined by the Council at the meeting.



Cr Phillip Silver
Mayor

Date 27.8.09

I, Paul Hickey, acknowledge receipt of and understand the above delegations.



Date 27.8.09