



Corporate & Works Committee

Agenda: *Corporate & Works Committee*

Date: *Monday 3 June 2013*

Time: *6.00pm*

Outline of Meeting Protocol & Procedure:

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (eg applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

Recommendation only to the Full Council (“R” Items)

- Such matters as are specified in Section 377 of the Local Government Act and within the ambit of the Committee considerations.
- The voting of money for expenditure on works, services and operations.
- Rates, Fees and Charges.
- Donations
- Matters which involve broad strategic or policy initiatives within responsibilities of the Committee.
- Matters not within the specified functions of the Committee.
- Asset Rationalisation.
- Corporate Operations:-
 - Statutory Reporting;
 - Adoption of Council's Community Strategic Plan, Delivery Program and Operational Plan;
 - Delegations; and
 - Policies.
- Tenders as per Regulation requirements.
- Leases.
- Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes.

Delegated Authority (“D” Items)

- General financial and corporate management of the Council, except those specifically excluded by statute, by Council direction or delegated specifically to another Committee.
Note: This not to limit the discretions of nominated staff members exercising Delegated Authorities granted by the Council.
- Statutory reviews of Council's Delivery Program and Operational Plan;
- Finance Regulations, including:-
 - Authorisation of expenditures within budgetary provisions where not delegated;
 - Quarterly review of Budget Review Statements;
 - Quarterly and other reports on Works and Services provision; and
 - Writing off of rates, fees and charges because of non-rateability, bad debts, and impracticality of collection.
- Auditing.
- Property Management.
- Asset Management.
- Traffic Management - Works Implementation.
- Works and Services - Monitoring and Implementations.
- Legal Matters and Legal Register.
- Parks and Reserves Management.
- Infrastructure Management, Design and Investigation.
- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agenda (and as may be limited by specific Council resolution).
- Confirmation of the Minutes of its Meetings.
- Any other matter falling within the responsibility of the Corporate and Works Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed above.

Committee Membership:

7 Councillors

Quorum:

The quorum for a Committee meeting is 4 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

30 May 2013

To: His Worship the Mayor, Councillor Andrew Petrie ex-officio
Councillors Katherine O'Regan (Chair)
Ted Bennett
Peter Cavanagh
Deborah Thomas
Elena Wise
Susan Wynne (Deputy Chair)
Jeff Zulman

Dear Councillors

Corporate & Works Committee Meeting – 3 June 2013

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Corporate and Works Committee** to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 3 June 2013 at 6.00pm.**

Gary James
General Manager

Additional Information Relating to Committee Matters

Site Inspection

Other Matters

Meeting Agenda

Item	Subject	Pages
1	Leave of Absence and Apologies	
2	Late Correspondence Note Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item	
3	Declarations of Interest	

Items to be Decided by this Committee using its Delegated Authority

D1	Confirmation of Minutes of Meeting held on 20 May 2013	1
D2	Legal Services Review Panel – Minutes of Meeting 22 May 2013 – 795.G	2

Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Audio Visual Facilities Upgrade in the Council Chamber & Thornton Room – Tender No. 13/02	7
R2	Statutory Review of Delegations, Organisational Structure & Contractual Conditions of Senior Staff – 473.G	13

Item No: D1 Delegated to Committee
Subject: **Confirmation of minutes of meeting held on 20 May 2013**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 20 May 2013 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

Recommendation:

That the Minutes of the Corporate and Works Committee Meeting of 20 May 2013 be taken as read and confirmed.

Les Windle
Manager – Governance

Item No: D2 Delegated to Committee
Subject: Legal Services Review Panel – Minutes of Meeting 22 May 2013
Author: Stephen Dunshea – Director Corporate Services
File No: 795.G
Reason for Report: To present the Minutes of the Legal Services Review Panel Meeting held 22 May 2013

Recommendation:

That the Minutes of the Legal Services Review Panel meeting of 22 May 2013 be received and noted.

Report:

Following discussion of legal services at the Council meeting held on 8 April 2013, the Mayor appointed the following Councillors as members of Council's Legal Services Review Panel (LSRP):

- The Mayor Councillor Andrew Petrie
- Councillor Anthony Boskovitz (Chair)
- Councillor Peter Cavanagh
- Councillor Matthew Robertson
- Councillor Susan Wynne
- Councillor Toni Zeltzer
- Councillor Jeff Zulman

The LSRP held its first meeting on 22 May 2013 with the agenda including consideration of the terms of reference for the operation of the LSRP and information regarding the appointment of Council's current panel for the provision of legal services.

The Minutes of the meeting are provided as **Annexure 1** to this report.

At the meeting, the LSRP noted that Council currently retains the following three legal firms for the provision of environmental and planning legal services.

