

**Mid-Coast Council**

**Instrument of Appointment**

**for**

**John Dougherty**

In accordance with the power delegated by Mid-Coast Council ("Council") to me Glenn Handford as the Interim General Manager of the Council, under:

- section 377 and 378 of the Local Government Act 1993;

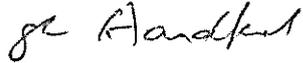
I hereby:

1. revoke all previous appointments for John Dougherty; and
2. am satisfied that John Dougherty has appropriate qualifications or experience to exercise the functions of the position(s) to which the Appointee is appointed in section 3 below.
3. appoint John Dougherty to the following appointment(s), subject to the following conditions / limitations (if any):

Authorised Person Type	Condition / Limitation
Authority to enter land etc (Local Government Act 1993) pursuant to Chapter 8 Part 2 of the Local Government Act 1993.	

unless revoked or varied, for as long as he or she holds, or is assigned to an office or position with Mid-Coast Council.

Glenn Handford



Interim General Manager of Mid-Coast Council

Date: 22 August 2016

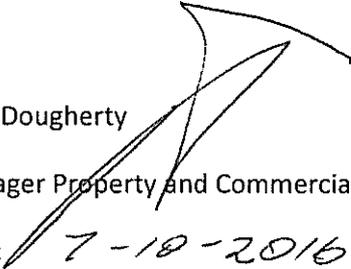
Authorised Person Appointee Acknowledgement of Appointment

I John Dougherty currently employed by Mid-Coast Council ("**The Council**") in the position/s of Manager Property and Commercial Services do hereby acknowledge that I have read and understood this Instrument of Appointment, and that I will perform my duties within the boundaries of this/these appointment/s and in accordance with my position description. I acknowledge this/these appointments are effective unless revoked only while I remain in this position.

John Dougherty

Manager Property and Commercial Services

Date:



7-10-2016

Review date:

# MID-COAST COUNCIL

## INSTRUMENT OF SUB-DELEGATION

### TO Manager Property and Commercial Services

On 30 September 2016, I Glenn Handford being the Interim General Manager of the Mid-Coast Council ("Council"):

1. Revoke all previous sub-delegations of Functions to the Position.
2. Pursuant to section 378 of the LG Act sub-delegate to the Position to exercise and/or perform on behalf of Council:
  - a. the Functions identified in **Schedule 1**, subject to any condition or limitation specified in Schedule 1.
  - b. the Functions identified in **Schedule 2** that have been sub-delegated to the Interim General Manager by the Council under, and in accordance with, the instrument of delegation to the Council.
3. Confer authority to the Position to carry out the Policy Authorities listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Authorities.
4. These sub-delegations and authorities are subject to, and are to be exercised in accordance with:
  - a. the requirements of the relevant Legislation;
  - b. any conditions or limitations set out in **Schedule 1**; and
  - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
5. These sub-delegations and authorities are effective from the date of the signature of the Interim General Manager of the Council and remain in force until amended or revoked by the Interim General Manager.
6. In this delegation:

- **“Functions”** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
  
- **“Legislation”** includes an Act of the parliament of New South Wales or of the Commonwealth of Australia and a Regulation under an Act.
  
- **“LG Act”** means the *Local Government Act 1993* as amended.
  
- **“Position”** means the position of Manager Property and Commercial Services and each person employed by the Council in that position from time to time.

## Schedule 1: Sub-delegated Functions

### Conveyancing Act 1919

Function Code	Function	Condition/ Limitation (if any)
C Act 001	<p><b>Restrictions on use of land and public positive covenants (land held by prescribed authority) –</b></p> <p>Authority to, by order, impose restrictions on the use of or impose public positive covenants on any prescribed land vested in the council, and vary any such restriction or covenant and rescind or revoke any such order, in accordance with section 88D.</p> <p>Pursuant To – Section 88D</p>	
C Act 002	<p><b>Restrictions on use of land and public positive covenants (land NOT held by prescribed authority) –</b></p> <p>Authority to impose restrictions on the use of land or impose a public positive covenant on any land not vested in the council in accordance with section 88E.</p> <p>Pursuant To – Section 88E</p>	
C Act 003	<p><b>Effect of certain positive covenants –</b></p> <p>Authority to, on behalf of the council as the prescribed authority with the</p>	

	benefit of a public positive covenant over land, inspect the land, insure a structure, carry out development, recover expenses incurred and apply for registration of a charge over land in accordance with section 88F. Pursuant To – Section 88F	
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**Crown Lands Act 1989, Crown Lands Regulation 2006, Crown Lands (General Reserves) By-laws 2006**

