



**DUBBO REGIONAL  
COUNCIL**

# Delegation of Authority to the Chief Executive Officer

MAY 2022

<b>Document Revision History</b>	
<b>Description</b>	<b>Date</b>
Amended and adopted following merger of Dubbo City and Wellington councils	May 2016
Amended as a result of delegations with respect to the Defined Asset Management Policy as adopted August 2017	August 2017
Adopted by Council	26 February 2018
Updated title of General Manager to Chief Executive Officer	26 March 2018
Updated for Appointment of Acting Chief Executive Officer	22 February 2021
Reviewed for Appointment of permanent Chief Executive Officer	October 2021
Reviewed in accordance with Section 380 of the Local Government Act, within the first 12 months of the new term of office.	May 2022
<b>Notes</b>	

## PURPOSE

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In accordance with Section 377 of the Local Government Act 1993, Council may, by resolution, delegate the General Manager (Chief Executive Officer) any of the functions of the Council with the exception of those functions as listed below. Such delegations assist the Chief Executive Officer to understand his/her authority to make decisions on behalf of the organisation. Delegating authority to the Chief Executive Officer provides the ability for the Chief Executive Officer to perform functions of Council and sets clear parameters to allow Council to concentrate on strategic issues.

This document outlines what functions are, and are not, delegated to the Chief Executive Officer and thereby the Chief Executive Officer has delegation to undertake all other functions.

## DELEGATIONS

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The Chief Executive Officer does not have the delegation to undertake the following in accordance with Section 377 of the *Local Government Act 1993* (the Act):

1. The appointment of a General Manager (Chief Executive Officer).
2. The making of a rate.
3. A determination under section 549 as to the levying of a rate.
4. The making of a charge.
5. The fixing of a fee.
6. The borrowing of money.
7. The voting of money for expenditure on its works, services or operations.
8. The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment).
9. The acceptance of tenders to provide services currently provided by members of staff of the council.
10. The adoption of an operational plan under section 405.
11. The adoption of a financial statement included in an annual financial report.
12. A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6.
13. The fixing of an amount or rate for the carrying out by the council of work on private land.
14. 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.

15. The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 8.2 of the Environmental Planning and Assessment Act 1979.
16. The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194.
17. A decision under section 356 to contribute money or otherwise grant financial assistance to persons.
18. A decision under section 234 to grant leave of absence to the holder of a civic office.
19. The making of an application, or the giving of a notice, to the Governor or Minister.
20. This power of delegation.
21. Any function under this or any other Act that is expressly required to be exercised by resolution of the council.

### **Development Application Delegations**

The Chief Executive Officer cannot approve Development Applications where:

1. A petition with eight or more signatures from separate households within the notification area has been received and the application has not been refused.
2. Where eight or more valid planning objections to the development application have been received from separate households within the notification area and the application has not been refused.
3. Development where there is major variation (more than a 10%) from Council's Development Standards under Clause 4.6 of the Dubbo Regional LEP 2022 unless concurrence has been received from the State Government to determine particular matters under delegation.
4. Where two or more Councillors request a Development Application to be brought to Council.
5. Any matter subject to appeal where the matter has gone to a hearing or Section 34A Conference.
7. Applications where income is to be forgone such as a reduction in developer contributions levied under an adopted Section 94 Plan or Section 64 Policy.
8. In the case of development where the estimated value is higher than \$5 million, unless the Development Application is required to be determined by a Joint Regional Planning Panel.
9. Development Applications recommended for refusal must go to an Ordinary Meeting of Council for determination.

## Voluntary Planning Agreements

- The Chief Executive Officer does not have the delegation to enter into Voluntary Planning Agreements (VPAs).

These matters must be referred to either Council or the relevant Standing Committee where appropriate for determination.

## Other Matters

- **Writing Off Accounts**

The Chief Executive Officer does not have the delegation to approve the writing off of accounts greater than \$10,000. Write offs are reported to Council on an annual basis.

- **Writing Off Stores and Materials**

The Chief Executive Officer does not have the delegation to approve the write on and off stores and materials greater than \$10,000.

- **Awarding Tenders**

The Chief Executive Officer does not have the delegation to award Tenders above the value of \$250,000. A register of council contracts is available on the Dubbo Regional Council website.

- **Leases**

The Chief Executive Officer cannot approve on behalf of Council:

- (a) Any lease or licence of land classified operational pursuant to s26 of the Local Government Act 1993 where:
  - i. The initial term (including any option(s)) exceeds five years
  - ii. The rent is less than fair market rent, but excluding any lease of licence for which tenders are required under the Local Government Act 1993 to be invited by the Council
- (b) Any temporary lease and/or licence of Crown Land controlled or managed by Council where the term exceeds 12 months.