



ORDINARY MEETING

Late Supplementary

Date of meeting: 6 May 2025
Location: Council Chambers
Time: 6:30 PM

BUSINESS PAPER

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10.2. GENERAL MANAGER

10.2.1. SUPPLEMENTARY REPORT - GM - Review of Delegations of Authority under Section 377 of the Local Government Act 1993 - (79351)

Previous Item: 155, Ordinary (13 September 2022)

Directorate: General Manager

PURPOSE OF THE REPORT

Item 10.2.1 to the business paper for the Council Meeting of 6 May 2025 seeks Council's delegations of authority to the General Manager and other bodies under Section 377 of the Local Government Act 1993 for review and adoption. This report should have included reference to the Floodplain Management Committee, which has established as at Committee of Council at the Council Meeting of 15 October 2024 (182, Ordinary (15 October 2024)).

The purpose of this Supplementary Report is to outline Council's delegations of authority to the General Manager and other bodies, including the Floodplain Management Committee, under Section 377 of the Local Government Act 1993 for review and adoption.

EXECUTIVE SUMMARY

Council is required to review its delegations within the first twelve months of each term of Office.

Under Section 377 of the Local Government Act 1993, Council can, by resolution, delegate functions of Council under this or any other Act to the General Manager or to any other person or body (who is not an employee of Council).

The recommended delegations are from Council to the following persons, Committees and bodies:

- The General Manager
- Committees of Council, that is, the Heritage Committee and the Disaster and Emergency Committee and the Floodplain Management Committee
- The General Manager's Performance Review Panel
- Various community-based Management Committees.

The recommended delegated authorities revoke all previous delegations assigned to these people, Committees and bodies and assign new delegations.

RECOMMENDATION

That Council delegate authority to the General Manager, Committees and bodies as outlined in Attachment 1 to this report.

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BACKGROUND

In accordance with Section 380 of the Local Government Act 1993 (the Act), Council is required to review its delegations of authority during the first twelve months of each term of Office.

Section 355 of the Act says that a function of Council may be exercised:

- (a) *by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or*
- (b) *by a committee of the council, or*
- (c) *partly or jointly by the council and another person or persons, or*
- (d) *jointly by the council and another council or councils (including by means of a joint organisation or a Voluntary Regional Organisation of Councils of which the councils concerned are members), or*
- (e) *by a delegate of the council (which may, for example, be a joint organisation or a Voluntary Regional Organisation of Councils of which the council is a member).*

Council's general power to delegate its functions is contained within Section 377 of the Act, which says:

377 General power of the council to delegate

- (1) *A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following—*
 - (a) *the appointment of a general manager,*
 - (b) *the making of a rate,*
 - (c) *a determination under section 549 as to the levying of a rate,*
 - (d) *the making of a charge,*
 - (e) *the fixing of a fee,*
 - (f) *the borrowing of money,*
 - (g) *the voting of money for expenditure on its works, services or operations,*
 - (h) *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),*
 - (i) *the acceptance of tenders to provide services currently provided by members of staff of the council,*
 - (j) *the adoption of an operational plan under section 405,*
 - (k) *the adoption of a financial statement included in an annual financial report,*
 - (l) *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*

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- (m) the fixing of an amount or rate for the carrying out by the council of work on private land,*
 - (n) 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,*
 - (o) 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 82A of the Environmental Planning and Assessment Act 1979,*
 - (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
 - (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,*
 - (r) a decision under section 234 to grant leave of absence to the holder of a civic office,*
 - (s) the making of an application, or the giving of a notice, to the Governor or Minister,*
 - (t) this power of delegation,*
 - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.*
- (1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if—*
- (a) the financial assistance is part of a specified program, and*
 - (b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
 - (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.*
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.*

Council last reviewed its delegations of authority at its Ordinary Meeting on 13 September 2022.

DISCUSSION

To ensure the effective operation of the organisation, Council delegates authority to the General Manager, Committees, and other organisations to provide a wide range of functions on behalf of Council.

The General Manager sub-delegates appropriate authorities to Council employees to facilitate the efficient and effective day-to-day operation of the Council.

The delegations of authority extended by Council under Sections 355 and 377 of the Act are attached as Attachment 1 to this report.