Function Code	Function	Condition/ Limitation (if any)
CL Act 002	<b>Reserve Trust –</b> Authority to carry out all functions associated with Council acting as a reserve trust manager in accordance with the legislation, including issuing licences and temporary licences. Pursuant To – Part 5 of the Crown Lands Act 1989 and Part 3 of the Crown Lands (General Reserves) By-laws 2006	

**Environmental Planning and Assessment Act 1979**

Function Code	Function	Condition/ Limitation (if any)
EPA Act 016	<b>Part 4A Certificates –</b> Authority to issue Part 4A Certificates in accordance with Part 4A of the EP&A Act and all associated and ancillary functions including to require additional information. Pursuant To – Sections 109C and D and generally Part 4A of the EP&A Act and Parts 7 and 8 of the EP&A Regulation.	Restricted to the issuance of Subdivision Certificates only

## Environmental Planning and Assessment Regulation 2000

Function Code	Function	Condition/ Limitation (if any)
EPA Reg 002	<p><b>Landowner Consent –</b></p> <p>Issue owner consent on behalf of the Council to enable development, building or subdivision applications to be lodged in respect of property owned by Council pursuant to clause 8F.</p> <p><b>Pursuant To – Clause 8F</b></p>	

## Holiday Parks (Long-term Casual Occupation) Act 2002

Function Code	Function	Condition/ Limitation (if any)
HPLTCO Act 001	<p><b>All functions –</b></p> <p>Authority to exercise and/or perform all functions of the council as park owner</p> <p><b>Pursuant To – Holiday Parks (Long-term Casual Occupation) Act 2002</b></p>	

## Land Acquisition (Just Terms Compensation) Act 1991

Function Code	Function	Condition/ Limitation (if any)
LAJTC Act 001	<p><b>Land Acquisition –</b></p> <p>Authority to carry out the functions of the council as an authority of the State under the Land Acquisition (Just Terms Compensation) Act 1991, subject to a council resolution to compulsorily acquire land including an interest in land.</p> <p><b>Pursuant To – Land Acquisition (Just Terms Compensation) Act 1991</b></p>	

## Land and Environment Court Act 1979

Function Code	Function	Condition/ Limitation (if any)
LEC Act 001	<p><b>Conciliation Conferences –</b></p> <p>Authority to reach agreement, on behalf of the Council, during a conciliation conference with the Applicant in a Class 1 merit review appeal</p> <p><b>Pursuant To – Section 34(3)</b></p>	
LEC Act 002	<p><b>Conciliation Conferences –</b></p> <p>Authority to give consent, on behalf of the Council, to a Commissioner disposing of a Class 1 merit review appeal during a conciliation conference</p> <p><b>Pursuant To – Section 34(4)(b)</b></p>	

## Local Government (General) Regulation 2005

Function Code	Function	Condition/ Limitation (if any)
LG Reg 001	<p><b>Act as appropriate person –</b></p> <p>Authority to act as an appropriate person, within the meaning of clause 164 of the Local Government (General) Regulation 2005, to receive or deal with tenders submitted to Council.</p> <p><b>Pursuant To – Clause 164</b></p>	

## Local Government Act 1993

Function Code	Function	Condition/ Limitation (if any)
LG Act 001	<p><b>Certificate as to classification of land –</b></p> <p>Authority to issue a certificate stating the classification of public land</p> <p><b>Pursuant To – section 54</b></p>	

LG Act 002	<p><b>Leases etc in respect of community land</b> –</p> <p>Authority to grant a lease, licence or other estate in respect of community land in accordance with Chapter 6, Part 2, Division 2 of the Local Government Act 1993 and Part 4, Division 3 of the Local Government (General) Regulation 2005</p> <p><b>Pursuant To</b> – Section 45 and Chapter 6, Part 2, Division 2 of the Local Government Act 1993 and Part 4 Division 3 of the Local Government (General) Regulation 2005</p>	
LG Act 005	<p><b>Preparation of draft plans of management for community land</b> –</p> <p>Authority to prepare a draft plan of management for community land in accordance with Chapter 6, Part 2, Division 2 of the Local Government Act 1993 and Part 4 of the Local Government (General) Regulation 2005</p> <p><b>Pursuant To</b> – Section 36</p>	
LG Act 019	<p><b>Notice of entry</b> –</p> <p>Authority to give written notice to the owner or occupier of the premises of the intention to enter the premises and authority to give notification of the use of force or urgent entry to such persons or authorities as appear to the delegate to be appropriate in the circumstances.</p> <p><b>Pursuant To</b> – Sections 193 and 195</p>	
LG Act 020	<p><b>Recovery of costs and compensation</b> –</p> <p>Authority to recover the reasonable costs of the entry and inspection from the owner or occupier of the premises and pay compensation in circumstances required by section 198.</p> <p><b>Pursuant To</b> – Sections 197 and 198</p>	
LG Act 040	<p><b>Operational Land</b> –</p> <p>Authority to grant (and renew, vary, terminate and otherwise deal with) a</p>	

