

# Corporate & Works Committee Minutes

Monday 6 July 2009

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# Corporate & Works Committee Minutes

**Minutes of the Meeting held on  
Monday 6 July 2009 at 6.00pm**

Present: His Worship The Mayor, Councillor Andrew Petrie ex-officio  
Councillors Greg Medcraft (Chair)  
Anthony Boskovitz  
Peter Cavanagh  
Isabelle Shapiro

Staff: S Dunshea (Director – Corporate Services)  
W Hatton (Director – Technical Services)  
G James (General Manager)  
D Johnston (Manager Finance)  
K Walshe (Director – Community Services)  
Z Marolia (Manager – Property and Projects)  
V Munro (Manager Library & Information Services)  
N Saleh (Manager – Information Systems)  
A Sheedy (Property Officer)

Also in Attendance: Andrew Vallner (Investment Advisor)

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## **Leave of Absence**

Leave of Absence previously granted by Council: Councillor Ian Plater

Apologies:

Apologies were received and accepted from Councillor Nicola Grieve and Leave of Absence granted.

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## **Late Correspondence**

Late correspondence was submitted to the committee in relation to Items: Nil

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## **Declarations of Interest**

Councillor Medcraft declared a non-pecuniary interest in relation to Item R5 – Structured Finance Investor claim against Lehman Brothers Australia Limited, due to his position as a Commissioner with the Australian Securities and Investments Commission who are currently examining the Lehman Brothers case.

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**Items Decided by this Committee using its Delegated Authority (Items D1 to D5)**

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**Item No:** D1 Delegated to Committee  
**Subject:** **Confirmation of Minutes of Meeting held on 22 June 2009**  
**Author:** Les Windle, Manager – Governance  
**File No:** See Council Minutes  
**Reason for Report:** The Minutes of the Meeting of Monday 22 June 2009 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.

**(Cavanagh/Shapiro)**

**Resolved:**

That the Minutes of the Corporate and Works Committee Meeting of 22 June 2009 be taken as read and confirmed.

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**Item No:** D2 Delegated to Committee  
**Subject:** **9 Fisher Avenue, Vacluse - Proposed Road Closure and Sale**  
**Author:** Anthony Sheedy, Property Officer  
**File No:** 166.9  
**Reason for Report:** To give consideration to the closure and subsequent sale of unmade roadway adjoining the property.

**(Cavanagh/Boskovitz)**

**Resolved:**

- A. That the proposal to sell a section of unmade road reserve adjoining 9 Fisher Avenue, Vacluse, be advertised and notified to adjoining properties.
- B. That a further report be submitted, following part A above.
- C. That Council write to other adjoining owners regarding encroachment arrangements.

**Item No:** D3 Delegated to Committee  
**Subject:** **10 Wharf Road, Vaucluse - Proposed Road Closure and Sale**  
**Author:** Zubin Marolia, Manager - Property & Projects  
**File No:** 492.10  
**Reason for Report:** To give consideration to the closure and subsequent sale of unmade roadway adjoining the property

**(Shapiro/Cavanagh)**

**Resolved:**

- A. That a valuation be obtained for the sale of the unmade roadway adjoining 10 Wharf Road, Vaucluse.
- B. That a further report be submitted, following part A above.

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**Item No:** D4 Delegated to Committee  
**Subject:** **SMS \ Email Notification**  
**Author:** Nabil Saleh – Manager Information Systems  
Stephen Dunshea – Director Corporate Services  
**File No:** 6.G  
**Reason for Report:** Response to adopted Council Resolution

**(Cavanagh/Shapiro)**

**Resolved:**

- A. That as part of the development of Council's on-line Community Engagement Strategy, that a request for quotation be prepared for an integrated Email and SMS e-communication system that satisfies Council's communication and electronic messaging requirements.
- B. That a report is presented to the Corporate and Works Committee with a cost benefit analysis of implementing an e-Marketing solution.
- C. That investigations be undertaken into placing a message on Council's website inviting subscriptions to future e-communication strategies.

**Item No:** D5 Delegated to Committee  
**Subject:** **Disclosure of Interest Returns submitted by new Designated Employees April to June 2009**  
**Author:** Les Windle – Manager Governance  
**File No:** 169.G  
**Reason for Report:** To table the disclosure of interest returns that have been lodged by new designated employees during the period April to June 2009

**(Boskovitz/Cavanagh)**

**Resolved:**

- A. That the Disclosure of Interest Returns of the new designated persons who were required to submit a Primary Return during the period April to June 2009 be tabled.
- B. That Council notes that the Primary Disclosure of Interest Returns have been submitted in accordance with the requirements of the Local Government Act 1993.

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**Items with Recommendations from this Committee  
Submitted to the Council for Decision (Items R1 to R5)**

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**Item No:** R1 Recommendation to Council  
**Subject:** **Cooper Street Paddington to Brown Street - Civil Reconstruction Project**  
**Author:** Kelley Ambrose, Purchasing Coordinator  
**File No:** Tender No 09/06  
**Reason for Report:** To recommend to Council the acceptance of a Tender

**(Boskovitz/Cavanagh)**

**Recommendation:**

- A. That Council enter into a Contract with Statewide Civil for the Cooper Street to Brown Street, Paddington - Civil Infrastructure Project for the lump sum of \$381,545 (including provisional amount of \$5,000 but excluding GST), and provisional rates for excavation in rock, sandstone kerbing and tipping.
- B. That successful and unsuccessful tenderers be advised accordingly.
- C. That the additional \$37,192 required to complete the project including contingencies and project management costs, be funded from available Infrastructure Works Programme Reserve Funds made from savings against other completed infrastructure works projects.