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Delegated Authority to the General Manager

The delegated authority to the General Manager has been amended to clarify:

- That the previous delegation has been revoked
- The limitations that apply to the delegation
- That any person who acts in the position of General Manager in their absence will have this delegation
- That the commencement date of the delegation is from the date of the Council resolution regarding the delegation.

The recommended delegated authority from Council to the General Manager is detailed in Attachment 1 to this report.

Delegated Authority to Committees

Committees of Council

The current Committees of Council includes:

- Heritage Committee
- Disaster and Emergency Committee
- Floodplain Management Committee.

The delegated authorities to the Heritage Committee and Disaster and Emergency Committee and Floodplain Management Committee have been amended to:

- Clarify that the previous delegations for the Committees have been revoked
- Detail the delegated of authority provided to each of the Committees
- Clarify the limitations that apply to the delegations
- Clarify the commencement date of the delegations.

The recommended delegations from Council to the Heritage Committee and Disaster and Emergency Committee and Floodplain Management Committee are listed in Attachment 1 to this report.

General Manager's Performance Review Panel

The delegated authority to the General Manager's Performance Review Panel has been amended to clarify:

- That the previous delegation to the General Manager's Performance Review Panel is revoked
- The legislation that the Performance Review Panel operates under
- The specific functions of the Performance Review Panel
- The limitations that apply to the delegation

- The commencement date of the delegation.

The recommended delegations from Council to the General Manager's Performance Review Panel is detailed in Attachment 1 to this report.

Community-based Management Committees

The current list of Community-based Management Committees includes:

Child Care Centres

- Hobartville – Hobartville Long Day Pre-School Inc.
- Greenhills – Greenhills Child Care Centre Inc.
- Glossodia – Golden Valley Learning Centre Inc.
- McGraths Hill – McGraths Hill Children's Centre Inc.
- North Richmond – Elizabeth Street Extended Hours Pre-School Inc.
- Wilberforce – Wilberforce Early Learning Centre Inc.

Pre-Schools

- Richmond Pre-School – Richmond Pre-School Inc.
- Wilberforce Pre-School – Wilberforce Pre-School Inc.
- Windsor Pre-School – Windsor Pre-School Inc.

Children and Family Centres

- Hawkesbury Early Intervention Centre – The Stewart Street Centre Management Committee

Community Buildings, Neighbourhood Centres and Halls

- Bilpin Hall – The Bilpin District Hall Inc.
- Glossodia Community Centre – Glossodia Community Information and Neighbourhood Centre Inc.
- Hawkesbury Leisure and Learning Centre, Richmond – Peppercorn Services Inc.
- Hawkesbury Skills Centre, Bosworth Street Richmond – Hawkesbury Skills Inc.
- North Richmond Community Centre – North Richmond Community Centre Inc.
- Richmond Neighbourhood Centre – Richmond Community Services Inc.
- South Windsor Family Centre – Peppercorn Services Inc.
- St Albans School of Arts – St Albans School of Arts Hall Inc.

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- Tiningi Community/Youth Centres and Bligh Park Neighbourhood Centre – Bligh Park Community Services Inc.

Playing Fields / Parks

- Active playing fields previously determined by Council – Hawkesbury Sports Council Inc.
- Bowen Mountain Park – Bowen Mountain Management Committee
- McMahon Park – McMahon Park Management Committee
- St Albans Park – St Albans Sport and Recreation Association

Cemeteries

- Lower Portland Cemetery – Lower Portland Cemetery Committee
- St Albans Cemetery – St Albans Cemetery Committee

Externally Funded Services

The following services are under the care and control of Peppercorn Services Inc.:

- Targeted Early Intervention Service Delivery
- Commonwealth Home Support Program Service Delivery

The delegated authority to these Community-based Management Committees has been amended to clarify:

- That the previous delegations to the Committees is revoked
- The legislation that the Committees operate under
- The delegations of authority provided to each Community-based Management Committees
- The limitations that apply to the delegation
- The commencement date of the delegation.

Since the last review of delegations the following changes have occurred:

- Both Maraylya Hall, Maraylya and Wilberforce School of Arts, Wilberforce have transferred to Council for management and no longer require a delegation.
- The child care centres and pre-schools are currently operating under leases regarding the care, control and management of the Council-owned facilities. Their recommended delegations are regarding the care, control and management of the child care services.
- Bligh Park Children's Centre is being run out of the Bligh Park Neighbourhood Centre and is under the care, control and management of Bligh Park Community Services Inc.