- Norton Rose (Formerly Deacons)
- Lindsay Taylor Lawyers
- Wilshire Webb Staunton Beattie

This panel of legal firms was established in July 2008 following the calling of tenders for the provision of the following legal services:

- Planning advice – Interpretations of planning instruments and planning law
- Land & Environment Court – Class 1 Actions
- Land & Environment Court – Class 4 & 5 Actions
- Prosecutions in Local Courts – mainly environmental issues.

The appointment was for the provision of the requested legal services for a period of 3 years with an option for Council to extend the period for a further 3 years. The extended period of appointment is due to expire in 2014.

The tender did not include legal services for industrial relations, insurance, property and local government administrative law advice. Council engages specialist legal advice as needed from a range of legal firms in relation to these areas of law.

Future actions agreed at this first meeting of the LSRP were:

1. That one of the legal panel firms provide a briefing session as soon as possible to further assist Councillors in interpreting the provision of the Council's Local Environmental Plans and Development Control Plans in the context of the Environmental Planning & Assessment and in undertaking their role as the consent authority in determining development applications.
2. A subsequent briefing session to be arranged before the end of August in relation to the process and steps involved in Class 1 appeals to the Land and Environment Court.
3. That a further meeting of the Legal Services Review Panel be arranged following these two briefing sessions with the agenda to include preparing a timetable for the calling of new tenders for the provision of legal services.

It was agreed that the minutes of LSRP meeting be presented to the Corporate & Works Committee.

Conclusion:

The minutes of Council's Legal Services Review Panel meeting held on 22 May 2013 are presented to the Corporate & Works Committee for reference.

Stephen Dunshea
Director Corporate Services

Annexures:

1. Minutes of the Legal Services Review Panel Meeting held 22 May 2013.

Item No: R1 Recommendation to Council
Subject: **Audio Visual Facilities Upgrade in the Council Chamber and Thornton Room**
Author: Les Windle – Manager Governance
File No: Tender No 13/02
Reason for Report: To recommend to Council the acceptance of a Tender

Recommendation:

- A. That Council enter into a Contract with Wizard Projects Pty Ltd for audio visual facilities upgrade in the Council Chamber and meeting room for the sum of \$172,056.79 (excluding GST).
- B. That successful and unsuccessful tenderers be advised accordingly.

Background

The audio visual equipment in the Thornton Room and audio equipment in the Council Chambers is 13 years old, mostly out dated technology and requires replacing. The deterioration of equipment functionality has been raised on a number of occasions by Councillors, staff and community members after attending various functions at Council. Through a prior Expressions of Interest process Council engaged the services of Peter Blackmore of AVDEC Pty Ltd to provide consultancy expertise to design new cost-effective systems for both rooms. Supervision of the installation and commissioning of the new equipment is also part of the consultancy contract.

Mr Blackmore has designed systems that provide the following key elements specific to Council's needs:

Thornton Room

- high resolution video projector
- motorised 110 inch 16:10 projection screen – wall mounted
- laptop input
- wireless Congress style microphone system
- speech and programme audio through wall and ceiling speakers
- wireless Touchscreen Control Panel
- infra-red Assistive Hearing system including teleloops and chin receivers
- digital audio recording of meetings
- provision for outdoor audio amplification
- portable outdoor speakers
- lectern microphone
- optional wireless lapel microphones for special event presenters
- optional wireless hand held roving microphone

Council Chamber

- wireless Congress style microphone system
- infra-red Assistive Hearing system including teleloops and chin receivers
- digital Audio recording of meetings
- wireless Touchscreen Control Panel

Invitation to Tender

Tender 13/02 for Audio Visual Facilities Upgrade for the Council Chamber and Meeting Room was advertised in the Tenders section of the Sydney Morning Herald commencing on Tuesday 19th March 2013 and in the Wentworth Courier on Wednesday 20th March 2013.

The tender required supply, installation and commissioning of the equipment specified in the detailed specifications prepared by Council's AV consultant. The specifications detailed the make, model and number of each item of equipment to be supplied with no variations permitted. This ensured that all tender submissions proposed the same system for each room and would meet the designed performance outcome.

Tenders for this project closed at 2.30pm on Tuesday 18th April 2013. A total of seven (7) tenders were received prior to the closing date and time.

During the tender period a pre-tender meeting was held. All tenderers who had registered their interest in the tender were invited to attend. Questions raised by tenderers were answered and a record of the questions and answers was circulated to all tenderers who attended, or who were unable to attend but registered their wish to receive information.

All the tenders received by the closing date and time are listed in Table 1:

Table 1

TENDERER
<i>Feraaz Abrahams</i>
<i>KLM Group</i>
<i>Professional Hi Fi & Video Pty Ltd (trading as Videopro)</i>
<i>Rutledge Engineering (Aust) Pty Ltd</i>
<i>Sound on Stage</i>
<i>VisionX Audio Visual Pty Ltd</i>
<i>Wizard Projects Pty Ltd</i>

Tender Assessment

The tender assessment panel comprised Mr David Byatt (Purchasing Coordinator WMC) as the convenor of the tender panel, Zubin Marolia (Manager Property) as the Commissioning Officer, Les Windle (Manager Governance) as the Project Manager for the delivery of the Project and Peter Blackmore as the independent technical consultant.

