

**GREATER SHEPPARTON CITY COUNCIL  
INSTRUMENT OF DELEGATION  
AUSTRALIAN BOTANIC GARDENS SHEPPARTON  
SPECIAL COMMITTEE**

Greater Shepparton City Council (Council) delegates to the special committee established by resolution of Council passed on 17 September 2013 and known as the Australian Botanic Gardens Shepparton Special Committee (the Committee), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on 17 September 2013
2. the delegation:
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 remains in force until the Council resolves to vary or revoke it; and
  - 2.3 is to be exercised in accordance with the guidelines or policies which Council from time to time adopts; and
3. all members of the Committee with the exception of co-opted members will have voting rights.

**THE COMMON SEAL** of the **GREATER SHEPPARTON CITY COUNCIL** was affixed on the 18<sup>th</sup> day of September 2013 in the presence of the Chief Executive Officer being a delegated officer pursuant to Local Law No. 2 of the Council.



CHIEF EXECUTIVE OFFICER  
Gavin Robert Cator



## **SCHEDULE TO INSTRUMENT OF DELEGATION**

### **POWERS AND FUNCTIONS**

To exercise Council's functions and powers to perform Council's duties in relation to the management of the former Kialla Landfill Site ("Facility") and for those purposes:

- a) to enter into contracts, and to incur expenditure
- b) providing effective administration and cost effective financial management of the Facility;
- c) determine fees and charges for the use of the Facility, subject to the Council's adoption of the budget.
- d) enter into agreements on behalf of the Council with casual hirers of the Facility in accordance with any conditions of hire approved by the Council from time to time;
- e) maximising the sustainable use of the Facility;
- f) minimising the Council's public liability risk exposure;
- g) encouraging public interest and maximising involvement and participation of the community in the development and use of the Facility;
- h) establishing and implementing policies for the successful management of the Facility which are consistent with the directions and instructions of the Council;
- i) retain on behalf of the Council all monies received from hire fees and charges associated with the management of the Facility, and to apply such monies firstly to the maintenance and operation of the Facility and any other expenses which may be incurred by the Australian Botanic Gardens Special Committee in its management of the Facility;
- j) deposit any surplus funds from time to time in an account, entitled with the joint names of the Council and the Committee of Management, in the bank generally used by the Council.
- k) to do all things necessary or convenient to be done or in connection with the performance of those functions, duties and powers.

### **EXCEPTIONS, CONDITIONS AND LIMITATIONS**

The Australian Botanic Gardens Shepparton Special Committee is not authorised by this instrument to:

- a) carry out capital works other than those outlined in any plan of development approved in advance by the Council;
- b) enter into any contracts on behalf of the Council for amounts exceeding \$2,000 and not included in the adopted budget. Any contracts in excess of \$2,000 and not included in the adopted budget cannot be implemented until approved by the Council;
- c) exercise the powers which, by force of section 86 of the Act, cannot be delegated.