The recommended delegated authorities from Council to these Community-based Management Committees are detailed in Attachment 1 to this report.

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Great Place to Live

1.5 Provide the right places and spaces to serve our community.

1.6 Build on a sense of community and wellbeing.

Reliable Council

4.1 Provide representative, responsive and accountable governance.

4.4 Build strong relationships and shared responsibilities.

4.5 Encourage a shared responsibility for effective compliance.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

RISK MANAGEMENT CONSIDERATIONS

There is a high compliance risk associated with this report if Council does not resolve its delegations to the General Manager and other bodies. There is a legislative obligation to resolve these delegations to bring them into effect.

There is a moderate to high operational risk associated with this report if Council does not resolve its delegations to other bodies. Council provides delegations for these bodies to conduct work on behalf of Council. Without these delegations, Council would have to integrate the functions back into its operations.

ATTACHMENTS

AT - 1 Proposed Delegations of Authority extended by Council under the Local Government Act 1993

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Attachment 1 - Proposed Delegations of Authority extended by Council under the Local Government Act 1993

Person / Committee / Body	Delegation
Delegated authority from Council to the General Manager	<p>Pursuant to Sections 355 and 377 of the Local Government Act 1993 Council revokes all previous delegations of functions to the General Manager of Hawkesbury City Council.</p> <p>Pursuant to Sections 355, 377 and 381 of the Local Government Act 1993 Council delegates to the General Manager of Hawkesbury City Council the functions set out in A and B, subject to the limitations, conditions and restrictions set out in C.</p> <p>A. All those functions of the Council under the Local Government Act 1993 and the Regulations made thereunder, and under any other Act, statutory instrument and law.</p> <p>B. Any specific functions of the Council that are resolved by Council at a Council meeting*.</p> <p>C. This delegation is subject to the following limitations, conditions and restrictions:</p> <p>i. Limitations outlined in Section 377 of the Local Government Act 1993.</p> <p>ii. Limitations outlined in any other Act, statutory instrument and law relevant to the delegation.</p> <p>iii. The provisions of the Local Government Act 1993 and the Regulations made thereunder, and under any other Act, statutory instrument or law as amended.</p> <p>iv. Council may, by resolution, direct the General Manager in the exercise of any function herein delegated*.</p> <p>v. Any restrictions or conditions imposed upon any delegation by a policy or a decision of the Council.</p> <p>vi. In the General Manager's absence, the Senior Staff position holder acting in the position of General Manager during any period of vacancy in the office or absence from duty of the General Manager shall possess this delegation.</p> <p>vii. This delegation shall commence from the date of the resolution of Council regarding this</p>

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	<p>delegation and shall remain in force until specifically altered or revoked in writing.</p> <p><i>* See Schedule 1 to this attachment.</i></p>
<p>Delegated authority from Council to the Heritage Committee</p>	<p>Pursuant to Sections 355 and 377 of the Local Government Act 1993 Council revokes all previous delegations of functions to the Heritage Committee.</p> <p>Pursuant to Sections 355 and 377 of the Local Government Act 1993 Council delegates to the Heritage Committee the functions set out in A and B, subject to the limitations, conditions and restrictions in C:</p> <p>A. Recommend to Council policies drawn up by professional staff.</p> <p>B. Bring to Council's attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the Committee under Section 377.</p> <p>C. This delegation is subject to the following limitations, conditions and restrictions:</p> <p>i. Limitations outlined in Section 377 of the Local Government Act 1993.</p> <p>ii. Limitations outlined in any other Act, statutory instrument and law relevant to the delegation.</p> <p>iii. The provisions of the Local Government Act 1993 and the Regulations made thereunder, and under any other Act, statutory instrument or law as amended.</p> <p>iv. Any restrictions or conditions imposed upon any delegation by a policy or a decision of the Council.</p> <p>v. This delegation shall commence from the date of the resolution of Council regarding this delegation and shall remain in force until specifically altered or revoked in writing.</p>
<p>Delegated authority from Council to the Disaster and Emergency Committee</p>	<p>Pursuant to Sections 355 and 377 of the Local Government Act 1993 Council revokes all previous delegations of functions to the Disaster and Emergency Committee.</p> <p>Pursuant to Sections 355 and 377 of the Local Government Act 1993 Council delegates to the Disaster and Emergency Committee the</p>