Council has resolved that a probity adviser should be included during the tender assessment stage for high risk, high value or sensitive projects. This contract was deemed to not meet this definition and it was agreed that a probity adviser was not required for this tender process. However it should be noted that Les Windle, Manager Governance generally acts as the probity advisor on tender panels and is the Project Manager for the delivery of this project.

Prior to the closing date the tender panel agreed on the following weightings that would be used against the advertised selection criteria.

Price	40%
Demonstrated experience and capability	35%
Program, methodology and Duration of Works	20%
Management systems	5%

The tender panel carried out an initial evaluation of the tenders and deemed VisionX Audio Visual Pty Ltd's submission to be non-conforming for the following reasons:

- the Form of Tender and several Information Schedules were not completed, not fully completed and/or not signed,
- the pricing submission was labelled as a "Sales Quotation" with a quote term of "14 days from quote."

These irregularities could not be overcome by clarification or signing of the documents, some of which had no information, and this submission was not considered further.

The tenders deemed conforming and their lump sum prices (Ex GST) are listed in Table 2:

Table 2

TENDERER	LUMP SUM TENDER PRICE	TIME (Weeks)
<i>Feraaz Abrahams</i>	\$202,755.14	4
<i>KLM Group</i>	\$208,419.00	17
<i>Professional Hi Fi & Video Pty Ltd (trading as Videopro)</i>	\$179,819.00	6
<i>Rutledge Engineering (Aust) Pty Ltd</i>	\$188,770.00	6
<i>Sound on Stage</i>	\$217,538.54	10
<i>Wizard Projects Pty Ltd</i>	\$166,500.00	6

The Schedule of Rates and Amounts (Schedule 2) of the Tender Documents included a small number of optional equipment items which Council considered as not essential for the project but value adding if some or all of the optional equipment could be accommodated in the project budget.

The submissions from the above tenderers treated those optional items in different ways with some tenderers including the pricing for the optional items in the lump sum tendered amount while others did not include those prices in the lump sum tendered amount and provided a separate price for Council to consider outside of the lump sum submission.

In order to provide a common base level for each submission to provide the mandatory system equipment requirements, the lump sum submissions for the tenderers who had included the optional items in the lump sum amount were adjusted accordingly with the amended lump sum price to provide the mandatory project works shown in Table 3.

The time quoted refers to an indicative project programme prepared by each Tenderer to bring the works to practical completion from the time of signing of the contract for the project. This period includes time for detailed design works and approval by Council's AV Consultant, lead time for procurement of equipment and works undertaken off site such as cable preparation and building equipment racks. The on site works is only part of the whole project period.

The Tenderers are aware of Council's weekly meeting requirements and these requirements will be incorporated into the detailed project programme to be prepared with the successful Tenderer following awarding of the contract.

Table 3

TENDERER	LUMP SUM TENDER PRICE	TIME (Weeks)
<i>Feraaz Abrahams</i>	\$199,165.62	4
<i>KLM Group</i>	\$205,061.39	17
<i>Professional Hi Fi & Video Pty Ltd (trading as Videopro)</i>	\$179,819.00	6
<i>Rutledge Engineering (Aust) Pty Ltd</i>	\$188,770.00	6
<i>Sound on Stage</i>	\$213,498.58	10
<i>Wizard Projects Pty Ltd</i>	\$166,500.00	6

The tenders were assessed in accordance with the selection criteria stated in the tender documents. The tenders were given a preliminary score on each item of the selection criteria, which resulted in a total score out of 100. Tenderers were ranked in accordance with their scores.

Post-Tender Interviews were conducted with the two (2) highest ranked tenderers, namely Wizard Projects Pty Ltd and Rutledge Engineering (Aust) Pty Ltd. The purpose of the interviews was to review and test the information provided by the tenderers with regard to the published selection criteria, test the understanding the tenderers had of Council's requirements and if required, discuss aspects of a tender which the panel may have needed clarification. Following the interviews, where necessary, the panel amended tenderers' scores, and reviewed rankings. Final scores and rankings are shown in Table 4.

Following the interviews referees of the highest ranked tenderer were contacted and their opinions sought on previous projects carried out.

