



Murrumbidgee
COUNCIL

DELEGATIONS OF AUTHORITY

PART 1

DELEGATIONS FROM COUNCIL

**Adopted by resolution at
Council meeting on Thursday 23 December 2021**



Index to Part 1

PREAMBLE	2
INTRODUCTION	4
DELEGATION TO COMMITTEES OF COUNCIL	5
DELEGATION TO THE MAYOR.....	6
DELEGATION TO THE GENERAL MANAGER.....	8

PREAMBLE

Section 223 of the Local Government Act 1993 (**Act**) defines:

(1) *The role of the governing body is as follows:*

- (a) *to direct and control the affairs of the Council in accordance with this Act,*
- (b) *to provide effective civic leadership to the local community,*
- (c) *to ensure as far as possible the financial sustainability of the Council,*
- (d) *to ensure as far as possible that the Council acts in accordance with the principles set out in Chapter 3 and the plans, programs, strategies and policies of the Council,*
- (e) *to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the Council,*
- (f) *to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the Council's resources to implement the strategic plans (including the community strategic plan) of the Council and for the benefit of the local area,*
- (g) *to keep under review the performance of the Council, including service delivery,*
- (h) *to make decisions necessary for the proper exercise of the Council's regulatory functions,*
- (i) *to determine the process for appointment of the General Manager by the Council and to monitor the General Manager's performance,*
- (j) *to determine the senior staff positions within the organisation structure of the Council,*
- (k) *to consult regularly with community organisations and other key stakeholders and keep them informed of the Council's decisions and activities,*
- (l) *to be responsible for ensuring that the Council acts honestly, efficiently and appropriately.*

(2) *The governing body is to consult with the General Manager in directing and controlling the affairs of the Council.*

Section 377 of the Local Government Act 1993 (**Act**) provides:

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, other than the following:*
 - (a) *the appointment of a General Manager,*
 - (b) *the making of a rate,*
 - (c) *a determination under section 549 [of the Act] 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 which are required under this Act to be invited by the Council,*
 - (j) *the adoption of an operational plan under section 405 [of the Act],*
 - (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 [of the Act],*
 - (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 (8.3) 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 [of the Act],*

- (q) *a decision under section 356 [of the Act] to contribute money or otherwise grant financial assistance to persons,*
- (r) *a decision under section 234 [of the Act] 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.*

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 Director-General except as provided by the instrument of delegation to the Council.*

INTRODUCTION

In accordance with section 377 of the Act, the Council, by resolution at its meeting on **Thursday 23 December 2021**, delegated its powers, authorities, duties and functions as set out in this Part 1: Delegations of Authority register to the General Manager, the Mayor and Council Committees.

All Council delegations contained in Part 1 are subject to the following limitations:

1. The delegated power, authority, duty or function being performed in accordance with Council policy;
2. The delegated power, authority, duty or function being performed in accordance with the Law;
3. Part E outlines the limitations of delegations to the General Manager.

The delegations of Council will remain in force until they are revoked or amended by a resolution of Council.

The Council notes that the General Manager may delegate his or her powers, authorities, duties and functions at his or her discretion. The General Manager's delegations to Staff will form Part 2: 'Delegations to Staff'.

DELEGATION TO COMMITTEES OF COUNCIL

Committees of Council have no delegations except for those provided by resolution of Council.

DELEGATION TO THE MAYOR

The Mayor, is delegated authority under *section 226* of the *Local Government Act 1993*, to exercise and/or perform on behalf of the Council the following powers, authorities, duties and functions:

1. Powers or Duties under Local Government Act

To give effect to the Law, Council's adopted Policies, resolutions and directions, provided that such delegation is not sub-delegated without the specific approval of Council or as prescribed under the Local Government Act.

2. Powers or Duties under other Legislation

If, under any other Act other than the Local Government Act, a function is conferred or imposed on the Mayor of Council, the function is taken to be conferred or imposed on the Council and the Mayor of the Council has delegated authority to exercise and/or perform on behalf of the Council the powers, authorities, duties and functions as prescribed under that other Act.

3. Preside at Meetings and Functions of Council

Carry out the civic and ceremonial functions of the Mayoral Office including presiding at all meetings of the Council, Committees, Community Committees and Public Meetings convened by the Council at which the Mayor is present unless the Council otherwise appoints another Councillor or person to perform this function, and ensure Council meetings are conducted efficiently, effectively and in accordance with the Act. Exercise, in cases of necessity, the policy-making functions of the governing body of the Council between Council meetings.

4. Negotiations on behalf of Council

In conjunction with the General Manager, to participate in negotiations on behalf of the Council with third parties and in connection with the sale, purchase and lease of land and buildings. This function is subject to the limitation that no contractual agreement is to be entered into without a resolution of Council.

5. Represent Council – Government and Other Forums

To represent the Council, in conjunction with the General Manager, in deputations to Government, inquires and other forums where it is appropriate that the Mayor should present the Council's position as to its local priorities.

6. Sign and Execute Documents

To sign correspondence and other documents. This function is subject to the limitation that execution of any documents under Council Seal must be carried out in compliance with Regulation 400 of the Local Government (General) Regulations 2005.

7. Media Releases

As the principal member and spokesperson for the governing body, represent the views of the Council including making Media Statements and issuing Press Releases in respect of Council Resolutions/Recommendations and decisions subject to prior consultation with the General Manager.

8. Strategic Planning and Policy

Advise, promote, consult with and provide strategic direction to the General Manager in relation to the effective, consistent implementation of the strategic plans and policies of Council.

9. Community Engagement

In conjunction with the General Manager, ensure adequate engagement opportunities and mechanisms between the Council and local community, and promote key stakeholder partnerships, to advance community cohesion and promote civic awareness.

10. Performance Management

In consultation, with the Councillors led performance appraisals of the General Manager.

11. Leave

To approve applications of leave by the General Manager.

12. Other functions

Exercise any other Council functions that Council determines.

DELEGATION TO THE GENERAL MANAGER

Functions of the General Manager

In pursuance of Section 335 of the Local Government Act 1993, the General Manager is generally responsible for the efficient and effective operation of the Council's organisation, and for ensuring the implementation, without undue delay, of decisions of the Council. The General Manager shall have the following particular functions:

- (a) to conduct the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council,
- (b) to implement, without undue delay, lawful decisions of the Council,
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the Council,
- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the Council and other matters related to the Council,
- (e) to prepare, in consultation with the mayor and the governing body, the Council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- (f) to ensure that the Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- (g) to exercise any of the functions of the Council that are delegated by the Council to the General Manager,
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the Council,
- (i) to direct and dismiss staff,
- (j) to implement the Council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the General Manager by or under this or any other Act.

The General Manager, and in the absence of the General Manager, the Assistant General Manager, in the period of the General Manager's absence, is delegated authority under Section 377 and 378, of the Act, to exercise and/or perform on behalf of Council the powers, authorities, duties and functions of the Council, subject to the following:

1. The General Manager is restrained from carrying out any of those functions of Council excluded from delegation by operation of Section 377(1) of the Act;
2. The General Manager is entitled to carry out any functions delegated to the Council by the Director-General or the Minister, subject to any express limitations imposed by the Director General or Minister.

Specifically, Section 378 of the Act confirms delegations by the General Manager and includes:

- (1) The General Manager may delegate any of the functions of the General Manager, other than this power of delegation;
- (2) The General Manager may sub-delegate a function delegated to the General Manager by the Council to any person or body (including another employee of the Council);
- (3) Subsection (2) extends to a function sub-delegated to the General Manager by the Council under Section 377 (2).

If a function is conferred or imposed on an employee of Council under any other legislation, the function is deemed to be conferred or imposed on the Council and is delegated to the General Manager.