	<p>lease or licence in relation to operational land.</p> <p><b>Pursuant To</b> – Pursuant to s22 <i>Local Government Act 1993</i></p>	
LG Act 048	<p><b>Remedy or restraint of breaches of LG Act –</b></p> <p>Authority to bring and conduct proceedings for the purpose of an order to remedy or restrain a breach of the Local Government Act 1993 in accordance with section 673.</p> <p><b>Pursuant To</b> – Section 673</p>	
LG Act 050	<p><b>Laying of informations –</b></p> <p>Authority to lay information in respect of any proceedings for an offence</p> <p><b>Pursuant To</b> – Section 684</p>	
LG Act 051	<p><b>Appearance in local court –</b></p> <p>Authority for an employee of the council appointed in writing by the general manager to represent the council in all respects in proceedings in the local court and to institute and carry on any proceedings in the local court which the council is authorised to institute and carry on under the Local Government Act 1993.</p> <p><b>Pursuant To</b> – Section 687</p>	

## Real Property Act 1900

Function Code	Function	Condition/ Limitation (if any)
RP Act 001	<p><b>Position of boundary under Real Property Act 1900 –</b></p> <p>Authority to apply for a determination as to the position of a common boundary of adjoining lands and, if dissatisfied, appeal to the Land and Environment Court for a such a determination by the Court in accordance with sections 135B &amp; 135J.</p>	

	Pursuant To – Sections 135B and 135J	
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### Residential (Land Lease) Communities Act 2013

Function Code	Function	Condition/ Limitation (if any)
RLLC Act 000	<p>All functions –</p> <p>Authority to exercise and/or perform all functions of the council as park owner.</p> <p><b>Pursuant To –</b> <i>The Residential (Land Lease) Communities Act 2013 and Residential (Land Lease) Communities Regulation 2015.</i></p>	

### Roads Act 1993

Function Code	Function	Condition/ Limitation (if any)
Roads Act 030	<p>Approval to use footway for restaurant –</p> <p>Authority to determine an application for a footway dining approval</p> <p><b>Pursuant To –</b> Section 125</p>	
Roads Act 038	<p>Leasing of land above or below public road –</p> <p>Authority to grant a lease of air space above or land below public road with approval of Director of Planning</p> <p><b>Pursuant To –</b> Section 149</p>	
Roads Act 040	<p>Short-term leases of unused public roads –</p> <p>Authority to grant short term lease of unused public road to adjoining owner or lessee, give public notice of proposed lease, consider submissions, make decision</p> <p><b>Pursuant To –</b> Sections 153, 154, 155</p>	

	& 156	
Roads Act 056	<p><b>Footway restaurants –</b></p> <p>Authority to grant an approval pursuant to Part 9 Division 1 of the Roads Act 1993 (NSW) to use part of a footway for the purposes of a restaurant and to authorise a holder of an approval to erect and maintain structures in, on or over any part of the footway the subject of the approval.</p> <p><b>Pursuant To – Part 9 Division 1</b></p>	

### Strata Schemes (Freehold Development) Act 1973

Function Code	Function	Condition/ Limitation (if any)
SS(FD)Act001	<p><b>Strata Certificates –</b></p> <p>Authority to issue a strata certificate in accordance with section 37, 38 and 39 or refuse to issue a strata certificate in accordance with section 38 and 40 of the Strata Schemes (Freehold Development) Act 1973</p> <p><b>Pursuant To – sections 37 &amp; 38</b></p>	
SS(FD)Act002	<p><b>Instrument in relation to restrictions on utility lots –</b></p> <p>Authority to execute an instrument which provides that a utility lot the subject of a restriction under section 37(1) is released from that restriction.</p> <p><b>Pursuant To – section 39(4)</b></p>	

### Strata Schemes (Freehold Development) Regulation 2012

Function Code	Function	Condition/ Limitation (if any)
SS(FD) Reg 001	<p>Strata plans –</p> <p>Authority to sign and resign administration sheets as an authorised officer</p> <p>Pursuant To – Clauses 8, 9, 12, 13</p>	

### Strata Schemes (Leasehold Development) Act 1986

Function Code	Function	Condition/ Limitation (if any)
SS(LD) Act 001	<p>Strata certificates –</p> <p>Authority to issue a strata certificate in accordance with sections 66, 67 and 68, or refuse to issue a strata certificate in accordance with section 67 and 69 of the Strata Schemes (Leasehold Development) Act 1986</p> <p>Pursuant To – Sections 66 and 67</p>	
SS(LD) Act 002	<p>Instrument in relation to restrictions on utility lots –</p> <p>Authority to execute an instrument which provides that a utility lot the subject of a restriction under section 68(1) is released from that restriction in accordance with section 68(4).</p> <p>Pursuant To – Section 68(4)</p>	