Table 4

TENDERER	Demonstrated Experience & Capability (35)	Program, Methodology & Duration of Works (20)	Management Systems (5)	Price (40)	Total Score (100)	Ranking
<i>Feraaz Abrahams</i>	10.5	17.5	3.75	33.44	65.19	5
<i>KLM Group</i>	31.5	9.85	3.44	32.48	77.27	4
<i>Professional Hi Fi & Video P/L (trading as Videopro)</i>	26.25	14.17	4.06	37.04	81.52	3
<i>Rutledge Engineering (Aust) P/L</i>	31.5	14.17	4.06	35.28	85.01	2
<i>Sound on Stage</i>	22.75	4.00	0.94	31.19	58.88	6
<i>Wizard Projects Pty Ltd</i>	33.25	14.17	3.75	40.00	91.17	1

- Demonstrated Experience:** Information was requested relating to size and value of past works, types of works performed and complexity of past works and management team experience. From this information the tender panel assessed the level of demonstrated experience for each tenderer.
- Program, Methodology & Duration of Works:** Information was requested relating to the project program and methodology for installation and commissioning of the equipment while maintaining the rooms operational for Council and Committee Meetings. From the information received the tender panel assessed the contractor's ability to sequentially carry out the works. The shortest time is divided by other tenderer's times to give their respective scores as percentages for this project component.
- Management Systems:** Information was requested relating to quality systems, workplace health and safety systems, industrial relations and environmental management systems. From this information the tender panel assessed the level of demonstrated quality management experience for each tenderer.
- Price:** the lowest price is deemed to achieve 100% of the score for this criterion. The lowest price is divided by the other tenderers' prices to give their respective scores as percentages.

Assessment of highest ranked tenderers

Wizard Projects Pty Ltd

Wizard Projects has provided the lowest tender submission in the amount of \$166,500 (Ex GST) and has received the highest ranking in the weighted tender analysis.

The company has undertaken extensive projects of greater than, as well as similar to, the nature and size of Council's project.

Wizard Projects has identified the proposed project team for Council's project should the company be successful. The members of the proposed project team have individually between 10 and 24 years industry experience. The company representative at the Post-Tender Interview confirmed that the members of the proposed project team would be the team involved in Council's project, should they be successful.

In reviewing the tender submission it was noted that Wizard projects do not have a certified Quality Management System however they have provided extensive documentation demonstrating their project and quality management framework including a sample site specific Safety Management Plan.

Reference checking of prior projects undertaken by Wizard Projects has confirmed that they have the skills, experience and capability to successfully undertake Council's project.

Optional equipment:

In addition to the mandatory system equipment requirements, Council also requested prices on the following optional equipment that would, if able to be accommodated under the project budget, add value to the system (prices are Ex GST):

- 2 x wireless lapel microphones for special event presenters (\$1,518.20)
- wireless hand held roving microphone (\$624.09)
- replace ceiling speakers in Council Chamber (\$3,414.50)
- Interactive whiteboard and projector for Council Chamber (\$5,509.40)

It is considered that the wireless lapel microphones would greatly assist events with guest speakers such as Writers and Readers and Tea Topics and the hand held roving microphone would assist with public meetings.

Replacement of the ceiling speakers in the Council Chamber would improve the sound quality in the room.

It is not considered necessary to provide the interactive whiteboard and projector in the Council Chamber as this is equipment essentially for presentations which can be provided by Council's existing equipment.

It is recommended that Council include the wireless lapel microphones, wireless hand held microphone and replacement of the ceiling speakers in the Council Chambers in this project at an additional cost of \$5,556.79 (Ex GST).

Rutledge Engineering (Aust) Pty Ltd

Rutledge Engineering has provided the third lowest tender submission in the amount of \$188,770 and has received the second highest ranking in the weighted tender analysis.

The company has undertaken extensive projects of greater than, as well as similar to, the nature and size of Council's project.

Rutledge Engineering have identified proposed personnel for Council's project with industry experience ranging between 7 and 10 years however at the Post-Tender Interview the company representative advised that the actual team for Council's project would depend on who is available if or when the company was awarded the tender.

In reviewing the tender submission it was noted that Rutledge Engineering has a Quality Management System that is compliant with the requirements of ISO 9001:2008 and have included a sample Quality Assurance Plan.

Optional equipment:

Rutledge Engineering similarly provided prices for the following optional equipment that would, if able to be accommodated under the project budget, add value to the system (prices are Ex GST):

- 2 x wireless lapel microphones for special event presenters (\$1,576.59)
- wireless hand held roving microphone (\$648.10)
- replace ceiling speakers in Council Chamber (\$3,545.82)
- Interactive whiteboard and projector for Council Chamber (\$7,027.17)
- Additional cables, installation, commissioning & programming (\$1,764.65)

Rutledge Engineering has the skills, experience and capability to successfully undertake Council's project.

Tender Assessment Panel Opinion

The tender panel is of the opinion that the tender of Wizard Projects Pty Ltd is the most advantageous to Council in terms of value for money, quality of work and the ability to complete the works within an acceptable time frame.

Identification of Income and Expenditure:

All figures in this report exclude GST. The preferred tenderer's lump sum price for this project is \$166,500.00. In addition, optional equipment that would add value to the functionality and performance of the equipment is available for an amount of \$5,556.79. The lump sum price and recommended optional equipment costs bring the total cost of the project to \$172,056.79. The budget for the project is \$190,000 which is sufficient to undertake the works.