For the avoidance of doubt, the delegated authority conferred or imposed upon the General Manager includes the delegated functions of Council as provided in the following table and is subject to any limitations contained therein. The following table is not intended to be an exhaustive list of all powers, authorities, duties and functions delegated to the General Manager. Rather it is to be relied upon as a manual providing guidance to those most commonly relied upon powers, authorities, duties and functions.

PART A – FINANCIAL MATTERS

1.	Obtain Quotations and Authorise Purchase Orders To obtain quotations, authorise the purchase of, and issue official orders for goods, works and services required for the functioning of the Council and to incur expenditure for such goods, works and services (excluding that for the purchase of major items or works plant as required in the Local Government (General) Regulations 2005) provided that due provision has been made in the approved budget for the incurring of such expenditure or the incurring of such expenditure is otherwise authorised by Council Policy or Council resolution.
2.	Authorise Payment of Salaries and Wages To authorise the payment of salaries and wages.
3.	Payment of Contractors and Direct Creditors To approve or refuse payment to contractors and direct creditors.
4.	Sign Cheques on Council’s Bank Account To sign or countersign cheques drawn on Council’s bank accounts.
5.	Check and Certify the Annual Statutory Accounts To check and certify statutory accounts against the Council records.
6.	Authorise Expenditure for Urgent Works To authorise expenditure outside the budget approved by Council in order to undertake urgent works to reduce or eliminate a significant health or safety hazard.
7.	Lodgement of a Cash Bond or Bank Guarantee The authority to require the lodgement of a cash bond or bank guarantee.
8.	Overdraft Limit To negotiate Council’s overdraft limit.
9.	Sale or Disposal of Materials or Equipment To sell old materials, spoilt or obsolete equipment.

10.	<p>Debt Write Off</p> <p>To authorise the writing off of uncollectible debts (for charges and sundry debtors) up to a maximum amount of (\$1000).</p>
11.	<p>Issue Accounts</p> <p>To authorise the issue of accounts for services provided by Council.</p>
12.	<p>Borrowings</p> <p>To authorise application for borrowings from financial institutions at the direction of Council and subject to a resolution of Council to approve this application.</p>
13.	<p>To Engage Consultants</p> <p>To engage consultants to assist with Council projects, subject to compliance with the Act and the Law.</p>
14.	<p>Investment of Money</p> <p>Arrange the investment of money that is not presently required by the Council in a form of investments notified by order of the Minister and published in the Government Gazette.</p>
15.	<p>Write off Accrued Interest</p> <p>Write off accrued interest on rates and charges if the payment of the accrued interest would cause hardship</p>
16.	<p>Accounts Receivable – Payment by Instalment</p> <p>To make arrangements with any ratepayer or debtor for payment to be made by reasonable and satisfactory instalments.</p>
17.	<p>Refund of Over-Payments</p> <p>To authorise the refund of all over-payments subject to appropriate certification.</p>
18.	<p>Refund of DA/Construction Certificate Application Fees</p> <p>To determine the refund of all or part of the fees paid for development or where the application is either not proceeded with or is withdrawn subsequent to assessment</p>

19.	<p>Rebate of Rates</p> <p>To grant rebates of rates to qualified rateable persons in accordance with the provisions of the Act.</p>
20.	<p>Delegation of Financial Assistance</p> <p>Council may now delegate:</p> <ul style="list-style-type: none"> • Payment of financial assistance as part of a program specified in the Council's operational plan that is not more than 5% of the Council's rates income and that applies uniformly to all persons within the Council's area or to a significant proportion of all the persons within the Council's area (s377(1A)).
PART B – STAFFING MATTERS	
1.	<p>Recruitment</p> <ul style="list-style-type: none"> • Approve or refuse the appointment, engagement, or promotion of staff, subject to compliance with section 337 of the Act for Senior Staff • Approve or refuse the use of a recruitment consultant. • Employ casuals to fill short term vacancies.
2.	<p>Payment of Benefits and Allowances</p> <p>Approve or refuse payment of allowances and employment entitlements and benefits in accordance with the Local Government (State) Award 2014 and applicable employment contracts.</p>
3.	<p>Salary Step Progressions for Staff</p> <p>Approve or refuse salary step progression for staff under the Local Government (State) Award 2014</p>
4.	<p>Dismissal of Employees</p> <p>To dismiss employees or consultants/contractors on such terms that the General Manager deems appropriate, provided that prior to the dismissal of Senior Staff the General Manager consults with Council in accordance with section 337 of the Act.</p>
5.	<p>Education Assistance</p> <p>Approve or refuse education assistance for Council employees</p>

6.	<p>Flexible Work Arrangements</p> <p>Approve or refuse flexible work arrangements.</p>
7.	<p>Report of Injury</p> <p>Approve or refuse the employer's report of injury to Council's workers compensation insurer.</p>
8.	<p>Approve Leave</p> <p>Approve or refuse leave for Council employees having due regard to the proper functioning of the Council and maintenance of appropriate levels of service to the public</p> <p>To grant special leave with pay and reasonable out of pocket expenses, in the following cases:</p> <ul style="list-style-type: none"> • Professional Body: where staff members are full members of a relevant professional body that is running a conference or meeting – a maximum of five days leave at any one time, with a maximum in any one year of 15 days; • Field Days: where it is considered that the machinery to be displayed is of some relevance to Council's operations, that Senior Staff directly associated with the purchase of Council's machinery be allowed to attend one day only; • Executive of a Professional Body: where an employee is elected to the Executive of a Professional body, special leave must fit within the parameters laid down under the Professional Body category; • Courses: Attendance at refresher courses (e.g. Management courses) to be decided by Council in each particular case • Emergency Services Leave and Defence Force Reserve Leave at the discretion of the General Manager and in accordance with legislation.
9.	<p>Travelling and Subsistence Expenses</p> <p>To approve or refuse the payment of travelling and related expenses</p>
10.	<p>Replacement of Personal Property</p> <p>To approve or refuse claims for the loss of personal property provided that such property was required for the normal performance of the employee's duties</p>

11.	<p>Employment Outside of Council</p> <p>To approve or refuse employees to engage in private employment or contract work outside of their Council employment.</p>
12.	<p>Request for Use of Council Equipment by Employees</p> <p>To determine any requests for use of Council equipment by employees.</p>
13.	<p>Use Intellectual Property created in the Course of Employment</p> <p>To refuse, approve or conditionally approve any request by an existing or previous employee of Council for the non-exclusive use of intellectual property of the Council created by the employee during the course of their employment with Council, providing there is no monetary or commercial benefit to the employee.</p>
<p>PART C – GOVERNANCE</p>	
1.	<p>Public and Media Statements</p> <p>To make or authorise public statements and issue media releases on matters involving the Council.</p>
2.	<p>Business Papers</p> <p>To determine matters which are included in Council business papers and Committee papers.</p>
3.	<p>Correspondence</p> <ul style="list-style-type: none"> • To reply to all routine correspondence that does not require the prior consideration of Council. • To exercise discretion in regard to referring correspondence to various Council officers for attention.
4.	<p>Invitation to Address Council</p> <p>To invite a group or individuals to address any Council or Council Committee.</p>
5.	<p>Public Officer</p> <p>To appoint Council's Public Officer and to direct the Public Officer in relation to functions contained within section 343 of the Act.</p>