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	<p>functions set out in A and B, subject to the limitations, conditions and restrictions in C:</p> <p>A. Recommend to Council policies drawn up by professional staff.</p> <p>B. Bring to Council's attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the Committee under Section 377.</p> <p>C. This delegation is subject to the following limitations, conditions and restrictions:</p> <p>i. Limitations outlined in Section 377 of the Local Government Act 1993.</p> <p>ii. Limitations outlined in any other Act, statutory instrument and law relevant to the delegation.</p> <p>iii. The provisions of the Local Government Act 1993 and the Regulations made thereunder, and under any other Act, statutory instrument or law as amended.</p> <p>iv. Any restrictions or conditions imposed upon any delegation by a policy or a decision of the Council.</p> <p>v. This delegation shall commence from the date of the resolution of Council regarding this delegation and shall remain in force until specifically altered or revoked in writing.</p>
<p>Delegated authority from Council to the Floodplain Management Committee</p>	<p>Pursuant to Sections 355 and 377 of the Local Government Act 1993 Council revokes all previous delegations of functions to the Floodplain Management Committee.</p> <p>Pursuant to Sections 355 and 377 of the Local Government Act 1993 Council delegates to the Floodplain Management Committee the functions set out in A and B, subject to the limitations, conditions and restrictions in C:</p> <p>A. Recommend to Council the review, development and adoption of one or more Floodplain Risk Management Studies and Floodplain Risk Management Plans.</p> <p>B. This delegation is subject to the following limitations, conditions and restrictions:</p> <p>i. Limitations outlined in Section 377 of the Local Government Act 1993.</p>

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	<p>ii. Limitations outlined in any other Act, statutory instrument and law relevant to the delegation.</p> <p>iii. The provisions of the Local Government Act 1993 and the Regulations made thereunder, and under any other Act, statutory instrument or law as amended.</p> <p>iv. Any restrictions or conditions imposed upon any delegation by a policy or a decision of the Council.</p> <p>v. This delegation shall commence from the date of the resolution of Council regarding this delegation and shall remain in force until specifically altered or revoked in writing.</p>
<p>Delegated authority from Council to the General Manager's Performance Review Panel</p>	<p>Pursuant to Sections 223, 355 and 377 of the Local Government Act 1993 Council revokes all previous delegations of functions to the General Manager's Performance Review Panel.</p> <p>Pursuant to Sections 233, 355 and 377 of the Local Government Act 1993 Council delegates to the General Manager's Performance Review Panel the functions set out in A, B and C, subject to the limitations, conditions and restrictions in D:</p> <p>A. Conducting performance reviews of the General Manager of Hawkesbury City Council.</p> <p>B. Reporting the findings and recommendations of performance reviews of the General Manager of Hawkesbury City Council to the Council.</p> <p>C. Development of the performance agreement of the General Manager of Hawkesbury City Council.</p> <p>D. This delegation is subject to the following limitations, conditions and restrictions:</p> <p>i. The provisions of the Local Government Act 1993 and the Regulations made thereunder, and under any other Act, statutory instrument or law as amended.</p> <p>ii. The provisions of any guidelines produced by the Office of Local Government regarding the appointment and oversight of general managers.</p> <p>iii. Any restrictions or conditions imposed upon any delegation by a policy or a decision of the Council.</p>