Conclusion:

The tender panel recommends that Council enter into a Contract with Wizard Projects Pty Ltd for audio visual facilities upgrade in the Council Chamber and meeting room for the sum of \$172,056.79 (excluding GST) which is the lump sum price submitted for the project of \$166,500.00 plus additional optional equipment totalling \$5,556.79 as detailed in this report.

Les Windle
Manager Governance

Stephen Dunshea
Director Corporate Services

Annexures: Nil

Item No: R2 Recommendation to Council
Subject: **Statutory Review of Delegations, Organisational Structure and Contractual Conditions of Senior Staff**
Author: Les Windle – Manager Governance
File No: 473.G
Reason for Report: The Local Government Act requires that Council delegations and the organisational structure be reviewed after each Local Government election and that the contractual conditions of senior staff be reported annually.

Recommendation:

1. That the delegations to the Corporate & Works Committee, Urban Planning Committee, Community and Environment Committee and the Strategic and Corporate Committee contained in Annexure 3 to the report to the Corporate and Works Committee on 3 June 2013 be adopted.
2. That Council notes that delegations for development and related applications will be separately reviewed by the Development Control Committee.
3. That the current delegations to the Mayor and Deputy Mayor contained in Annexure 4 to the report to the Corporate and Works Committee on 3 June 2013 be reaffirmed.
4. That the delegations to the General Manager contained in Annexure 6 to the report to the Corporate and Works Committee on 3 June 2013 be adopted.
5. That the current organisational structure as shown in Annexure 7 to the report to the Corporate and Works Committee on 3 June 2013 be confirmed.
6. That the contractual conditions of the senior staff be noted.

Background:

The Local Government Act (*The Act*) requires each Council to undertake certain reviews within 12 months after an election and as part of its normal operations to do certain things throughout the year.

This report covers:

1. the review of delegations (other than delegations for development and related applications)
2. the review of the organisation structure
3. advice on the contractual conditions of senior staff

Proposal:

Authority to delegate

Section 377 of *The Act* provides that the 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 certain high level decisions that must be determined only by Full Council, as the governing body. Section 377 also prescribes those matters that the Council cannot delegate. A copy of Section 377 is attached at Annexure 1.

Review of Delegations

Section 380 of *The Act* requires that Council carry out a review of its delegations within 12 months of a local government election.

This section of the report reviews the delegations to:

1. the Corporate & Works, Community & Environment, Urban Planning and Strategic and Corporate Committees of Council
2. the Mayor and Deputy Mayor
3. the General Manager

A review of delegations relating to the determination of development and related applications will be undertaken separately through the Development Control Committee.

Delegations to the Corporate & Works, Community & Environment, Urban Planning and Strategic and Corporate Committees

This Council over many years has developed a set of delegations to Committees which incorporate safeguards allowing decision making to occur efficiently while enabling Councillors to be effectively involved in key decisions.

The delegation and safeguards system allows the standing Committees to determine matters under delegated authority or requires a matter to be referred to full Council (the safeguards) with a Committee recommendation if that recommendation contains a substantive change to the recommendation on the business paper or the matter is “Called” to Full Council by a Councillor.

Some matters cannot be delegated to the Committees and must be determined by the full Council. These matters are submitted to Committees as “R” items and progress to the full Council following consideration by the respective Committee after that Committee has allowed interested members of the public to make submissions at the meetings.

The current delegations to Standing Committees are set out in Annexure 2. These delegations were last adopted by Council on 27 September 2012 in conjunction with the Mayoral Election and are exercised subject to the safeguards included in the Committee Policies and Procedures.

The current delegations have proved effective for the efficient decision making requirements of Council and are recommended for re-adoption subject to the following:

Corporate and Works Committee recommended changes:

Under the “Recommendation only to Full Council” section

The requirement that “Leases” be determined only by “Full Council” was introduced prior to the development of the Council’s *Policy for Leasing and Licensing Council Controlled Land*.

The Policy has comprehensive Objective and Principle provisions that requires compliance with Council’s procedures and Independent Commission Against Corruption guidelines in order to protect the interests of the community and provide best value results for the Council.

The Objective of this Policy is:

The objective of this policy is to ensure that, when considering the leasing or licensing of Council-controlled land-based assets, including Crown Land, Council explores possible options for the use of the land, applies processes that are demonstrably equitable, consistent and transparent, complies with appropriate legislative requirements and obtains best value results for the Woollahra community.

