



SUPPLEMENTARY BUSINESS PAPER

**(Item 9 Mayoral Minute MM4/26)
General Meeting**

**Wednesday 13 May 2026
at 7:00 PM**



TABLE OF CONTENTS

SUPPLEMENTARY ITEMS

Item 9	MM4/26 Extension of Acting General Manager - Delegation and Power of Attorney	1
--------	---	---

9 EXTENSION OF ACTING GENERAL MANAGER - DELEGATION AND POWER OF ATTORNEY

At the Council meeting on 12 November 2025, it was resolved to appoint Mr Glen Magus to act in the role of Acting General Manager for a designated period to allow for an external recruitment process to be undertaken to find a replacement for this critical role for Council and our community.

Given the agreed timeline for this programme with our external consultants LG Services Group, it is my recommendation that in order to allow for a thorough process to be completed, and any lead time for the preferred candidate to potentially acquit a current role and join Council, that the current Acting General Manager, whose substantive role is Director Corporate Support – Mr Glen Magus, continue in the role of Acting General Manager from 12 July 2026 through to 11 November 2026 or until such time as the new General Manager is appointed.

Subject to Council's endorsement of this recommendation, it is appropriate to continue to grant a Delegation of Authority to Mr Magus and also appoint him to continue to be Council's attorney.

Pursuant to Section 377 of the Local Government Act 1993 (the Act) 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 matters set out in Section 377 of the Act. Some of the functions which cannot be delegated to a General Manager under Section 377 of the Act include the making of rates, the fixing of charges, the setting of fees, the borrowing of money and the adoption of the annual financial statements.

The General Manager may then, pursuant to Section 378 of the Act, delegate, or sub-delegate, any of the functions of a General Manager, other than this power of delegation, to any person or body, including another employee of the Council.

The formal delegation of authority from Council to the General Manager, and from the Acting General Manager to other designated staff, provides for efficient and effective decision making and delivery of Council services.

Although broad functions are delegated to the General Manager, and then subsequently delegated to staff, this does not preclude the Mayor or any Councillor specifically requesting that a matter be placed before the Council for determination. This right is stated in the delegation document. Similarly, the General Manager is not delegated to make decisions on major unique items where no policy, practice or code of the Council exists.

The core delegations are recommended to remain unchanged and no change to the existing practice, and delegations given to the General Manager, is proposed. The wording of the delegation is shown in the recommendation to this report.

The granting of a Power of Attorney to the General Manager has the following benefits:

1. Council would not have to specifically resolve to affix the Seal to documents which the General Manager or other Officers have the authority to execute, such as positive covenants, restrictions as to users, leases and licences.

2. It would not be necessary for the Mayor or a Councillor to have to be present to sign a document which otherwise requires the Seal of Council.
3. A Power of Attorney can be registered at the Land Titles Office and, as such, is evidence in its own right of the necessary Council authorisation should a document signed by the attorney be presented for registration.
4. It greatly reduces administrative procedures required to execute documents.
5. It would reduce instances of delay for Council customers requiring dealings to be executed by Council.

In the normal course of operation, the General Manager's delegation of authority typically outlines the General Manager's powers and responsibilities, allowing them to make decisions and take actions on behalf of Council within specified parameters. There may be situations that require the General Manager to hold additional legal powers beyond what is typically granted in the general delegation of authority. Accordingly, the Power of Attorney as proposed in this Report, grants the General Manager further authority to engage in certain transactions or negotiations that involve legal formalities or requirements not covered in the Delegation of Authority. In certain instances, a Power of Attorney might otherwise be required to ensure that the General Manager has the necessary legal standing to act on behalf of Council and bind it to legal obligations.

There have been no issues associated with the operation of this Power of Attorney since the last review in November 2025 and the powers and restrictions set out in the document are recommended to remain unchanged. The wording of the Power of Attorney is shown in the recommendation to this report.

The end date for this Power of Attorney is nominated to be extended through until 11 November 2026 being a further four months from the original date of commencement, which as previously advised, is the maximum tenure for an Acting General Manager pursuant to section 351 of the Act.

Should Council agree with the approach to grant such Power of Attorney, the extended Power of Attorney document would then be executed under Council's Seal. From then on, documents executed pursuant to the Power of Attorney would not need to be sealed with Council's Seal, merely signed by the Acting General Manager as the person appointed as Council's attorney. Of course, this would not prevent Council specifically resolving to affix its Seal to certain documents at any time in the future.

