

ATTACHMENT 3

Project Administrator's Delegation

- 1.1. That the Council agrees to amend the Schedule to the Instrument of Delegation from Council to members of council staff dated 23 April 2007 to include the following additional miscellaneous delegation:
- “Addendum 1 - The Special Projects Manager will have the power to administer the St Kilda Triangle Redevelopment Project Development as the Project Administrator as specified in the Development Agreement including with respect to:
 - Approving changes to the design where it differs from the final submission prior to the lodgement of the planning applications being submitted to the Council
 - Approving and receiving progress reports, works programme, commissioning tests from the Developer throughout construction.
 - Selecting an independent assessor (to be paid for by the Developer) to ensure that all works are being conducted in accordance with Works Programmes and ensure that the Developer is performing its obligations
 - Participating in the Project Coordination Group meetings
 - Providing administrative approvals (within established time frames) relating to the project
 - Receiving all copies of documents, copies of relevant approvals and approval of applications and documentation to be lodged for planning approval etc.
 - Approving all sub-leases
 - Subject to the following conditions and limitations in accordance with agreed protocol to be developed and presented to Council:
 - In terms of the limit of discretion the Project Administrator cannot approve a change in size and scale, apart from a minor change, nor agree to any major changes to the Proposal or significant changes to the Development Agreement, without the prior approval of the Council, in accordance with an agreed protocol to be developed and presented to the Council.
 - The Special Projects Manager to be included as a Group 2 Officer within the Schedule.

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Protocol for exercise of Delegation by the Project Administrator in relation to minor changes:

- a) This protocol applies to the exercise of Delegation to the Project Administrator in relation to considering minor changes to the Development Agreement. Minor is defined as “small - relatively small in quantity, size, or degree”
- b) In determining if a change is minor, the Project Administrator shall, in addition to their own view, consider the advice of Council’s independent advisors, either legal and / or commercial.
- c) Subject to satisfactory advice from Council’s independent advisor/s, the Project Administrator will then seek endorsement of the proposed minor change from the Chair of the St. Kilda’s Edge Committee prior to exercising the delegation.
- d) Once exercised, the Project Administrator must report the exercise of the delegation to the next St. Kilda’s Edge Committee and, via the Chief Executive Officers report, to the next scheduled Council meeting.