The Principles of this Policy are:

All leasing or licensing of Council-controlled land assets, including Crown Land, will:

- *be consistent with Council's economic, social and environmental objectives,*
- *be undertaken in compliance with legislative and other obligations,*
- *occur only after consultation with all affected stakeholders and relevant sections of the community taking into account all relevant comments and representations,*
- *be undertaken with the intention of securing an optimum mix of financial and other benefits for the community,*
- *be through a fair and open process and include regular market testing*
- *be in accordance with ICAC guidelines*
- *be open to public scrutiny while maintaining appropriate levels of commercial confidentiality, and*
- *be conducted in accordance with the Council's procedures.*

Council has previously recognised the need to streamline the process (cut the red tape) for some leases and licences to obtain greater efficiency, customer service and better use of resources by delegating authority to the General Manager to enter into new licences or to renew licences under S125 of the Roads Act 1993 or S68(E)2 of the Local Government Act 1993.

Some leases will still be required to be submitted to Full Council due to specific legislative requirements, ie certain proposed leases on community land.

In recognition of Council's strict *Policy for Leasing and Licensing Council Controlled Land* requirements and to cut red tape for customers involved in operational leasing matters with Council, it is recommended that the requirement to submit "Leases" to Full Council be amended to:

- Leases required to be determined by Full Council by specific legislative requirements

Under the "Delegated Authority" section:

The item "Traffic Management – Works Implementation" is no longer required as this relates to traffic construction projects which, if required to be submitted for a Council decision would be the subject of a tendering process and through legislative requirements must be submitted to the Committee as a "Recommendation only to the Full Council".

It is recommended that the reference to "Traffic Management – Works Implementation" be deleted from the Corporate & Works Committee delegated authority items.

Development Control Committee

No changes are recommended at this stage, noting that a review of these delegations relating to the determination of development and related applications will be undertaken separately by the Development Control Committee.

Urban Planning Committee recommended changes

Under the “Recommendation only to Full Council” section:

The item “Local Environmental Plans” should be expanded to recognise the new legislative processes incorporating Planning Proposals which have been introduced to explain the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan.

It is recommended that the item be reworded to read:

- Planning Proposals and Local Environmental Plans

The item “Traffic Management and Planning (Policy) and Approvals” refers to traffic management matters, such as car parking, that are included in strategic planning instruments such as the Car Parking Development Control Plan. As such the traffic matters that are the responsibility of the Urban Planning Committee would be covered in other responsibility items.

As operational traffic matters are the responsibility of the Community and Environment Committee through the Woollahra Traffic Committee, it is recommended that in order to avoid confusion on traffic matters, the reference to “Traffic Management and Planning (Policy) and Approvals” be deleted from the Urban planning Committee responsibilities and delegations.

Community & Environment Committee recommended changes

Under the “Recommendation only to Full Council” section:

The item “Matters delegated to the Council by the Traffic Authority of NSW” is to be amended to read “Matters delegated to the Council by Roads and Maritime Services” to reflect the changes in the State Government structure.

Strategic and Corporate Committee recommended changes

No changes are recommended

The proposed delegations to the Standing Committees are set out in Annexure 3 with the recommended changes shown as ~~struckthrough~~ for deleted matters and underlined for new matters.

Delegations to the Mayor and Deputy Mayor

The current delegations to the Mayor and Deputy Mayor are set out in Annexure 4. These delegations were last adopted by Council on 27 September 2012 in conjunction with the Mayoral Election and are exercised subject to safeguards contained within the delegation.

The role of the Mayor as set out in Section 226 of The Act is as follows:-

226 *The role of the Mayor is:*

- *to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council.*
- *to exercise such other functions of the council as the council determines.*
- *to preside at meetings of the council.*
- *to carry out the civic and ceremonial functions of the mayoral office.*

The role of the Deputy Mayor as set out in Section 231 (3) of The Act is as follows:-

The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.

The delegations provide specific details as to the exercise of the function of the Mayor and Deputy Mayor so as to give effect to Sections 226 and 231(3).

It is recommended that the current delegation to the Mayor and Deputy Mayor be reaffirmed.

Delegations to the General Manager

The current delegations to the General Manager are set out in Annexure 5. These delegations were last adopted by Council on 10 August 2009 with further specific delegations added on 28 June 2010, 14 June 2011 (development and related applications), 28 November 2011, 13 August 2012 and 26 November 2012.

The delegation is wide ranging but is subject to conditions and limitations contained within the delegation. It does not delegate powers under acts but functions of the Council. The reason being that the Council exercises its functions under numerous acts and operates with a large range of policy and planning documents.

The benefits of the current approach of delegation to the General Manager are as follows:

- The delegation operates by way of exception that does not require the drafting of an exhaustive list of specific delegations and responsibilities.
- The delegation is consistent and logical and eliminates the need to constantly update delegations due to changes in legislation or council policy.
- The delegation allows Council policy and resolutions to become immediately effective without the need to constantly update delegations at a following meeting by way of resolution.
- The delegation provides certainty by clearly identifying by way of exception those powers limited or held by the Council.
- Policy and resolutions of the Council take precedence over delegations.

It is recommended that the structure of the delegation to the General Manager be continued.

One of the conditions and limitations under part 2 of the general delegation to the General Manager relates to “Decisions to enter into new or renewal of leases and licences.”

