



# PORT STEPHENS

## C O U N C I L

### SUPPLEMENTARY INFORMATION

ORDINARY COUNCIL MEETING  
22 OCTOBER 2024

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SUBJECT

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## COUNCIL REPORTS

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- Nb. **Bold** Items listed above have not been previously received or viewed by Councillors.

## SUPPLEMENTARY INFORMATION

ITEM NO. 5

FILE NO: 24/285776  
EDRMS NO: PSC2009-09765

### DELEGATIONS: MAYOR, GENERAL MANAGER AND ACTING GENERAL MANAGER

REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER  
DIRECTORATE: GENERAL MANAGER'S OFFICE

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#### RECOMMENDATION IS THAT COUNCIL:

- 1) Delegate the Functions in accordance with the Instrument of Delegation to the Mayor attached to this Supplementary Information report as **(ATTACHMENT 1)**.
- 2) Delegate the Functions in accordance with the Instrument of Delegation to the General Manager attached to the report as **(ATTACHMENT 2)**.
- 3) Delegate the Functions of the Mayor to the Deputy Mayor with the general limitations that the Deputy Mayor may only exercise these Functions:
  - a) at the request of the Mayor; or
  - b) if the Mayor is prevented by illness, absence or otherwise from exercising these Functions; or
  - c) if there is a casual vacancy in the office of Mayor.
- 4) Appoint the three (3) Directors (Community Futures, Facilities & Infrastructure and Corporate Strategy and Support) to act in the capacity of the General Manager on a rotational basis, in the absence of the General Manager, and that such appointment ceases upon the return to work of the General Manager or other resolution of Council.
- 5) The Mayor and General Manager be authorised to establish a rotational calendar for the role of acting General Manager.
- 6) Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by the Council.

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#### BACKGROUND

The purpose of this report is to provide an amended copy of the Instrument of Delegation to the Mayor for Council's consideration and adoption **(ATTACHMENT 1)**.

#### ISSUES

The Mayor's delegations have been updated to include the use of a Council issued purchasing card for official Council business.

**ATTACHMENTS**

- 1) Mayor - Instrument of Delegation. [↓](#)



## PORT STEPHENS COUNCIL

### INSTRUMENT OF DELEGATION TO Mayor

On Tuesday, 22 October 2024 the Port Stephens Council ("**Council**") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. Pursuant to section 377 of the LG Act to delegate to the Mayor authority to exercise and/or perform on behalf of the Council the Council's Functions identified in **Schedule 1** subject to any condition or limitation specified.
3. The Mayor be conferred authority to carry out the Policy Authorities listed in **Schedule 2** and undertake any administrative actions necessary to carry out those Policy Authorities.
4. These 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**, **Schedule 2** and **Schedule 3**; and
  - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
5. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
6. In this delegation:
  - o '**Functions**' means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.

#### PORT STEPHENS COUNCIL

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- **‘Legislation’** means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
- **‘LG Act’** means the *Local Government Act 1993* as amended.

### Schedule 1: Delegated Functions

#### Local Government Act 1993

Function Code	Function	Condition/ Limitation (if any)
LG Act 004	<p><b>Mayor Functions –</b></p> <p>Authority to exercise and/or perform the role of the mayor.</p> <p><b>Pursuant To –</b></p> <p>section 226</p>	<p>1. Authority to approve or refuse public access applications in accordance with the Council's policy and Code of Meeting Practice.</p> <p>2. Authority in the cases of emergency, where it is not practical to wait for the next scheduled meeting of Council, to exercise such functions of council as necessary in the situation, except those functions listed in Schedule 377 of the Local Government Act (The Act) and those regulatory functions under Chapter 7 of the Act. This delegation applies only to those functions properly held by the Council and does not extend to statutory functions of the General Manager under Section 335 of the Act.</p> <p>3. To make community awards on the recommendation of the Port Stephens Community Awards Panel and after appropriate consultation with all Councillors.</p> <p>4. Authority to affix the corporate seal of Port Stephens Council to all documents necessary for Port</p>

		<p>Stephens Council to enter into or be a party to any property or commercial transaction, provided that the transaction has already been authorised by specific resolution of Council.</p> <p>5. Authority to act as a Council nominated director on Newcastle Airport Pty Ltd, Greater Newcastle Aerotropolis Pty Ltd, Newcastle Airport Partnership, Greater Newcastle Aerotropolis Partnership, Newcastle Airport Partnership Company 3 and Newcastle AirPort Partnership Company 4.</p>
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**Schedule 2: Policy Authorities**

Code	Policy Authority	Conditions / Limitations (if any)
CP063 - Authority to use purchasing card up to \$5,000	Authority to use purchasing card to pay suppliers within your area of responsibility and within the approved budget up to \$5,000 per transaction (GST inclusive).	

**Schedule 3: General Limitations**

Limitation (if any)
N/A

Pursuant to a Resolution of the Council at its meeting of Tuesday, 22 October 2024.

\_\_\_\_\_  
Mayor / Councillor

Date: Tuesday, 22 October 2024

Review date: Saturday, 21 October 2028

### **Delegate Acknowledgement of Delegation**

I \_\_\_\_\_ do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

\_\_\_\_\_  
Mayor of Port Stephens Council

Date:

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