6.	<p>Destruction of Corporate Documentation</p> <p>Authority to approve destruction of corporate documentation in accordance with the State Records Act 1998.</p>
7.	<p>Signing of Contracts and Agreements</p> <p>To sign contracts, deeds and agreements that do not require the Council Seal.</p>
8.	<p>Enter into Leases, Licences and other legal transactions</p> <p>Authority to negotiate and enter into any form of Lease or Licence or other transaction for use of land or assets, subject to compliance with the Act, and subject to the General Manager making reasonable enquiries into the appropriate payments to be made to Council and consulting with Council's solicitor to determine the appropriate format of the legal agreement.</p>
9.	<p>Public Immunisation</p> <p>To authorise and promote public immunisation campaigns and clinics</p>
10.	<p>Council Committees</p> <ul style="list-style-type: none"> • Appoint employee representatives to Council Committees • Consider and determine matters arising from the Council Committees
11.	<p>Receive and investigate complaints</p> <p>To receive complaints and authorise investigation and action to be taken by the appropriate officer in regard to any complaints or requests received by Council.</p>
12.	<p>Respond to Minister and Department</p> <p>To respond and liaise with the Minister and his/her representatives and the Department in relation to correspondence, inquiries or requests for information.</p>
13.	<p>State Emergency and Rescue Management Act 1989</p> <p>The role of Chairperson of the Local Emergency Management Committee is Peter Chudek.</p>

PART D – OPERATIONAL

1.	<p>Issue Proceedings</p> <ul style="list-style-type: none">• To initiate or carry on proceedings, to act on behalf of Council and to negotiate on matters in issue between parties, and to settle any proceedings in any Court or Tribunal, including but not limited to the Local, District or Supreme Courts of any State or Territory, any Industrial Relations Tribunal or Commission, and the Land and Environment Court;• To authorise the issue or withdrawal of any penalty infringement notices or complaint or the institution of any proceedings for the recovery of any penalty or the making of any order for or in respect of any offence, nuisance, or any other matter or thing whatsoever which the Council might be entitled to recover or seek under any Act or Regulation.• To instruct and engage Council's Solicitors and Counsel.
2.	<p>Notice of Intention and Orders</p> <p>To issue Notices of Intention to Issue Orders and Orders in accordance with the requirements of the Act and Environmental Planning and Assessment Act and all other applicable legislation.</p>
3.	<p>Determination of Development Applications (including Modification Applications)</p> <p>To determine development applications, including modification applications, and all forms of applications for approvals and certificates under all applicable legislation (limitations apply see Part E).</p>
4.	<p>Issue of Permits, Certificates or Approvals</p> <p>To approve or refuse the issue of permits, certificates and approvals for activities that are required to be regulated under the provisions of the Act and the Environmental Planning and Assessment Act 1979 or related legislation; including, but not limited to:</p> <ul style="list-style-type: none">• all building certificates, construction certificates, certificates of classifications and occupation certificates;• applications for subdivision of land (limitations apply see Part E).
5.	<p>Ministerial Delegation of Local Environmental Plan Making Decisions</p> <p>To undertake required plan making in accordance with Section 59 of the Environmental Planning and Assessment Act, and the Ministerial delegation.</p>

6.	<p>Storm Water Drainage Works</p> <p>Where the Council has approved a subdivision or development application subject to the construction of storm water drainage works that revert to the care, control and management of Council, to approve such works upon submission of all necessary plans and documentation.</p>
7.	<p>Implementation of Adopted Operational Plan</p> <p>To implement any work, service or action provided for in the adopted Management Plan without further reference to Council except for:</p> <ul style="list-style-type: none"> • the acceptance of tenders which are required under the Act to be invited by the Council, and • the determination of priorities where lump sum funding has been provided.
8.	<p>Funding Application</p> <p>Authority to sign funding applications once approved by Council.</p>
9.	<p>Provision of Witnesses and Information</p> <p>To determine the fee to be charged for the provision of Council's employees as witnesses and/or the supplying of information for Court cases.</p>
10.	<p>Removal of Derelict Vehicles</p> <p>Authority to engage contractors to remove derelict vehicles from roads, road reserves and public places.</p>
11.	<p>Approve Applications for Street Activities and Busking Permits</p> <p>Authority to approve or refuse:</p> <ul style="list-style-type: none"> • the issue of busking permits; • applications for street stalls or similar activity; • applications for the collection of money for charitable appeals or similar activity.
12.	<p>Filming/Photography in Parks, Reserves and Public Places</p> <p>To approve applications to film/photograph in Council's parks, reserves and public places subject to the conditions and fees determined by Council.</p>

13.	<p>Casual Use of Council Parks, Reserves or Council Property</p> <p>To approve or refuse applications for the casual use of parks, reserves or property in accordance with Council Policy (if any) and subject to approved fees (if any).</p>
14.	<p>Government Information (Public Access) Act 2009</p> <p>To act as Council's "principal officer" or appoint Council officer(s) to determine applications and provide information to access information in compliance with the Government Information (Public Access) Act 2009.</p>
15.	<p>To Enforce the Payment of Rates</p> <p>To issue notices under the Act for the recovery of rates.</p> <p>To approve alternative options for the collection of outstanding rates, including collection of rent in lieu of rates, issuing of proceedings, accepting exchange of land and such other alternatives available to Council under the Act.</p>
16.	<p>Rate Books</p> <p>Authority to:</p> <ul style="list-style-type: none"> • amend the rate and valuation books/records where such amendment is necessary by reason of change of ownership, occupancy or address; • raise or reduce the sum rates owing due to error; • include any land which ought to have been rated; • to write off accrued interest to a maximum of \$50; • act in accordance with the Act to manage the rate books/records and recover rates and charges owing to the Council.
17.	<p>Insurance Claims - Policy Excess</p> <p>To resolve claims on Council's behalf up to the level of the excess applicable to each insurance policy.</p>
18.	<p>Council Property – Notices to Quit</p> <p>To authorise and sign notices to quit to tenants whose rent arrears exceed four weeks, or to take such alternative action necessary to manage tenants and recover outstanding rent or payments.</p>
19.	<p>Use of Council Owned Properties</p> <p>To approve or refuse to grant Council's consent to a third party development application that may traverse or impact upon Council land.</p>

20.	<p>Maintenance and Repair of Council Properties</p> <p>To authorise repairs/maintenance of Council’s buildings, equipment and plant within the limits approved in the annual budget.</p>
21.	<p>Maintenance of Council’s Motor Vehicles and Plant</p> <p>To authorise the expenditure of funds for the repair, maintenance and replacement of Council’s plant, equipment and vehicles.</p>
22.	<p>Hire of Council Plant</p> <p>To authorise the letting or hire of any of the Council’s public works plant, machinery and equipment in accordance with rates determined by Council.</p>
23.	<p>Determination of Reserve Price and Disposal of Plant, Equipment and Vehicles by Public Auction, Tender or Trade-in</p> <p>Authority to approve a sale price for Council plant, equipment or vehicles if:</p> <ul style="list-style-type: none"> • the best offer is more than 10% below the reserve price; and • the reserve price has been set by consulting either a valuer, auctioneer, or professional book (i.e. Red Book); and • results from previous auctions for similar plant, equipment or vehicles has been considered
24.	<p>Saleyards</p> <p>To operate, manage and maintain Council’s saleyards.</p>
25.	<p>Dividing Fences</p> <p>To authorise a contribution on behalf of Council for not more than one half the cost of fencing a boundary common to land owned by Council or under the Council’s care, control and management subject to two quotations being obtained and subject to the Dividing Fences Act.</p>
26.	<p>Aerodrome/Airport</p> <p>To operate and maintain the Council aerodrome/ airport in accordance with all applicable legislative requirements</p>
27.	<p>Impounding Officer</p> <p>To exercise the powers of Council’s Impounding Officer.</p>

28.	<p>Pruning or Removal of Trees</p> <p>To approve or refuse applications from residents to prune, top, lop or remove trees either on the applicant's property or Council's property subject to the payment of any required fee, if any, and in accordance with Council's Tree Preservation Order, if any.</p>
29.	<p>Waste Management Centre (Landfill)</p> <p>To operate and maintain Council's Landfill in accordance with all applicable legislative requirements.</p>
30.	<p>Cemetery/Crematorium</p> <p>To operate and maintain Council's Cemetery/Crematorium in accordance with all applicable legislative requirements.</p>
31.	<p>Delegation of Tenders</p> <p>Council may now delegate:</p> <ul style="list-style-type: none"> • Acceptance of tenders, except for services currently provided by Council staff (s377(1)(i)).

