

## ITEM 14 DELEGATIONS TO THE GENERAL MANAGER OVER CHRISTMAS PERIOD

The General Manager's delegations were last reviewed and amended by Council at its meeting of 12 December 2016, following amendments to the delegation provisions of the Local Government Act 1993. Consistent with the resolution of Council at that time, this report recommends a temporary amendment to the General Manager's delegations to allow for the acceptance of tenders satisfying the necessary legislative criteria from 12 December 2017, through to 28 January 2018.

### RECOMMENDATION

- 1 Council note the report on Delegations to the General Manager over Christmas Period;
- 2 Council note the exercise of delegations to the General Manager during the Caretaker Period; and
- 3 Council delegate to the General Manager and the Lord Mayor or Deputy Lord Mayor the authority to accept, or otherwise, tenders under Request for Tender processes between 12 December 2017 and 28 January 2018, with a report on the exercise of such delegation to be provided to the Ordinary Meeting of Council in February 2018.

### REPORT AUTHORISATIONS

Report of: Clare Phelan, Manager Governance and Information (Acting)  
Authorised by: Kylee Cowgill, Director Corporate Services - Connected and Engaged City (Acting)

### ATTACHMENTS

There are no attachments for this report.

### BACKGROUND

Following amendments to the Local Government Act 1993, specifically in relation to the delegable functions of Council, Council considered and confirmed delegations to the General Manager at its meeting of 12 December 2016. Council resolved unanimously that:

- 1 Council note the report on Delegations to the General Manager – Tendering.
- 2 Council delegate to the General Manager all of the delegable functions of the Council, but excluding:
  - a Those functions specified in clauses (a) to (u) of section 377(1) of the Local Government Act 1993.
  - b The granting of leases of Council property where the total lease rental payable to Council for the term of the lease is more than \$1 million (including GST).
  - c The granting of leases of Council property where the term of the lease is for 10 years or more.
  - d The acceptance of tenders required to be invited pursuant to section 55 of the Local Government Act 1993 as at the date of this delegation.
- 3 Council fix the amount of \$3,000 as the amount above which any individual rate charge or debt owed to the Council may be written off only by resolution of the Council pursuant to clauses 131(1) and 213(2) of the Local Government (General) Regulation 2005.
- 4 Council delegate to the General Manager the determination of certain Development Applications in accordance with the Independent Hearing and Assessment Panel Charter.
- 5 Council receive a report in the final quarter of each calendar year of in-progress tenders to consider providing delegation to accept specific tenders within a specified time period.

6 *Council delegate to the General Manager, Lord Mayor and Deputy Lord Mayor, the authority to accept, or otherwise, by a majority determination, tenders under the following Request for Tender processes between 13 December 2016 and 29 January 2017:*

*i T16/34 Nicolson Park Woonona - Playground Replacement.*

*ii T16/38 Solar Photovoltaic Systems.*

*iii T16/40 Bridge Maintenance of Cabbage Tree Creek Fairy Meadow.*

*iv T16/41 Cathodic Protection of Bridge 2 at Yallah Bay Road Yallah.*

*with a report on the exercise of such delegation to be provided to the Ordinary Meeting of Council in February 2017.*

Consistent with point 5 of the recommendation, this report seeks a temporary amendment to the delegations of the General Manager to allow continued progress of project delivery across the Christmas/New Year period.

Further, at its meeting of 31 July 2017, the Council resolved to temporarily amend delegations to the General Manager for the caretaker period through to the first Ordinary Meeting of Council following elections, as follows:

- 1 *Council note the report on Delegations to the General Manager – Caretaker Provisions.*
- 2 *Council delegate the authority to accept, or otherwise, tenders up to the value of \$1.57 million to the General Manager, Lord Mayor and Deputy Lord Mayor, by a majority determination, between 1 August 2017 and 8 September 2017; and to the General Manager and Lord Mayor, between 9 September 2017, by unanimous determination, and the date of the first Ordinary Meeting of Council following the 9 September 2017 election; with a report on the exercise of such delegation to be provided to the second Ordinary Meeting of Council following elections.*

There was one tender for which this delegation was exercised, being T17/09 Lift Upgrades at Wollongong City Art Gallery. On 25 September 2017, the General Manager and Lord Mayor authorised the acceptance of the tender of OTIS Elevators in the sum of \$206,000 excluding GST.

## PROPOSAL

There is a seven-week period between the December 2017 Ordinary Meeting of Council, and the first Ordinary Meeting scheduled for 2018. At the present time, tenders in-progress across the December/January period are anticipated to be:

T17/57 - Ensuite Blocks and onsite Astroturf Annex Sites at Windang Beach Tourist Park - Construct, Supply, Deliver and Install.

T17/54 - Lawrence Hargrave Drive Retaining Wall Replacement.

T17/30 - Roads and Footpaths Video and Condition Assessment.

T17/50 - Administration of Project Management Services Panel.

T17/55 - O'Brien's Road Pedestrian Bridge Replacement.

ISJO05/2017 – Pavement (Line) Marking.

It is recommended to delegate the General Manager, in conjunction with the concurrent approval of the Lord Mayor and Deputy Mayor (or their respective nominees), the authority to accept these tenders on behalf of Council. The exercise of any such delegation should be reported back to Council in due course.

## CONSULTATION AND COMMUNICATION

In considering potential options available to Council, the matter of delegations, specifically tenders, has been canvassed with Executive Management, Infrastructure & Works Directorate, and Finance.

## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal 4 “We are a connected and engaged community”.

It specifically delivers on core business activities as detailed in the Governance and Administration Service Plan 2017-18.

## CONCLUSION

The impending Christmas/New Year period, and break between Ordinary Meetings of Council, make it timely to consider a temporary amendment to the delegations to the General Manager, specifically with respect to determining tenders.