



Georges River Council

Local Government Act 1993, Section 377

Instrument of Delegation of Functions to General Manager

Georges River Council, pursuant to s377(1) of the *Local Government Act 1993* ('Act') and a resolution of the Council passed at a duly convened meeting of the Council held on 2 August 2022:

- (a) revokes all previous delegations of the Council's functions given by the Council to the General Manager of the Council including but not limited to the delegations given on 24 September 2018, and
- (b) delegates to the General Manager of the Council (including any person appointed to act in the vacant position of General Manager pursuant to section 336 of the Act and any person temporarily appointed to the position of General Manager pursuant to section 351 of the Act), the functions of the Council specified in Schedule 1 subject to the conditions and limitations specified in Schedule 2.

This Instrument takes effect on 1 October 2022 and remains in force until expressly amended or revoked by instrument in writing authorised by resolution of the Council.

Schedule 1

Functions Delegated

All functions, including powers, authorities and duties, of the Council conferred or imposed by or under the Act or any other Act able to be lawfully delegated by the Council to the General Manager.

Schedule 2

Conditions & Limitations

Compliance with Council resolutions & policies

1. The General Manager must not exercise a delegated function contrary to any lawful resolution of the Council, including any lawful policy adopted by resolution of the Council.

Granting of financial assistance

2. The General Manager must, pursuant to section 377(1A) of the Act, exercise the function under section 356 of the Act to contribute money or otherwise grant financial assistance to persons in accordance with a program that is included in the Council's adopted operational plan for the year in which the financial assistance is given.

Note: Section 377(1A) of the *Local Government Act 1993* only allows the Council to delegate its functions under section 356 of that Act 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.

Leases, licences & management agreements

3. The General Manager must not grant, enter into, modify, terminate or revoke, a lease or licence of, or a management agreement in respect of, land vested in or under the control of the Council, including land for which the Council is the Crown land manager under the *Crown Land Management Act 2016 (NSW)* having a term (including any period of renewal) exceeding ten (10) years.



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4. Despite clause 3, the General Manager must not grant, enter into, modify, terminate or revoke, a lease or licence or a management agreement in respect of:
 - a. any of Council's premium sporting facilities listed below:
 - I. Ken Rosewall Tennis Centre,
 - II. Parkside Drive Tennis Centre,
 - III. Netstrata Jubilee Stadium,
 - IV. Hurstville Oval (including new pavilion),
 - V. Norm O'Neill Cricket Training Centre,
 - VI. Beverley Park Golf Course,
 - VII. Hurstville Golf Course (including new pavilion),
 - VIII. Hurstville Aquatic Leisure Centre,
 - IX. Poulton Park (Synthetic),
 - X. Peakhurst Park (Synthetic),
 - XI. Vanessa Street Multi-sports Courts,
 - XII. Penshurst Park Sporting Hub (Synthetic Field),
 - XIII. Sans Souci Leisure Centre,
 - b. any of the following:
 - i. Carss Park Cottage, 80 Carwar Avenue, Carss Park NSW 2221,
 - ii. Carss Park restaurant and kiosk, 107 Carwar Avenue Carss Park NSW 2221,
 - iii. The Kyle Bay, Merriman Reserve, 12 Merriman Street, Kyle Bay NSW 2221,
 - iv. Olds Park Sports Club, 1 Olds Park Lane, Penshurst NSW 2222,
 - v. 247 Princes Hwy, Carlton NSW 2218 (upon Council's acquisition),
 - vi. Sans Souci Pavilion (once built), 10 Water Street, Sans Souci NSW 2219,
 - vii. Former Hurstville Baptist Church, 4-6 Dora St, Hurstville NSW 2220.

Landowner's consent

5. The General Manager must not grant the consent of the Council as landowner to the making of a development application or an application to modify a development consent under the *Environmental Planning and Assessment Act 1979* (NSW) relating to land, building or place specified in clause 4.a. or clause 4.b.

Grant funding applications made to other bodies

6. The General Manager must not grant the consent or approval of the Council to the making of a grant funding application by a person to another person or body (including but not limited to a governmental body), where the grant funding to which the application relates is proposed to be applied in respect of land, building or place specified in clause 4.a or clause 4.b unless:



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- a. The grant funding sought is not more than \$30,000, or
- b. the grant funding will be applied towards a project endorsed or approved by resolution of the Council, or
- c. in cases of urgency where project has not been endorsed or approved by resolution of the Council, the General Manager has obtained the concurrence of the Mayor to the approval of the application.

Writing-off rates, charges and debts

- 7. The General Manager must not write-off an amount of rates and charges or a debt owing to the Council unless:
 - a. the Council has, by resolution, fixed the amount of rates and charges or debts above which any individual rate or charge or debt may be written off only by resolution of the council, and
 - b. the amount of the rate or charge or debt written-off by the General Manager is less than the amount fixed by resolution of the Council.

Note: Clause 131 of the *Local Government (General) Regulation 2021* enables the Council, by resolution, to fix the amount of rates and charges above which any individual rate or charge may be written off only by resolution of the Council, and further enables the General Manager to write-off an amount of rates or charges of or below that amount by order in writing. Clause 213 of the Regulation applies in the same way to the writing-off of debts owing to the Council.


Acknowledgement by Delegate:

I, David Tuxford, Acting General Manager of Georges River Council, acknowledge that I have read and understand the above delegations and will exercise the delegations in accordance with this Instrument.



 David Tuxford
Acting General Manager

Date 12/09/22



 Nick Katris
Mayor

Date 12/09/2022