32.	<p>Administer Functions provided by other Legislation</p> <p>To administer the provisions of the following legislation as they apply to Council:</p> <ul style="list-style-type: none"> • Community Land Development Act 1989 • Companion Animals Act 1998 • Conveyancing Act 1919 • Crown Lands Act 1989 • Government Information (Public Access) Act 2009 • Graffiti Control Act 2008 • Environmental Planning and Assessment Act 1979 • Fire Brigades Act 1989 • Fluoridation of Public Water Supplies Act 1957 • Food Act 2003 • Heritage Act 1977 • Impounding Act 1993 • Library Act 1939 • Liquor Act 2007 • Local Government Act 1993 • Protection of the Environment Operations Act 1997 • Public Health Act 2010 • Roads Act 1993 • Roads Transport (General) Act 2005 • Rural Fires Act 1997 • Privacy and Personal Information Protection Act 1998 • State Emergency and Rescue Management Act 1989 • Swimming Pool Act 1997 • The Plumbing and Drainage Act 2011 • Unclaimed Money Act 1995 • Children (Education and Care Services National Law Application) Act 2010 • Biosecurity Conservation Act 2015 & Local Land Services Act 2017 (repeals the Noxious Weeds Act 1993)
33.	<p>Road Rules</p> <p>To administer the provisions of the Road Rules 2008 and Australian Road Rules as they apply to Council, subject to any applicable standards, protocols and directions from State Government Departments and/or NSW Police.</p>
34.	<p>Parking Infringement Notices</p> <p>To issue Parking Infringement Notices</p>
35.	<p>Parking Permits</p> <p>To determine applications for parking permits.</p>

36.	<p>Temporary Road Closure</p> <p>To approve temporary road closures where:</p> <ul style="list-style-type: none"> • The temporary road closure is not more than two consecutive days; and • The Road and Maritime Service approves the Traffic Management Plan and grants a road occupancy licence (as required); and • The NSW Police approve the closure; and • The application complies with Council’s Policy.
37.	<p>Sign Adjustment</p> <p>To undertake the following sign adjustments to:</p> <ul style="list-style-type: none"> • Change old “No Standing” signs to “No Parking” signs as per the Australian Road Rules • Change existing parking restriction times • Move existing signs to a more visible location (e.g. move a sign hidden behind a tree trunk) • Install “repeater”/additional signs (e.g. where there are existing parking restrictions signs, install an additional sign in the middle to emphasise the restrictions).
38.	<p>Special Use Zones</p> <p>Authority to approve and/or refuse an application for the following Special Use Zones:</p> <ul style="list-style-type: none"> • Works Zones; • Loading Zones; • Mail Zones; • Motorcycle Parking; • Bus Zone; • Taxi Zone; • Police Vehicles Zone; • Disabled Parking; • Temporary Bus Zones (e.g. for Railway Buses); <p>Subject to consent being obtained from the NSW Police and in addition;</p> <ul style="list-style-type: none"> • in the instance of Mail Zones, consent is obtained from Australia Post; and • in the instance of Bus Zones , consent is obtained from the State Transit Authority.

39.	<p>Traffic Facilities</p> <p>To approve the installation of individual traffic facilities projects, where:</p> <ul style="list-style-type: none"> • the individual traffic facility project forms part of that financial year's Traffic Facilities Program which has previously been approved; and • Subject to consultation of local residents.
40.	<p>Warning Signs</p> <p>To approve the installation of Warning Signs as defined in applicable Australian Standards, where</p> <ul style="list-style-type: none"> • the proposed sign can be found in Section 3 Warning Signs of the Australian Standard 1742.1-1991; and • The NSW Police agree with the installation.
41.	<p>Signs across Driveways</p> <p>To approve or refuse an application for signs or line marking across a driveway, where the NSW Police agree with the approval or refusal.</p>
42.	<p>Traffic Bollards</p> <p>To approve or refuse an application for the use of traffic bollards.</p>
43.	<p>Vehicular Crossings and Footpath Restorations</p> <p>To approve or refuse the construction of vehicular crossings and/or restoration works on Council land or over Council controlled road reserves.</p>
44.	<p>Street Lighting</p> <p>To approve the installation of additional street lighting facilities and associated charges.</p>
45.	<p>Storm water Drainage Works</p> <p>To approve or refuse all connections from private property to Council's storm water systems where those works are for the sole benefit of the development and do not revert to the control and management of the Council.</p>

46.	<p>Variation of Working Hours</p> <p>To authorise a one-off variation to the restricted hours of building works where:</p> <ul style="list-style-type: none"> • urgent building works are required to be carried out; • large cranes have to stand on streets; • the loading/unloading of materials and pouring of the concrete would otherwise cause interference to traffic; and • the work requires the erection or removal of hoarding tower cranes, awnings and the like.
47.	<p>Positive Covenants, Easements and Section 88B instruments under the Conveyancing Act, 1919</p> <p>To approve and sign the grant or removal of a positive covenant or restriction contained in any positive covenant, easement and/or section 88B instrument under the Conveyancing Act 1919, in accordance with section 28 of the Environmental Planning and Assessment Act and subject to any Council Policy and the Law.</p>
48.	<p>Public Notification of Applications</p> <ul style="list-style-type: none"> • To determine whether a development application should be exempt from notification, subject to any applicable Council Policy • To determine such persons who own land or who reside in properties that may be detrimentally affected by a development and to ensure such persons are notified in accordance with any Council Policy.
49.	<p>Professional Certifications</p> <p>To approve or refuse professional certification from an Accredited Certifier in respect of Complying Development or Building Certification where that Certifier is accredited to undertake that particular type of work</p>
50.	<p>Building Professionals Act</p> <p>Authority under Section 5 of the Building Professionals Act 2009 to make a recommendation on behalf of Council in support of an application to the Board for accreditation to carry out certification work (or the renewal of accreditation) on behalf of Council.</p>
51.	<p>Work on Private Land by Agreement</p> <p>To exercise Council's power to carry out work on private land.</p>

52.	<p>Entering of Premises</p> <p>To enter, and authorise Council employees (or other persons) to enter, any premises for the purposes of enabling the Council to exercise its functions under any Act.</p>
53.	<p>Water Restrictions</p> <p>Determine Water Restrictions in accordance with NSW State Government direction</p>
54.	<p>Library Act</p> <p>To exercise all powers of Council under the Library Act</p>
55.	<p>Motor Vehicle Fleet</p> <p>To manage Council's motor vehicle fleet</p>

PART E – LIMITATIONS

56.	<p>UNDER THE LOCAL GOVERNMENT ACT 1993</p> <p>The General Manager does not have delegation under Section 186 and 187 of the Act to negotiate on behalf of Council regarding the acquisition of land without a specific Council resolution in relation to the subject land.</p>
-----	---

57.

UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The General Manager does not have delegation to approve any applications outlined below:

1. Any Designated Development Application;
2. Any development application which is defined State Significant Development;
3. Any development application that seeks a variation to any Council policy, other than building line variations;
4. Any subdivision application to create more than 40 additional lots;
5. Any development application where the Council are the applicant, owner, or have the care and/or control of the land on which the application is proposed. (This excludes any applications which can done as Part 5 Assessments or where a Plan of Management is in place for the site and the works are included in the Plan);
6. Any development application made by staff, unless;
 - it is to be their principal place of residence; or
 - it is for additions to the applicant's principal place of residence; or
 - the application is for complying development.
7. Any development application affecting a Heritage Item listed in Jerilderie Local Environmental Plan 2012 or Murrumbidgee Local Environmental Plan 2013;
8. Any application where refusal is recommended;
9. Any application where a written objection to the proposal has been received during exhibition and/or notification.

