

**INSTRUMENT OF DELEGATION TO GENERAL MANAGER**

Pursuant to Section 377(1) of the *Local Government Act 1993* the Bellingen Shire Council ("**Council**") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. The person who holds the position of General Manager of Council ("General Manager"), being at the date of this instrument, Elizabeth Ann Jeremy, 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:
  - a. Subject to any condition or limitation on a Function specified in Schedule 1; and
  - 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 Council.
3. The General Manager be sub-delegated authority to exercise and/ or perform on behalf of Council the Functions delegated to Council under, and in accordance with, any instrument of delegation to the Council set out in Schedule 2, excluding those functions which pursuant to the terms of delegation to the Council may not be sub delegated.
4. 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.
5. 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 Council.
6. The delegations in this Instrument are subject to, and are to be exercised in accordance with, the requirements of the relevant legislation, and any resolution or policy or procedure or budget adopted from time to time by the Council.
7. The delegations in this Instrument 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.

8. In this delegation:

"**Functions**" means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.

"**Legislation**" includes legislation enacted by the parliaments of New South Wales and of the Commonwealth of Australia;

"**LG Act**" means the Local Government Act 1993 as amended.

## Schedule 1: Limitations

Nil.

## Schedule 2: Instrument of Delegation to Council

Delegator	Regarding	Date of Instrument
NSW Food Authority	NSW Food Authority – those functions as specified in the Food Act 2003	Tuesday, 1 July 2008
Roads and Maritime Service (RMS)	Roads and Maritime Services delegations- Section 50- The RMS delegates to councils constituted under the Local Government Act 1993 listed in schedule 1 and 2 respectively ("delegates") the functions of RMS set out in Schedule 3 ("the functions") subject to the limitations set out in Schedule 4 and authorises delegates to sub-delegate the functions to the persons in Schedule 5 ("sub-delegates") subject to the limitations in Schedule 4.	Monday, 31 October 2011
NSW Government- Planning & Infrastructure	Making of Local Environmental Plans- Authority to exercise the functions of the Minister for Planning & Infrastructure under Section 59 of the Environmental Planning and Assessment Act 1979 which was accepted by resolution of Bellingen Shire Council on 28 November 2012. Council officers must comply the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".	Wednesday, 28 November 2012
NSW- Fair Trading	Fair Trading- Those functions as specified in the "Instrument of delegation" under section 21 of the Plumbing and Drainage Act 2011.	Tuesday, 1 January 2013
National Heavy Vehicle Regulator Board	National Heavy Vehicle Regulator Board- Those functions specified in Column 1 and Column 2 of Schedule 1, subject to the limitations (if any) specified in Column 3 of Schedule 1.	Thursday, 22 January 2015

**Note:** Pursuant to a Resolution of the Council at its meeting of 16 August 2017.