This limitation inhibits the operational efficiency of Council, which is similar to the restriction in the current delegation to the Corporate and Works Committee relating to leases which was discussed earlier in this report where it was recommended that that restriction be reworded to read “*Leases required to be determined by Full Council by specific legislative requirements*”.

Similar to the recommended change to the Corporate and Works Committee delegation, in recognition of Council’s strict *Policy for Leasing and Licensing Council Controlled Land* requirements and to cut red tape for customers involved in operational leasing matters with Council, it is recommended that the limitation in the General Manager’s delegation also be amended to read “*Leases required to be determined by Full Council by specific legislative requirements*”.

In addition to the general delegations, Council has over time also delegated specific functions to the General Manager under the Local Government Act and other Acts.

The specific delegations, which are still required and recommended for re-adoption, are as follows:

Roads Act matters originally delegated 31 January 2005 and confirmed on 10 August 2009

This delegation is as follows:

That Council delegate to the General Manager the authority to enter into new licences or to renew licences under S125 of the Roads Act 1993, or S68(E)2 of the Local Government Act 1993.

The purpose of this delegation is to facilitate the entering into or renewing a licence agreement for footway restaurants or the display of goods when an application has achieved development consent and the licence agreement has been drafted in accordance with Council's policy.

Traffic matters originally delegated 8 July 2002 and confirmed on 13 December 2004 and 10 August 2009

This delegation is as follows:

THAT Woollahra Council delegate to the General Manager powers to exercise Traffic related functions in accordance with Section 50 of the Transport Administration Act 1988 and the Road Transport (Safety and Traffic Management) Regulation 1999:

The purpose of this delegation is to facilitate the installation of traffic management signage.

Sydney Water Act matters originally delegated 20 October 2003 and confirmed on 13 December 2004 and 10 August 2009

Note: The clause and Regulation references in this delegation have been updated following commencement of the Sydney Water Regulation 2011.

This delegation is as follows

That pursuant to section 377 of the Local Government Act 1993 the General Manager is delegated, as from 1 November 2003, those functions that Council may exercise as an authorised person for the purpose of section 50 of the Sydney Water Act 1994 limited to offences against clause 18(3) of the Sydney Water Regulation 2011.

The purpose of this delegation is to allow Council staff to issue infringement notices for use of water not in accordance with water restrictions.

Authority to write-off amounts due to Council delegated 25 June 2007 and confirmed on 10 August 2009

This delegation is as follows

Delegates to the General Manager the authority to write-off amounts due to Council up to an amount of \$25,000 for any one item subject to a report detailing rates and charges written off being submitted to the Council.

The purpose of this delegation is to facilitate the writing off of long-term debts up to \$25,000 which are considered not recoverable, subject to a report detailing rates and charges written off being submitted to Council in accordance with clause 131(6) of the Local Government (General) Regulation 2005.

Food Act matters originally delegated 15 November 2004 and confirmed on 13 December 2004 and 10 August 2009

Note: The Regulation reference in this delegation have been updated following commencement of the Food Regulation 2010.

This delegation is as follows:

- A. That Council, pursuant to Section 377(1) of the Local Government 1993, resolve to delegate to the General Manager those functions and powers contained in the Food Act 2003 and Food Regulation 2010 relating to enforcement agencies including, but not limited to, the following;
 - 1. The serving of prohibition orders pursuant to Section 60 of the Food Act 2003; and
 - 2. The appointment of authorised officers pursuant to Section 114 of the Food Act 2003.
- B. That Council, pursuant to Section 381(3) of the Local Government Act 1993, approve the delegation by the Director-General of the NSW Food Authority under Section 109E(1)(d) of the Food Act 2003 to the General Manager the functions of the “appropriate enforcement agency” as it relates to Clauses 15 and 17 of Standard 3.2.2 and Clauses 10 and 14 of Standard 3.2.3 of the Food Standards Code and as detailed in the Director-General’s letter dated 30 September 2004.

The purpose of this delegation is to put beyond doubt the delegation to take action for breaches under the Food Act.

Building Professionals Act matters delegated 28 June 2010

This delegation is as follows:

Delegates to the General Manager the authority to make recommendations in relation to applications for accreditation from appropriately qualified staff pursuant to the *Building Professionals Act 2005*.

The purpose of this delegation is to authorise the General Manager to make recommendations to the Building Professionals Board in relation to applications for accreditation by Council officers to undertake building certification works.

Councillor attendance at conferences, seminars and similar functions delegated 28 November 2011

This delegation is as follows:

To authorise Councillors attendance at conferences, seminars and similar function in accordance with Council’s Payment of Expenses & Provision of Facilities to the Mayor, Deputy Mayor and Councillors Policy”

The purpose of this delegation is allow the General Manager to approve councillor attendance at conferences, seminars and similar functions where approval at a full council meeting is not possible or appropriate. This delegation can only be exercised for attendance at conferences, seminars and similar functions if the attendance at those functions is permitted by Council's Payment of Expenses & Provision of Facilities to the Mayor, Deputy Mayor and Councillors Policy".