Glossary of Terms

Act	means <i>Local Government Act 1993</i>
Authority	means any Government (state or federal), Government department, statutory corporation or other body having power to legally direct the Council or its officers
Department	means the Department of Local Government, or any future department (or combined department) carrying out the functions of the present Department of Local Government for the State of New South Wales
Director-General	means the Director-General of the Department of Local Government or the Director-General of any other Government department which has the carriage of the administrative functions of the Act and the portfolio of Local Government.
Law	means the requirements of all statutes, rules, ordinances, codes, regulations, proclamations, by-laws, environmental planning instruments, directions and consents of any Authority
Minister	means the Minister for Local Government or any future title given to a ministerial position of a future New South Wales State Government portfolio that includes governance of Local Government.



Murrumbidgee COUNCIL

PUBLIC GATES AND GRIDS ON COUNCIL ROADS

	Name	Position	Signature	Date
Responsible Officer	Tom Dimec	Director of Infrastructure		
Authorised By	John Scarce	General Manager		

Document Revision History	
Date adopted by Council:	
Minute No:	
Revision Number:	
Previous Reviews:	
Minute Number:	
Review Date:	
Minute Number:	
Review Date:	
Minute Number:	

Contents

1	Background	4
1.1	Repairs and Replacement	4
1.2	Roadworks	5
1.3	Fencing out Roads	5
1.4	Standards	5
1.5	Warning signs	5
1.6	Indemnity	6
1.7	Revoke permission	6
2	General Principles	6
3	Agreement	6
4	Public Gate Register	7
4.1	Register of Public Gates	7
5	Appendices	7
5.1	Standard Drawing	7
5.2	Current Location Rating of Grids	10

Scope

This policy applies to the management of public gates and grids on Council controlled roads.

Purpose

The purpose of this policy is to manage the safety of public roads by assisting landowners to locate and install public gates and grids, allowing the movement of livestock across road reserves without causing an adverse effect on road access.

This shall be achieved by developing and maintaining a systematic approach to approval, inspection, evaluation, maintenance and repair of all public gates and grids as identified in the Public Gate and Grids Register.

The policy also outlines the construction and management practices for the provision of public gates and grids.

Definitions

Council means Murrumbidgee Council.

Councillor means a person elected to the governing body of Murrumbidgee Council as per Section 222 of the Local Government Act 1993.

Council officer means the staff of Murrumbidgee Council.

The Landowner means any person in lawful possession of land, including occupants.

Grids means a steel grid and associated support structures, barriers, warning signs, and fencing. Grids and grates have the same meaning.

Public Gates means the provision of wide gates to one side of the grid to enable wider vehicles to safely passage past a grid.

Reference Documents

Specification for construction of public gates and grids across public roads under Council control.

Standard agreement for the provision of public gates and grids.

Legislative Requirements

- Local Government Act 1993
- Roads Act 1993
- Government Information (Public Access) Act 2009

1 Background

Public gates and grids are structures constructed on a road for the purpose of controlling stock movements and to manage safe passage along Council roads for all road users.

Public gates and grids primary purpose is to control stock. Public gates and grids benefit adjoining landowners as they enable their livestock to travel across the road reserve unrestricted.

Public gates and grids are a structure across a road and therefore are under the regulatory control of the Council. All public gates and grids are required to be constructed and maintained to a standard acceptable to Council and Australian Standards.

Ownership and responsibility of the structure and all associated items, including signs, shall be vested in the landowner or their successor in title, as per the Roads Act 1993 Part 9 Division 3 and Clauses 67 to 70 of the Roads (General) Regulation 2000. Should no owner for a structure be identified, Council shall be entitled to remove the structure.

Applications for the installation of public gates and grids in new locations require Council approval and are considered by Council each on its own merit.

1.1 Repairs and Replacement

In line with the requirements of the Roads Act 1993 Part 9 Division 3, the owner of the public gates and grids or their successor in title is responsible for the satisfactory state of repair of the grid structure.

This includes twenty (20) metres of roadway on either side of the public gates and grids, associated fencing, and the gates located within the road reserve. That for every grid there must be an associated gate beside or no further than 5 metres from grid, so failure of grid access still available, gates cannot be locked.

Maintenance of the grid and associated items are the responsibility of the landholder. This includes contacting Council if repairs are required, for approval to carry out work.

The landowner can request Council to undertake repairs and/or replacement of public gates and grids subject to an agreement being entered into by the Applicant and Council. Arrangements will be based on all costs being repaid to Council as set out in an agreement.

If a road pavement inspection by Council identifies that works are required to the public gates and grids, Council will notify the owner in writing and the owner shall rectify any problems immediately. If the works are not carried out within thirty (30) days of the date of the letter, then Council may perform the works or remove the public gates and grids, and invoice the landowner. If Council deems the public gates and grids to be unsafe or that it may require urgent maintenance work, Council will carry out these works and invoice the landowner for all works once the works are complete.

Where existing public gates and grids are, in the opinion of Council's engineer, in such a state of disrepair as to constitute a danger to traffic, they will be removed or replaced at the cost of the landowner.

1.2 Roadworks

If Council is renewing its road at a Public Gates and Grids location, the grid will be upgraded to meet Council's current specifications Standard Drawing No SD- PG 01.

The responsibilities in such a case are as follows:

Landowner

- To pay Council for the purchase of public gates and grids and associated items that meets Council's approval, and for public gates and grids signage as per specification as per Standard Drawing No SD- PG 01 if required.
- The supply of materials and installation of any gates and fencing.

Council

- The removal of abutments and delivery to a mutually agreeable location.
- Transport of public gates and grids to site.
- Installation of public gates and grids and signage (supplied by the landowner).
- Under an agreement with council that the council will contribute 30% of the cost to all the existing Grids to be renewed to Standard Drawing No SD- PG 01
- Construct a temporary side-track with appropriate signage for the duration of the works.
- Complete associated roadworks.
- Seal both approaches to the public gates and grids for a length of twenty (20) metres on gravel roads.

In respect of any structure which is re-located by the Council under the terms of this policy, the landowner/s concerned shall be responsible for all subsequent maintenance, including replacement when necessary.

1.3 Fencing out Roads

Where the landowner chooses to fence out the road reserve and remove existing public gates and grids in place as at the date of the adoption of this policy, in this instance Council will remove the existing public gates and grids free of charge and undertake all works to repair the road pavement.

1.4 Standards

All works to construct and maintain the public gates and grids must comply with the requirements of the Specification of Construction of Public Gates and Grids across Public Roads. Council Standard Drawing No SD- PG 01

1.5 Warning signs

Warning signs and associated measures to increase the visibility of structures across public roads shall be erected on each approach in such a position as to be readily seen from a vehicle approaching the structure. Such safety measures shall be of the materials, height, size, design, and appearance prescribed in AS1742.2. The cost of the signage will be borne by the landowner.

1.6 Indemnity

The landowner shall indemnify and keep indemnified the Council from and against all claims and demands when arising through any act or omission on the part of the occupant in and about the construction, reconstruction, repairs, or failure to repair the said structure, gate/gates, fencing, or other associated items, whether arising out of any direction for the Council, or agents or otherwise. The landowner must provide Council with evidence that this is in effect on an annual basis.

1.7 Revoke permission

Council at any time may revoke any permission granted under this policy for private structures on public roads and the person by whom the structure was erected or his successor in title shall, within the time specified in the notice of revocation served on them by the Council, remove the structure and warning signs displayed in connection therewith and take such steps as the Council may require ensuring the safety of persons using the road.

If this permission is revoked because of a lack of maintenance of the public gates and grids, then the landowner will be fully liable for all costs involved.

