

Corporate & Works Committee Minutes

Monday 17 October 2011

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Corporate & Works Committee Minutes

**Minutes of the Meeting held on
Monday 17 October 2011 at 6.05pm**

Present: Her Worship The Mayor, Councillor Susan Wynne ex-officio
Councillors Peter Cavanagh (Chair)
David Shoebridge (arrived 6.20pm)
Anthony Boskovitz
Susan Jarnason
Andrew Petrie
Toni Zeltzer (arrived 6.20pm)

Staff: Gary James (General Manager)
Don Johnston (Acting Director – Corporate Services)
Tom O’Hanlon (Director – Technical Services)
Zubin Marolia (Manager Property)

Also in Attendance: Nil

Note: Item R4 (Kiaora Lands Development) was considered as the first item at the meeting)

Leave of Absence

Leave of Absence previously granted by Council: Nil

Apologies:

Apologies were received and accepted from Councillor Greg Medcraft and Leave of Absence granted.

Late Correspondence

Late correspondence was submitted to the committee in relation to Items: R2

Declarations of Interest

Nil

Items Decided by this Committee using its Delegated Authority (Items D1 to D4)

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 26 September 2011**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 26 September 2011 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.

(Petrie/Jarnason)

Resolved:

That the Minutes of the Corporate and Works Committee Meeting of 26 September 2011 be taken as read and confirmed.

Item No: D2 Delegated to Committee
Subject: **Monthly Financial Report - September 2011**
Author: Don Johnston, Manager Finance
File No: 349.G
Reason for Report: To present the monthly financial report for September 2011

(Petrie/Wynne)

Resolved:

That the monthly financial report be received and noted.

Item No: D3 Delegated to Committee
Subject: **2010/11 Year End Budget Result**
Author: Don Johnston, Manager Finance
File No: 331G 2010/2011
Reason for Report: To present the Committee with the final result in relation to the 2010/2011 Budget.

(Petrie/Wynne)

Resolved:

THAT:

- A. The report be received and noted.
- B. The Committee note the \$444,000 improvement in the 2010/2011 Budget result.
- C. The Committee note the unrestricted current ratio remaining sound at 2.06:1.
- D. The improved working funds position be further considered in conjunction with the September Review of the 2011/2012 Budget.

Item No: D4 Delegated to Committee
Subject: **Annual Statutory Reports**
Author: Les Windle - Manager Governance
File No: 149.G, 473.G, 817.G
Reason for Report: To provide the annual statutory report on Pecuniary Interest Declarations, contractual conditions of senior staff and code of conduct complaints.

(Petrie/Jarnason)

Resolved:

That the information be noted.

**Items with Recommendations from this Committee
Submitted to the Council for Decision (Items R1 to R4)**

Item No: R1 Recommendation to Council
Subject: **Tender 11/10 – provision of survey and civil infrastructure design services**
Author: Jake Matuzic – Manager Capital Projects
File No: Tender 11/10
Reason for Report: To recommend a panel of consultants to provide council survey and civil infrastructure design services for a period of 2 years

(Wynne/Zeltzer)

Recommendation:

- A. That Woollahra Municipal Council enters into a contract with Aspect Australia Pty Ltd, Complete Urban Pty Ltd, Trehy Ingold Neate Pty Ltd, MacDonald International, Lambert and Rehbein Pty Ltd and Jones Nicholson Pty Ltd for a period of 2 years for the provision of survey and design of civil infrastructure services.
 - B. That successful and unsuccessful tenderers be advised of the outcome of the tender process.
-

Item No: R2 Recommendation to Council
Subject: **General Purpose Financial Statements for the Year Ended 30 June 2011**
Author: Don Johnston, Manager Finance
File No: 331G 2010/2011
Reason for Report: To present the General Purpose Financial Statements for the year ended 30 June 2011 to the Committee and seek the adoption of Council's statement in relation to the Statements.

Note: Late correspondence was tabled by Council's Manager – Finance, Don Johnston.

(Jarnason/Zeltzer)

Recommendation:

1. That Council, having noted the statement by the General Manager and Responsible Accounting Officer, adopt the following statement in relation to its Financial Statements for the year ended 30 June 2011:

That, in relation to the Financial Statements for the year ended 30 June 2011, Council is of the opinion that:

The Financial Statements have been drawn up in accordance with:

- i. the Local Government Act 1993 (as amended) and Regulations made thereunder;
- ii. the Australian Accounting Standards and professional pronouncements; and
- iii. the Local Government Code of Accounting Practice and Financial Reporting

and to the best of our knowledge and belief the Report:

presents fairly Council's financial position and operating result for the year; and

accords with Council's accounting and other records;

and further, the signatories to the Report, to the best of our knowledge and belief, know of nothing that would make the render the report false or misleading in any way;

2. That Council formally refer the 2010/2011 Financial Statements for audit; and
 3. In anticipation of receiving the Auditor's Reports, set the Corporate & Works Committee meeting to be held on 21 November 2011 as the meeting at which the 2010/2011 Financial Statements will be presented to the public.
-

Item No: R3 Recommendation to Council
Subject: **Public Interest Disclosures Act - Revised Internal Reporting Policy and Internal Reporting System**
Author: Les Windle - Manager Governance
File No: 1032.G
Reason for Report: To update Council's Internal Reporting Policy and Internal Reporting System following recent legislative changes

(Jarnason/Zeltzer)

Recommendation:

That the Public Interest Disclosures Internal Reporting Policy and Internal Reporting System (Version 3) be adopted.