**Item No:** R2 Recommendation to Council  
**Subject:** **Paddington Library Agreement**  
**Author:** Vicki Munro - Manager, Library and Information Services  
**File No:** 659.G  
**Reason for Report:** This report seeks Council's endorsement to finalise the negotiations for the Paddington Library Agreement with City of Sydney Council for a further three year period, 2009/10 to 2011/12.

(Shapiro/Cavanagh)

**Recommendation:**

- A. That Council authorise the General Manager to finalise negotiations and enter into a three year agreement with City of Sydney Council for Paddington Library, for the financial years, 2009/10, 2010/11 and 2011/12 with details as set out in this report.
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**Item No:** R3 Recommendation to Council  
**Subject:** **The Drill Hall at Sir David Martin Reserve - Proposed Licence to Critical Path Incorporated**  
**Author:** Zubin Marolia, Manager Property & Projects  
**File No:** 787.G Drill Hall  
**Reason for Report:** To give consideration to the granting of a further licence, with two 3 year options to renew, for part of the ground floor of the Drill Hall and a 1st floor workshop room of the Drill Hall Extension to Critical Path Incorporated.

(Shapiro/Cavanagh)

**Recommendation:**

- A. That subject to the Minister's consent, Council agrees to:
- i) Grant a further licence to Critical Path Incorporated for the use of part of the ground floor area of the Drill Hall at Sir David Martin Reserve, Rushcutters Bay for a 39 week per year for a 3 year term with two 3 year options to renew, at a commencement rent of \$29,344.80 per annum including GST, with the premises to be reviewed to market prior to the exercise of the first option.
  - ii) Grant a licence to Critical Path Incorporated for the use of a small workshop room on the first floor of the Drill Hall Extension at Sir David Martin Reserve, Rushcutters Bay for a 3 year term with two 3 year options to renew, at a commencement rent of \$6,269.16 per annum including GST and outgoings, with the premises to be reviewed to market prior to the exercise of the first option.
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**Item No:** R4 Recommendation to Council  
**Subject:** **Statutory Review of Policy - Payment of Expenses and Provision of Facilities to The Mayor, Deputy Mayor and Councillors Policy**  
**Author:** Les Windle - Manager Governance  
**File No:** 18.G  
**Reason for Report:** For Council to fulfil its statutory requirement to annually review and publicly exhibit a proposed policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors

(Cavanagh/Shapiro)

**Recommendation:**

- A. THAT Council's current Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors Policy as contained in Annexure 1 of the report to the Corporate and Works Committee meeting on 6 July 2009 be placed on public exhibition for a period of not less than 28 days as Council's proposed policy for the ensuing twelve months.
- B. THAT a further report be submitted to the Committee at the conclusion of the exhibition period.
- C. That the further report also include details of expenses claimed by Councillors (in aggregate) under the Policy.

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**Item No:** R5 Recommendation to Council  
**Subject:** **Structured Finance Investor claim against Lehman Brothers Australia Limited**  
**Author:** Stephen Dunshea, Director Corporate Services  
**File No:** 349G CDOs  
**Reason for Report:** To recommend to the Committee Council's participation in a Structured Finance Investor Claim against Lehman Brothers Australia.

**Note:** Councillor Medcraft declared a non-pecuniary interest in this item due to his position as a Commissioner with the Australian Securities and Investments Commission who are currently examining the Lehman Brothers case.

(Cavanagh/Boskovitz)

That the Committee enter into "Closed Session" to discuss the information contained in the confidential annexures to the report in accordance with the provisions of Section 10A(2)(c) of the Local Government Act 1993.

**In Closed Session**

The Committee considered Confidential Annexures 1 and 2 to the report and adopted a Confidential Recommendation to obtain certain additional information regarding the IMF (Australia) Ltd Proposal.



**(Cavanagh/Boskovitz)**

That the Committee move in “Open Session” in order to adopt its recommendation to Council.

**Adopted**

**In Open Session**

**(Cavanagh/Boskovitz)**

**Recommendation:**

- A. Council note the invitation received from IMF (Australia) Ltd for Council to participate in a Structured Finance Investor Claim against Lehman Brothers Australia.
- B. Council note the advice received from Council’s investment adviser in respect of the IMF (Australia) Ltd proposal.
- C. To enable further evaluation of the IMF (Australia) Ltd Proposal, Council seek the additional information requested in the Confidential Recommendation for consideration by the Investment Working Party.
- D. The Confidential Annexures to this report remain confidential.

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There being no further business the meeting concluded at 7.10pm.

*We certify that the pages numbered 2345 to 2353 inclusive are the Minutes of the Corporate & Works Committee Meeting held on 6 July 2009 and confirmed by the Corporate & Works Committee on 20 July 2009 as correct.*

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**Chairperson**

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**Secretary of Committee**