2 General Principles

The installations, including the work of construction and maintenance, shall comply with the Standard Drawing No SD- PG 01 and specifications prescribed from time to time by Murrumbidgee Council, Transport for NSW (TfNSW), Australian Standards, and as in the following attachment:

"Specification for construction of Public Gates and Grids across public roads under Council Control"

3 Agreement

An Agreement for construction of a structure across a road under Council control shall be lodged by the landowner with Council, requesting permission to construct a Public Gates and Grids and associated items or any such structure, before commencing work. The conditions relating to contributions and granting of permission by the Council are set out in a formal agreement.

Council's long term goal shall be for the fencing of all dedicated roads with a view to the ultimate elimination of ramps/grids and gates on dedicated public roads.

4 Public Gate Register

4.1 Register of Public Gates

Example:

Public Gate Permit Number: 355
Applicants Name: A.R. GATEOWNER
Date of Application: 6-11-2002
Date of Advertisement: 10-1-2003
Date of Determination: 10-2-2003
Construction and Grid Requirements: Public Gate and Grid
Location of Public Gate: Grid Rd 1234m from Bypass Rd
Boundary of Lot 2 DP 123456 and Lot 5 DP 654321
Responsible Land Parcel: Lot 2 DP 123456

5 Appendices

5.1 Standard Drawing

No SD- PG 01 of a Public Gate and Grid in Bypass Combination

Notes:

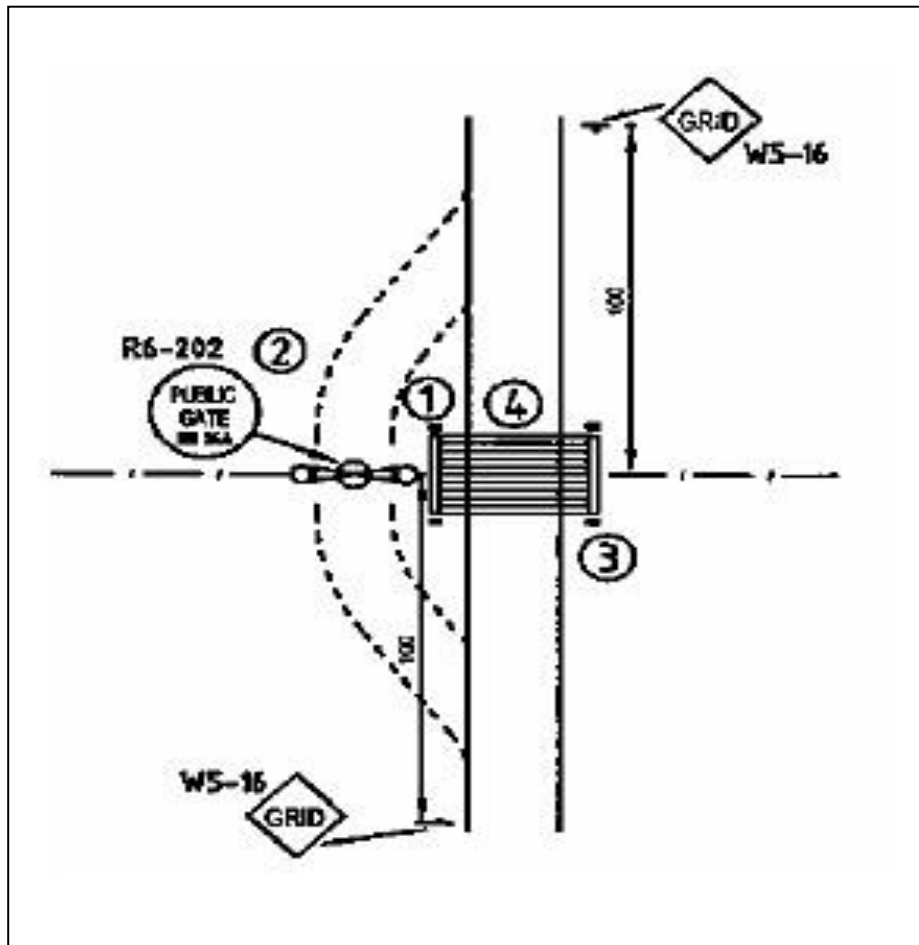
4m Concrete base measures 4.0 x 2.1 metres. Mesh sides bolt to end bar. May be joined to form 6m grid.

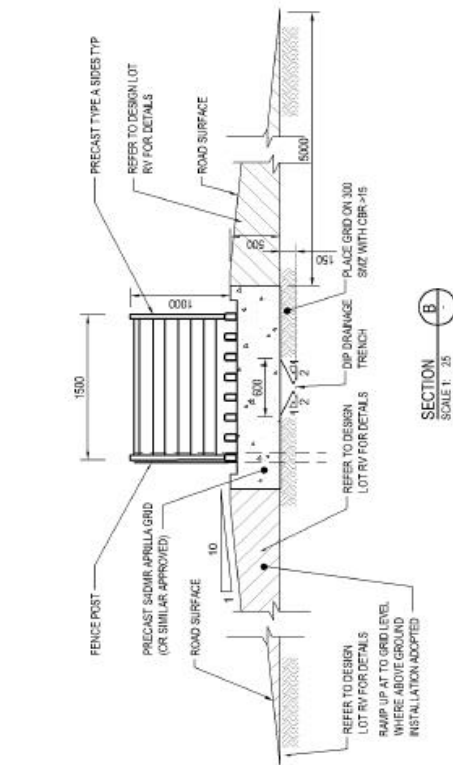
The **Light Grid** - 7.5 tonne per axle (W7 & T44 loadings)

The **Medium Grid** AS 5100.02.2017 (A140) 14 tonne per axle W7 & T44

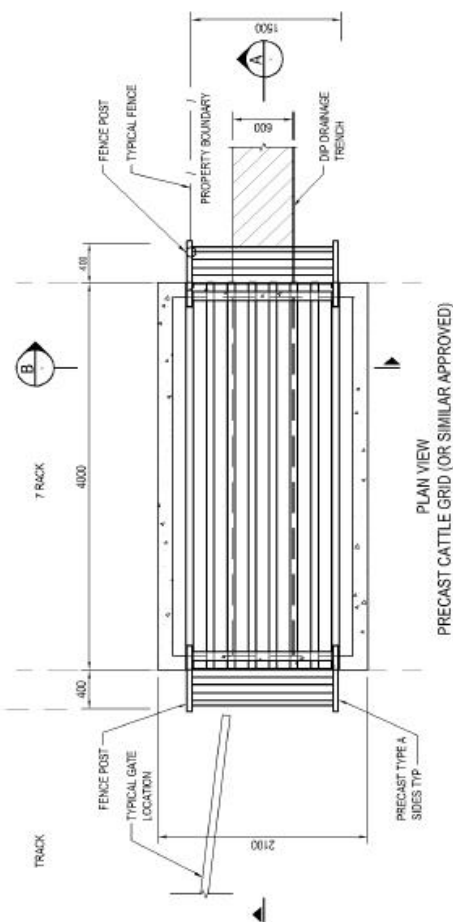
The **Heavy Grid** AS 5100.02.2017 compliant grid

- i. Public Gate to be registered and kept painted white by land owner.
- ii. All signs at land owner's cost.
- iii. Guide posts with reflectors either side (4)
- iv. Grid to be 4m wide on narrow gravel road, 6m wide on two lane gravel road and not permitted on a bitumen sealed road.