Item No: R4 Recommendation to Council
Subject: **Kiaora Lands Development**
Author: Gary James – General Manager
Tom O’Hanlon – Director Technical Services
Zubin Marolia – Manager Property & Projects
File No: 1209.G Part 7
Reason for Report: To seek approval to affix Council’s seal to all necessary legal documents for the commercial arrangement with Woolworths Pty Ltd, previously approved by Council.

(Petrie/Jarnason)

Resolved:

That in accordance with Section 10A of the Local Government Act 1993 the Committee resolve into closed session with the press and public excluded to consider the confidential report. These matters are to be considered in closed session in accordance with sub-clause 2(c) as the report includes information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Adopted

In Closed Session

**Motion moved by Councillor Wynne
Seconded by Councillor Jarnason**

- A. That the certification from Gilbert & Tobin Lawyers that the legal documents protect the Council’s interests, be noted.
- B. That Council authorise the Mayor and General Manager to sign and affix the seal of the Council to all the legal agreements, including land transfers and consolidation plans between Council and Woolworths Pty Ltd, in relation to the development of Kiaora Lands Development, Double Bay.

- C. That Council enter into a licence agreement with Jemena Gas Networks Pty Ltd, for the continued presence, use operation, repair and maintenance of the gas main on the land during the development.
- D. That Council authorise the Mayor and General Manager to sign and affix the seal of the Council to all necessary legal documentation, including consolidation and road closure plans, to affect the Road Closure.
- E. That the confidential report and annexures remain confidential until such time as the legal agreements are signed by both parties.

**Amendment moved by Councillor Boskovitz
Seconded by Councillor Shoebridge**

That this matter be deferred subject to a further report on how Council's equity contribution, cost of the Library fitout and ESD elements of the development will be funded with a report back to Council to include the debt servicing costs of any borrowings.

**The Amendment was put and carried
The Amendment became the Motion**

Motion moved by Councillor Zeltzer and Seconded by Councillor Wynne

That the matter be recommitted for further consideration.

Adopted

**Motion moved by Councillor Wynne
Seconded by Councillor Zeltzer**

- A. That the certification from Gilbert & Tobin Lawyers that the legal documents protect the Council's interests, be noted.
- B. That Council authorise the Mayor and General Manager to sign and affix the seal of the Council to all the legal agreements, including land transfers and consolidation plans between Council and Woolworths Pty Ltd, in relation to the development of Kiaora Lands Development, Double Bay.
- C. That Council enter into a licence agreement with Jemena Gas Networks Pty Ltd, for the continued presence, use operation, repair and maintenance of the gas main on the land during the development.
- D. That Council authorise the Mayor and General Manager to sign and affix the seal of the Council to all necessary legal documentation, including consolidation and road closure plans, to affect the Road Closure.
- E. That the confidential report and annexures remain confidential until such time as the legal agreements are signed by both parties.
- F. That a report be provided at least three working days prior to the next Council meeting on funding options for any shortfall in funding Council's equity contribution, cost of the Library fitout and ESD elements of the development.

**The Motion was put and carried
(Jarnason/Zeltzer)**

That the Committee move into "Open Session".

Adopted

In Open Session**(Boskovitz/Jarnason)****Recommendation:**

- A. That the certification from Gilbert & Tobin Lawyers that the legal documents protect the Council's interests, be noted.
 - B. That Council authorise the Mayor and General Manager to sign and affix the seal of the Council to all the legal agreements, including land transfers and consolidation plans between Council and Woolworths Pty Ltd, in relation to the development of Kiaora Lands Development, Double Bay.
 - C. That Council enter into a licence agreement with Jemena Gas Networks Pty Ltd, for the continued presence, use operation, repair and maintenance of the gas main on the land during the development.
 - D. That Council authorise the Mayor and General Manager to sign and affix the seal of the Council to all necessary legal documentation, including consolidation and road closure plans, to affect the Road Closure.
 - E. That the confidential report and annexures remain confidential until such time as the legal agreements are signed by both parties.
 - F. That a report be provided at least three working days prior to the next Council meeting on funding options for any shortfall in funding Council's equity contribution, cost of the Library fitout and ESD elements of the development.
-

There being no further business the meeting concluded at 7.15pm.

We certify that the pages numbered 2641 to 2649 inclusive are the Minutes of the Corporate & Works Committee Meeting held on 17 October 2011 and confirmed by the Corporate & Works Committee on 7 November 2011 as correct.

Chairperson

Secretary of Committee