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Person / Committee / Body	Delegation
	iv. This delegation shall commence from the date of the resolution of Council regarding this delegation and shall remain in force until specifically altered or revoked in writing.
Delegated authority from Council to Community-based Management Committees. Includes: <ul style="list-style-type: none"> • Child care centres • Pre-schools • Children and Family Centres 	Pursuant to Sections 355 and 377 of the Local Government Act 1993 Council revokes all previous delegations of functions to the [name of Committee or body] . Pursuant to Sections 355 and 377 of the Local Government Act 1993 Council delegates to the [name of the Committee or body] the functions set out in A, subject to the limitations, conditions and restrictions in B: A. Plan for and manage the associated facility on behalf of Council for the benefit of the Hawkesbury community by acting as a consulting, liaising, advising, promoting and coordinating group. B. This delegation is subject to the following limitations, conditions and restrictions: i. Limitations outlined in Section 377 of the Local Government Act 1993. ii. Limitations outlined in any other Act, statutory instrument and law relevant to the delegation. iii. The provisions of the Local Government Act 1993 and the Regulations made thereunder, and under any other Act, statutory instrument or law as amended. iv. Any restrictions or conditions imposed upon any delegation by a policy or a decision of the Council. v. This delegation shall commence from the date of the resolution of Council regarding this delegation and shall remain in force until specifically altered or revoked in writing.
Delegated authority from Council to Community-based Management Committees. Includes: <ul style="list-style-type: none"> • Community buildings, neighbourhood centres and halls • Playing fields / parks • Cemeteries 	Pursuant to Sections 355 and 377 of the Local Government Act 1993 Council revokes all previous delegations of functions to the [name of Committee or body] . Pursuant to Sections 355 and 377 of the Local Government Act 1993 Council delegates to the [name of the Committee or body] the functions set out in A, B and C, subject to the limitations, conditions and restrictions in D:

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	<p>A. Plan for and manage the associated facility on behalf of Council for the benefit of the Hawkesbury community by acting as a consulting, liaising, advising, promoting and coordinating group.</p> <p>B. Carry out routine maintenance of the associated facility and its contents, and advise and assist Hawkesbury City Council in the maintenance and management of the associated facility and its assets when outside the scope of routine maintenance.</p> <p>C. Provide effective administrative and financial management of the associated service and/or facility.</p> <p>D. This delegation is subject to the following limitations, conditions and restrictions:</p> <p>i. Limitations outlined in Section 377 of the Local Government Act 1993.</p> <p>ii. Limitations outlined in any other Act, statutory instrument and law relevant to the delegation.</p> <p>iii. The provisions of the Local Government Act 1993 and the Regulations made thereunder, and under any other Act, statutory instrument or law as amended.</p> <p>iv. Any restrictions or conditions imposed upon any delegation by a policy or a decision of the Council.</p> <p>v. This delegation shall commence from the date of the resolution of Council regarding this delegation and shall remain in force until specifically altered or revoked in writing.</p>
<p>Delegated Authority from Council to Peppercorn Services Inc. <i>(Externally funded services)</i></p>	<p>Pursuant to Sections 355 and 377 of the Local Government Act 1993 Council revokes all previous delegations of functions to Peppercorn Services Inc.</p> <p>Pursuant to Sections 355 and 377 of the Local Government Act 1993 Council delegates to Peppercorn Services Inc. the functions set out in A and B, subject to the limitations, conditions and restrictions in C:</p> <p>A. Plan for and manage the associated service on behalf of Council for the benefit of the Hawkesbury City Council community.</p>

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	<p>B. Provide effective administrative and financial management of the associated services.</p> <p>C. This delegation is subject to the following limitations, conditions and restrictions:</p> <p>i. Limitations outlined in Section 377 of the Local Government Act 1993.</p> <p>ii. Limitations outlined in any other Act, statutory instrument and law relevant to the delegation.</p> <p>iii. The provisions of the Local Government Act 1993 and the Regulations made thereunder, and under any other Act, statutory instrument or law as amended.</p> <p>iv. Any restrictions or conditions imposed upon any delegation by a policy or a decision of the Council.</p> <p>v. This delegation shall commence from the date of the resolution of Council regarding this delegation and shall remain in force until specifically altered or revoked in writing.</p>

Schedule 1 to AT - 1 – Council delegations to the General Manager

Ordinary Meeting	Resolution Number	Delegation
21 November 2023	RES215/23	That Council grant delegation to the General Manager to execute any documents on behalf of Council, associated with the acquisition process, which do not require the Seal of Council to be affixed.
19 July 2022	RES166/22	That Council increases the delegated authority of the General Manager or Responsible Accounting Officer to write off bad debts to \$5,000 and amend the Debt Recovery, Pensioner Concession and Hardship Policy accordingly.

oooO END OF REPORT Oooo



Ordinary Meeting

End of Business Paper

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.