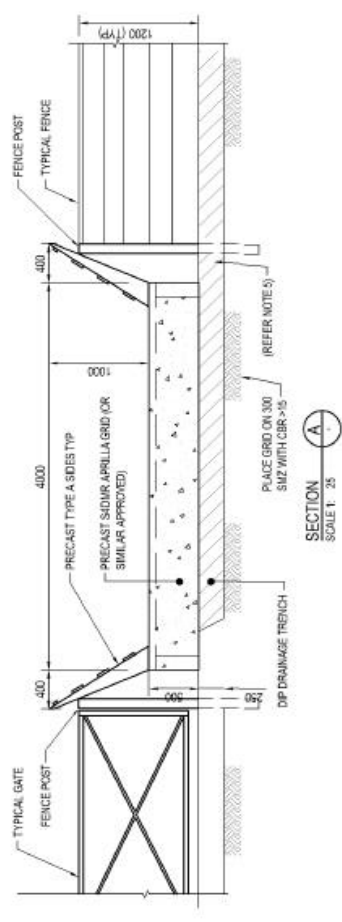




SECTION B
SCALE 1:25



PLAN VIEW
PRECAST CATTLE GRID (OR SIMILAR APPROVED)
SCALE 1:25



SECTION A
SCALE 1:25

NOTES

1. ALIGN GRIDS (OR SIMILAR APPROVED PRODUCT) WITH ROAD DIRECTION AND NOT FENCE LINE.
2. ON STEEPLY SLOPING SITES, SLOPE GRID WITH SLOPE OF THE ROAD, AND FORM A DIP IN THE TRACK ON THE UPRIDE TO DEFLECT WATER CARRYING SILT AWAY FROM GRID.
3. GRIDS CAN BE INSTALLED ABOVE GROUND OR INGROUND SUBJECT TO PROPERTY OWNER PREFERENCE.
4. INSTALL TO MANUFACTURERS SPECIFICATIONS.
5. DIP DRAINAGE TRENCH TO BE LOCATED ON THE LOW SIDE.
6. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
7. FOR GENERAL NOTES SEE SHEET RE-400100.

ACCEPTED FOR CONSTRUCTION



(SAMPLE PHOTO 2 OF 2)



(SAMPLE PHOTO 1 OF 2)

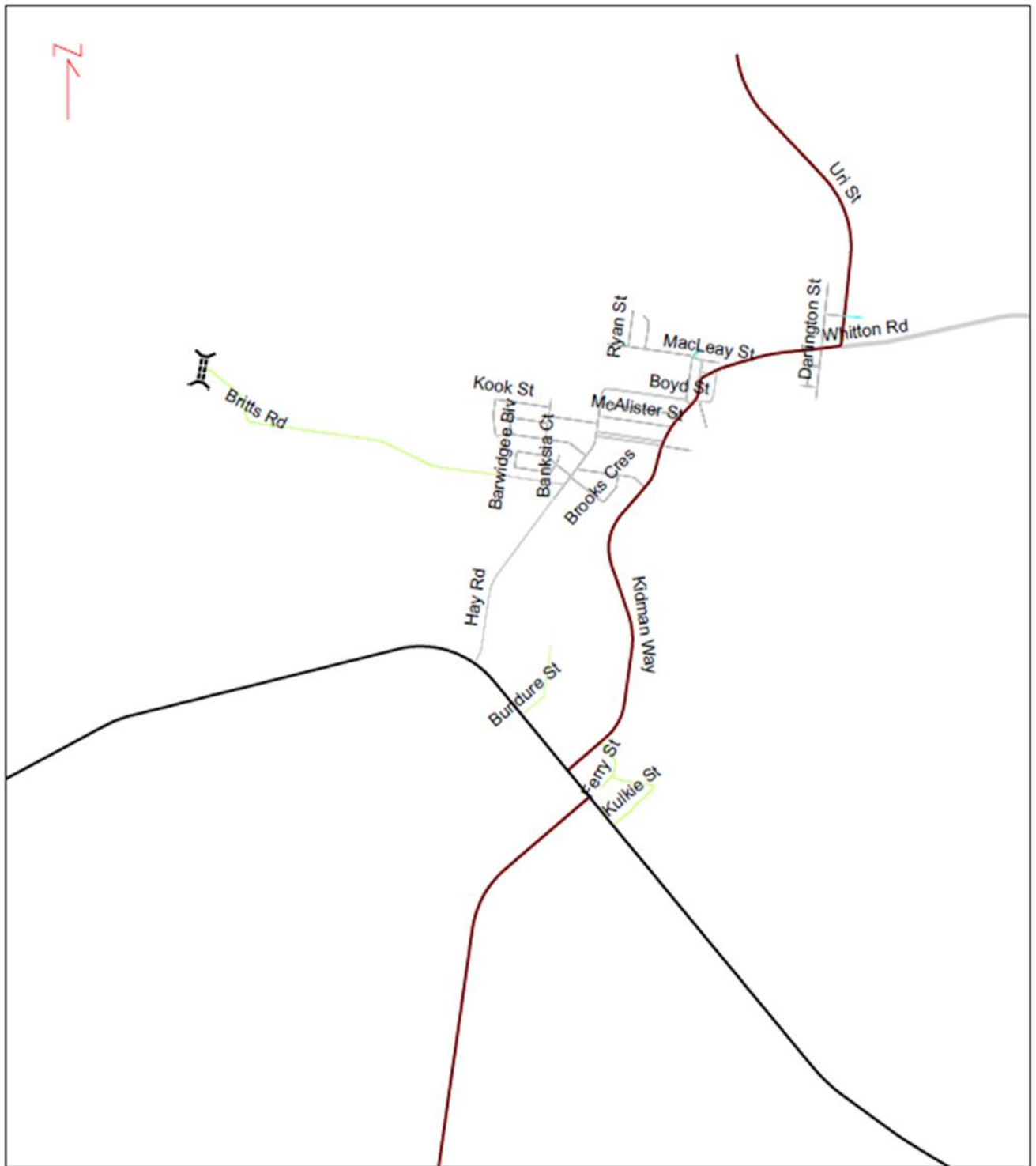


5.2 Current Location Rating of Grids

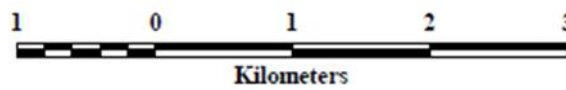
Grids	Primary Location	Length (m)	Width (m)	Comments	Condition Assessment
1	Wilson - Goolgumbla Road	8	3300	Fences on both sides South of the grid	3
2	Gum Creek Road (Sealed)	2.05	4200	No fences either side of road	5
3	Oolambeyan Road	2.2	3100	No fences on either side of the road	3
4	Oolambeyan Road	2.3	3050	Fence on northern side of the road	3
5	Oolambeyan Road	2.2	3200	Entrance to property	5
6	Oolambeyan Road	2.2	2750	Fence on southern side of road looking to move grid away from bend	3
7	Oolambeyan Road	2.3	3050	Fences on both sides	3
8	Townsend Lane - Gum Creek Road	2.55	3600	No fences northern side of road, property access	2
9	Gum Creek Road (Unsealed)	1.9	4300	No fences western side of road	4
10	Gum Creek Road (Unsealed)	2.25	3100	No fences western side of road	3
11	Britts Road	2.25	3100	No fences western side of road	3

