

Glen Eira City Council

**Instrument of Delegation
to
Chief Executive Officer**

Instrument of Delegation

In exercise of the power conferred by section 11(1) of the *Local Government Act 2020* (**the Act**) and all other powers enabling it, Glen Eira City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation;

AND declares that:

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 21 March 2023, and
2. the delegation:
 - 2.1. comes into force immediately following the Resolution of Council described in part 1 above;
 - 2.2. is subject to any conditions and limitations set out in the Schedule;
 - 2.3. must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4. remains in force until Council resolves to vary or revoke it.

SCHEDULE

The power to:

1. determine any issue;
2. take any action; or
3. do any act or thing,

arising out of or connected with any duty imposed or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing:

4. if the issue, action, act or thing is an issue, action, act or thing which involves:
 - 4.1. making, amending or revoking a local law;
 - 4.2. adopting or amending the Governance Rules;
 - 4.3. approving or amending the Financial Plan or Council Plan;
 - 4.4. approving the Budget or Revised Budget;
 - 4.5. adopting or amending any policy that Council is required to adopt under the Act;
 - 4.6. appointing an Acting Chief Executive Officer for a period exceeding 28 days;
 - 4.7. making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
 - 4.8. entering into a contract requiring the expenditure of Council funds exceeding the value of:
 - (a) in relation to roads or drains or the procurement of insurance, \$1,000,000 (including GST) or more;
 - (b) in relation to all other contracts or agreements, \$500,000 (including GST) or more;
 - 4.9. determining the level of cash in lieu of car parking payment under a town planning permit where a contributions plan has been implemented by Council;
 - 4.10. accepting an offer to purchase land from a discontinued road or a

former reserve which vests in Council, where the proposed sale price determined in accordance with Council policy is greater than \$200,000 (including GST);

- 4.11. subject to clause 4.10 the acquisition or disposition of a legal interest in land or buildings other than discontinued roads or former reserves which vest in Council, except where a lease is a renewal, surrender, or variation of an existing agreement and the lease is consistent with the Council Leasing and Licensing Policy (or similar approved policy), and in the case of variation does not change the area of land occupied;
 - 4.12. electing a Mayor or Deputy Mayor;
 - 4.13. granting a reasonable request for leave under section 35 of the Act;
 - 4.14. appointing the chair or the members to a delegated committee;
 - 4.15. approving the borrowing of money; or
 - 4.16. subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
 6. if the issue, action, act or thing is an issue, action, act or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
 7. if the determining of the issue, taking of the action or doing of the act or thing would or be likely to involve a decision which is inconsistent with a:
 - 7.1. policy; or
 - 7.2. strategyadopted by Council;
 8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
 9. if the determining of the issue, taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.