Voting at electronic meetings of the Woollahra Traffic Committee for operational traffic matters delegated 13 August 2012

This delegation is as follows:

Delegates to the General Manager authority to vote at the "electronic" meetings of the Woollahra Traffic Committee on Council's behalf for operational traffic matters as outlined in the report to the Community and Environment Committee on 23 July 2012.

The purpose of this delegation is to improve the level and speed of service provided to the Community by allowing the General Manager to vote on Council's behalf at electronic meetings of the Woollahra Traffic Committee on minor operational traffic matters.

Certain functions of the Minister for Planning and Infrastructure delegated 26 November 2012

This delegation is as follows:

Delegates to the General Manager the functions delegated to the Council by the Minister for Planning and Infrastructure in his instrument of delegation dated 14 October 2012.

The purpose of this delegation is for Council to accept the delegation from the Minister for Planning and Infrastructure and to delegate the Ministers functions under section 59 of the *Environmental Planning and Assessment Act 1979* (The Act) for the making of local environmental plans (LEP) to the General Manager.

The delegation relates to particular parts of the plan-making process contained in section 59(2), (3) and (4) of the Act which are the responsibility of the Minister. The section 59 stage is the last step of the LEP process.

These additional delegations allow Council staff to take specific action under Acts other than the Local Government Act or in the case of writing off amounts due to Council, specifies the amount the General Manager can authorise being written off without a specific resolution of the Council. This latter delegation is a requirement of clause 131 of the Local Government (General) regulation 2005.

It is recommended that these additional specific delegations to the General Manager be reaffirmed.

As the delegations for development and related applications will be reviewed by the Development Control Committee, the current delegation to the General Manager concerning Part 4 matters of the Environmental Planning and Assessment Act should continue until the review by the Development Control Committee has been determined.

The proposed delegation to the General Manager is shown in Annexure 6 and is recommended for adoption.

Review of organisation structure

Section 333 of The Act requires that Council must determine the organisation structure. The Council may re-determine the organisation structure at any time but must re-determine the structure within 12 months of an ordinary election.

Existing Structure

The current organisation structure comprises 4 main units (directorates) which are headed by a Director. The current structure is shown in Annexure 7.

The directorates are:

1. Corporate Services
2. Community Services
3. Planning and Development
4. Technical Services

Each directorate contains a number of departments which are also shown in annexure 6. The departments are continually under review by the respective Directors.

The Directors report to the General Manager and there is an additional Communications Department, headed by the Communications Manager who reports directly to the General Manager.

The organisation structure aligns with the values, goals and strategies embodied in Council's Strategic Plan, *Woollahra 2025 our community, our place, our plan* developed after extensive community consultation. The structure allows the organisation to continue to deliver a high level of services to the local community at the most efficient cost.

It is recommended that the current organisational structure be confirmed.

Contractual conditions of senior staff

Section 339 of the Local Government Act requires the General Manager to report to Council the contractual conditions of senior staff annually.

The senior staff of Council are:

1. General Manager – Mr Gary James
2. Director Corporate Services – Mr Stephen Dunshea
3. Director Community Services – Ms Kylie Walshe
4. Director Planning and Development – Mr Allan Coker
5. Director Technical Services – Mr Tom O'Hanlon

The General Manager is employed under the Division of Local Government's "Standard Contract of Employment – General Managers of Local Councils in New South Wales." The contract has no exceptions or additions to the standard contract.

Each Director is employed under the Division of Local Government's "Standard Contract of Employment for Senior Staff (other than the General Manager)". None of the Directors contracts contain exceptions or additions to the standard contract.

The contract termination dates of the senior staff are as follows:

1. General Manager – 1 July 2016.
2. Director Corporate Services – 9 February 2014.
3. Director Community Services – 1 September 2013.
4. Director Planning and Development – 1 September 2013.
5. Director Technical Services – 1 February 2015.

It is recommended that the contractual conditions of the senior staff be noted.

Conclusion:

Council is required to undertake certain actions within 12 months of an ordinary election and annually. This report reviews the following matters:

1. Review of delegations (other than delegations for development and related matters).
2. Review of organisation structure.
3. Contractual conditions of senior staff.

It is recommended that the recommendations relating to these matters be adopted.

Les Windle
Manager Governance

Stephen Dunshea
Director Corporate Services

Gary James
General Manager

Annexures:

1. Section 377 of the Local Government Act
2. Current Committee Responsibilities and Delegations
3. Proposed Committee Responsibilities and Delegations
4. Current delegations to the Mayor and Deputy Mayor
5. Current delegations to the General Manager
6. Proposed delegations to the General Manager
7. Current organisational structure

Political Donations – matters to be considered by Councillors at Meetings