In accordance with Council's Higher Duties Determination, it is appropriate that whilst continuing to act in the role of Acting General Manager, Mr Magus's Total Remuneration Package (TRP) continue at 95% of the TRP of the General Manager.

Having regard to the abovementioned updated information, the matter is submitted to Council for consideration. The proposed wordings of the Delegation of Authority and Power of Attorney set out in the recommendation below have been reviewed by a panel lawyer to confirm that no updates or amendments were required.

RECOMMENDATION

THAT:

1. Mr Glen Magus continue in the role of Acting General Manager from 12 July 2026 through to 11 November 2026 or until such time as the new General Manager is appointed.
2. The following Power of Attorney granted to Mr Glen Magus on 12 November 2025 be extended for the period from 12 July 2026 until the new expiry date of 11 November 2026, or until such time as the new General Manager is appointed:

Power of Attorney

1. The Council appoints **Glen Magus**, Acting General Manager of the Hornsby Shire Council to be its Attorney. Council's Attorney may exercise authority conferred on him by Part 2 of the *Powers of Attorney Act 2003* (NSW) to do so on Council's behalf anything Council may lawfully authorise an Attorney to do. Council's Attorney's authority is subject to any additional powers and restrictions specified in Part 2 of this document.
2. This Power of Attorney operates until 11 November 2026 unless the Acting General Manager vacates office prior to this date.

PART 2 – Additional Powers and Restrictions

This Power of Attorney is subject to the following conditions and limitations:

This Power of Attorney authorises the Attorney to execute documents, dealings and instruments relating to the matter detailed in the Schedule and for the purpose of giving effect to resolutions of the Council where resolutions are required relating to the matters, including those detailed in the Schedule:

SCHEDULE

1. The creation (whether by acquisition or other means), disposal or extinguishment of an interest in land.
 2. The creation, disposal, variation or extinguishment of a right, obligation, easement, or other interest in land.
 3. Contracts, and all other necessary documents, for the purchase and sale of land.
 4. Licences and leases.
 5. Contracts for works services and supply of goods.
3. The Common Seal of Council be affixed to the Power of Attorney document.
 4. The following delegation continue to be granted to the Acting General Manager, and any person holding the position in an acting capacity:

Delegation of Authority

Pursuant to the powers of delegation conferred on Council by Sections 377 and 381 of the *Local Government Act 1993* (NSW), **HORNSBY SHIRE COUNCIL** delegates to **GLEN MAGUS**, Acting General Manager of the Council, the power to exercise all the functions,

powers, duties, and authorities conferred upon Council pursuant to:

1. The *Local Government Act 1993* (NSW).
2. The *Environmental Planning and Assessment Act 1979* (NSW).
3. All other Acts whatsoever under which Council has functions, powers, duties, and authorities.
4. All regulations, by-laws, rules and the like made by or under any of the Acts referred to in 1, 2 or 3 above.

Subject to any resolution made from time to time by the said Council and provided always that such delegation of powers shall not and shall not be deemed to extend to:

1. Any of the matters expressly reserved to the Council in section 377 of the *Local Government Act 1993* (NSW).
2. The alteration of the meeting cycle of Council.
3. The overview and direction of business activities.
4. The role of the Mayor as provided for in and determined under section 226 of the *Local Government Act 1993* (NSW).
5. Major unique items where no policy, practice or code of the Council exists.
6. Adoption of Local Environmental Plans, Development Control Plans and section 7.11 and 7.12 Contribution Plans pursuant to the *Environmental Planning and Assessment Act 1979* (NSW).
7. Adoption of Council policies and codes.
8. Items in respect of which the Mayor or a Councillor has specifically requested the Acting General Manager to place before Council for determination by Council.

Subject to the provisions of the *Local Government Act 1993* (NSW) and the other Acts referred to above the functions, powers, duties and authorities hereby delegated by Council to the General Manager pursuant to this resolution remain in force until otherwise revised or revoked by resolution of the Council; and

Subject to Council reviewing each delegation during the first 12 months of each term of office.

Cr WARREN WADDELL

Mayor

Attachments:

There are no attachments for this report.

File Reference: F2004/09419-015

Document Number: D09362654