### Strata Schemes (Leasehold Development) Regulation 2012

Function Code	Function	Condition/ Limitation (if any)
SS(LD) Reg 001	<p>Strata plans –</p> <p>Authority to sign and resign administration sheets as an authorised officer</p>	

	Pursuant To – Clauses 8, 9, 12, 13, 25	
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### Strata Schemes Management Act 1996

Function Code	Function	Condition/ Limitation (if any)
SSM Act 001	Authority to –  Authority to apply to Adjudicators and Tribunal for orders Pursuant To – Chapter 5	

### Schedule 2: Instruments of Delegation to Council

Delegator	Function & Instrument Name	Date Of Instrument
N/A	N/A	N/A

### Schedule 3: Policy Authorities

Code	Policy Authority
ADMINEXED	Sign all applications addressed to the Registrar General to record the Council as the registered owner of resumed land.
ADMINEXEE	Sign any contract, lease, licence, deed, or legal or other document, where the execution of such document is necessary to meet legal or Council formalities when such relate to Council's normal business activities.
ADMINGENA	Authorised to carry out administrative actions, including written and oral communication, necessary to perform the duties and functions of this position.
ADMINGENG	Accept service of documents on behalf of Council.
CORRESA	Sign correspondence relating to the core position responsibilities and other correspondence as required. Any correspondence addressed to Members of Parliament, Heads of Government Departments, Mayors, Local Government NSW, Unions (covering any Council Employee), Newspaper Editors, Media, Ombudsman, ICAC, Staff (affecting employment conditions) and any correspondence which gives political comments or contains matters of a vexatious or controversial nature should be signed following consultation

	with the relevant Director or General Manager.
DEVMATD	To provide owner's consent to lodgement of a Development Application on property and land owned or controlled by Council.
DEVMATE	To approve easements and covenants that burden operational land owned by Council.
DISMORA	Authority to discharge any mortgages held by Council on condition that all conditions of the mortgage have been met. <b>The authority exercised under this delegation is to be reported to Council.</b>
FINEXPB8	To authorise expenditure for works, services, facilities and goods on behalf of Council from the relevant budget up to a cost of \$100,000 provided that: <ul style="list-style-type: none"> <li>i) Due provision has been made in the approved budget or the incurring of such expenditure is otherwise authorised.</li> <li>ii) An official order is placed in accordance with Council's policies and procedures.</li> </ul>
FINEXPF	To procure goods or services for Council by means of an authorised Council purchasing card issued by Council's banking institution subject to the approved transaction limit, monthly limit and compliance with Council's Procurement Policy and Procedures.
FINGEND	To authorise donations for materials and equipment to community groups in accordance with Council Policy
GENMATA	Exercise the functions of the Council position to which the position-holder is appointed in accordance with the job description for that position, Council resolutions and policies, Council's Enterprise Agreement and management direction.
GENMATB	Exercise the functions of the Council position to which the position-holder is temporarily appointed in accordance with the job description for that position, Council resolutions and policies, Council's Enterprise Agreement and management direction.
PUBRELB	Respond to media enquiries on all matters relating to the current division of Council.
PUBRELC	To issue authorised media releases to media agencies on behalf of Council following final consultation/approval from the Mayor, General Manager or relevant Director.
PUBRELE	To upload content onto Council's website/s following approval of content by the relevant Manager/Director or General Manager.

STAFFA	To authorise timesheets for employees within the area of control of the position (referred hereafter as relevant staff)
STAFFB	Determine all leave applications relative to all relevant staff having due regard to the proper functioning of the Section and maintenance of appropriate levels of service to the public.
STAFFC	Authorise the attendance of relevant staff at technical seminars/conferences/residential schools and the like, subject to funding being available in the Council's budget.
STAFFD	To authorise the payment of travelling and subsistence expenses for relevant staff in accordance with Council's policy on travelling and subsistence expenses.
STAFFE	Approve overtime for relevant staff in accordance with approved budget.
STAFFF	Approve relevant staff members to act in higher grade positions during periods of absence of key staff members in the Division.

gc Handford.

Interim General Manager of Mid-Coast Council

Date: 30/9/16

Review date:

### Sub-delegate's Acknowledgement of Delegations of Authority

*JOHN*  
 I BUGHERTY currently employed by the Council in the position of Manager Property and Commercial Services do hereby acknowledge that I have read and understood this Instrument of Sub-Delegation and that I will perform these sub-delegations and authorities in accordance with this Instrument of Sub-Delegation and my position description.

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 Manager Property and Commercial Services of Mid-Coast Council

Date: 7-10-2016.