Current Location Rating of Grids

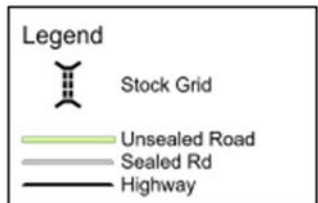
Stock Grid Murrumbidgee LGA- Britts Rd



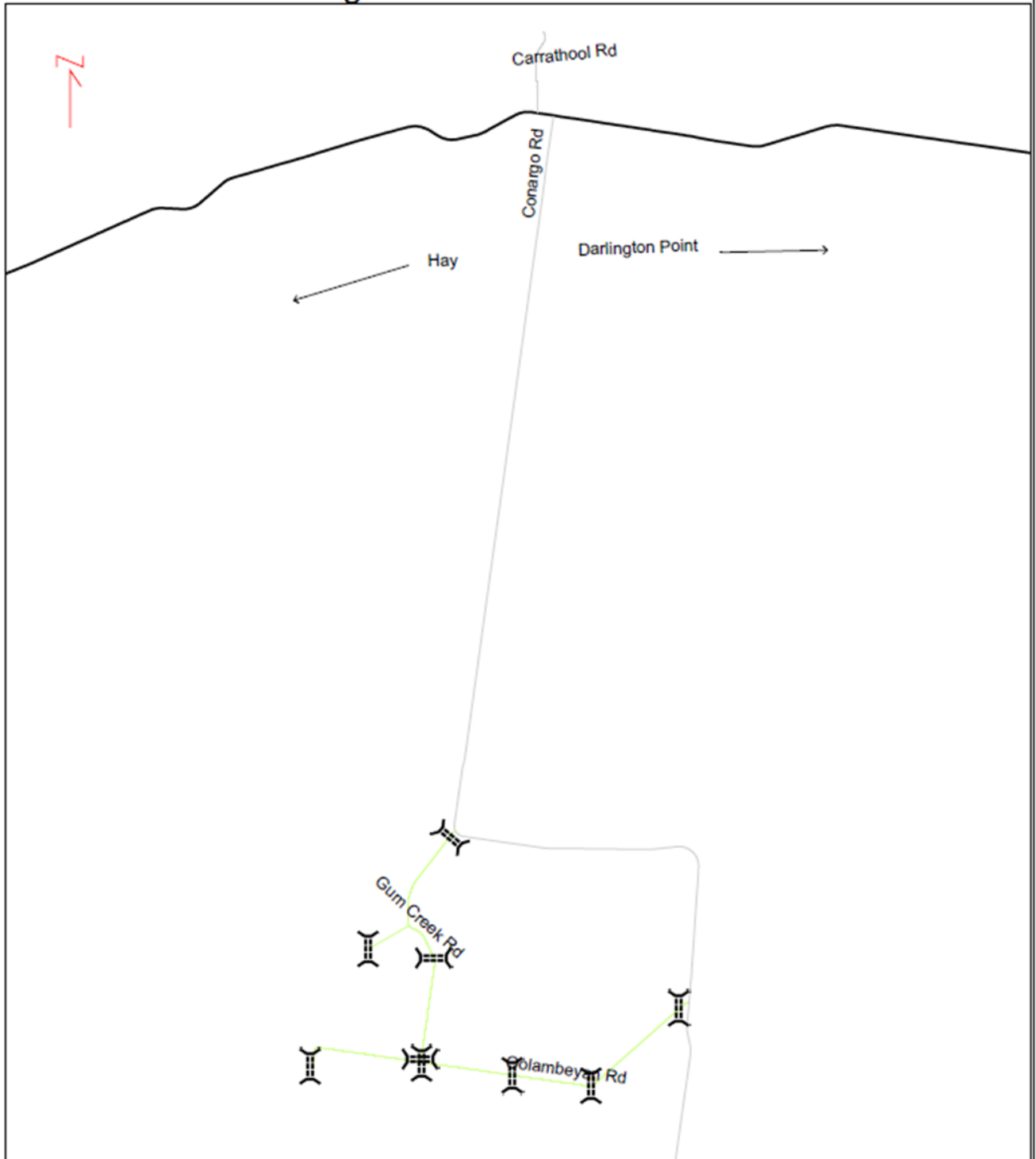
Map prepared by Stephen Goodall September 2021
Copyright Murrumbidgee Council



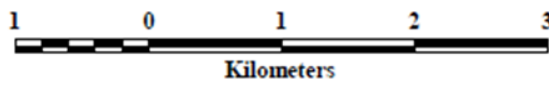
Scale: 1:50,000







Stock Grid Murrumbidgee LGA- Carrathool Area



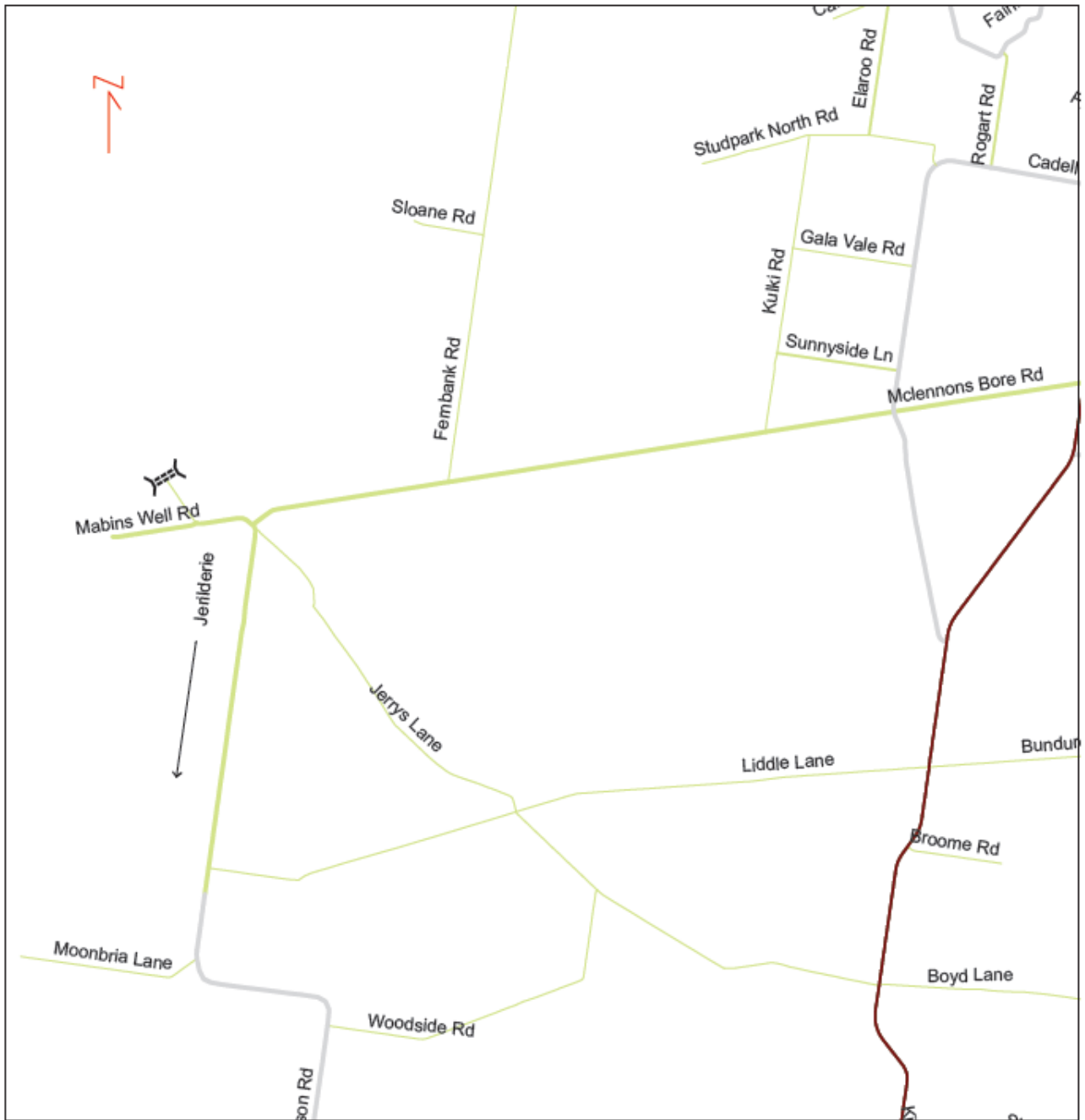
Map prepared by Stephen Goodall September 2021
Copyright Murrumbidgee Council



Scale: 1:50,000

- Legend**
-  Stock Grid
 -  Unsealed Road
 -  Sealed Rd
 -  Highway

Stock Grid Murrumbidgee LGA- Wilson Rd



Map prepared by Stephen Goodall September 2021
 Copyright Murrumbidgee Council



Scale: 1:50,000

Legend	
	Stock Grid
	Unsealed Road
	Sealed Rd
	Highway