

Minutes 8th April 2008



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 8th April 2008, commencing at 8.37pm.

PRESENT:

Councillors R. Swan (Mayor); S. Dover (Deputy Mayor); H. Brown; G. Dingle; G. Francis; J. Hodges; J. Nell; G. Robinson; S. Tucker, R. Westbury; General Manager; Executive Manager – Corporate Management, Facilities and Services Group Manager; Sustainable Planning Group Manager; Business and Support Group Manager.

ORDINARY MEETING OF COUNCIL – 8 APRIL 2008

RESOLUTION:		
56	Councillor Robinson Councillor Nell	It was resolved to accept the apology of Cr Jordan.

COUNCIL'S CHARTER

Port Stephens Council is a local authority constituted under the Local Government Act 1993. The Act includes a Charter for all Councils in NSW. The Charter is a set of principles that are a guide to councils in carrying out their functions. A council may add other principles not inconsistent with those in the Act.

Council's Charter is:-

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of cultural diversity;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development ;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of Councillors, members of the public, users of facilities and services and Council staff in the development, improvement and coordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it the wider community) informed about its activities;
- to ensure that in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the Council is affected; and
- to be a responsible employer.

BUSINESS

- 1) Prayer - We ask Almighty God to help us serve the community to the best of our ability, and make Port Stephens a happy and healthy place in which to live, work and visit. Amen
- 2) "I acknowledge and pay respect to the Worimi People of Port Stephens, who are the traditional owners of this land on which we stand/meet today".
- 3) Apologies
- 4) Declaration of Interest
- 5) Mayoral Minute (if submitted)
- 6) Motions to close meeting to the public
- 7) Confidential Committee Recommendations
- 8) General Manager's Report
- 9) Motion to open the meeting



C·O·U·N·C·I·L

... a community partnership

DECLARATION OF INTEREST

Item No. in agenda _____

Brief Description of Item _____

Councillor _____ declared a * pecuniary interest
non pecuniary
conflict of
(*circle type of interest)

in this item. The nature of the interest was _____

Councillor _____ left the Chamber and thereby did
not take part in the discussion or voting on the Item.

Time Councillor retired from the Chamber _____.

Councillor _____ returned to the Chamber and resumed his/her
usual place at the meeting.

Time Councillor returned to the Chamber _____.

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2. SALAMANDER BAY WASTE DEPOT RETAINING WALL RECONSTRUCTION - T04-2008.
3. TENDER FOR THE SUPPLY OF ONE (1) MOBILE LIBRARY TRAILER (T02-2008)
4. NEWCASTLE AIRPORT LTD NELSON BAY ROAD AND WILLIAMTOWN DRIVE
INTERSECTION UPGRADE TENDER

GENERAL MANAGER'S REPORT.....

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MAYORAL MINUTE

MAYORAL MINUTE

ITEM NO. 1

FILE NO: PSC2008-2074

RESIGNATION OF GROUP MANAGER BUSINESS & SUPPORT

REPORT OF: PETER GESLING - GENERAL MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the interim structure and appointment detailed in Attachment 3.
-

ORDINARY MEETING OF COUNCIL – 8 APRIL 2008

RESOLUTION:		
57	Councillor Swan	There being no objections the Mayoral Minute was adopted.

BACKGROUND

The purpose of this report is for Council to endorse a review of its principle activities.

In response to the resignation of Mr Stewart Murrell from the position of Group Manager Business and Support, I confirm my discussions with Council on Tuesday 25th March that I intend to review the strategic intent of the position within Council's endorsed structure. This is Council's formal process in considering the replacement of any position within Council.

Given this is a designated "senior officer" position, this will involve a re-consideration of the principle activities of the organisation and may result in changes to the current structure.

I will consult with the staff and prepare a recommendation to Council from this review.

In the interim I propose:

1. To have the current Organisational Development Section report to myself to facilitate the conversations with Corporate Management and OD staff on potential efficiency gains in linking their activities. I will be the management representative on the Workplace Agreement Committee currently being chaired by Deputy President Harrison.
2. Appoint an interim Group Manager to lead the Business & Support activities while the philosophy of the current structure is reviewed.

Attached for Council's information are three documents that provide the current principle activities, the current organisation structure and the interim organisation structure. Mr John Flannery, former General Manager at Singleton Council, has been engaged as the acting Group Manager Business & Support commencing on the 5th May.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

The Council Plan is based on five pillars of sustainability; being Social, Cultural, Economic, Environmental and Business Excellence. This provides the framework to deliver Council's charter.

Principle activities are determined by the Council to establish the organisation's structure to allow the General Manager to deliver the Corporate Plan.

FINANCIAL/RESOURCE IMPLICATIONS

This proposal requires the organisation to review its current principle activities to test if there are further gains possible of effectiveness and efficiency.

Policies are established to guide this process. This will be targeted to be achieved within the current long term budget parameters.

LEGAL AND POLICY IMPLICATIONS

The Local Government Act requires Council to determine the structure and resources available to deliver the organisation's vision, mission and objectives. Council's continuous improvement process is established to review the current state when opportunities for improvement (OFI's) are identified. Turnover of staff is one such opportunity, with a change in a designated senior staff member being an opportunity to review the principle activities.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*

- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

Council has determined clear objectives to achieve a sustainable community assessed by a sustainable organisation. This proposal provides an opportunity to assess that the current leadership structure is appropriate to deliver the Council's Plan.

CONSULTATION

Informal discussions with Council and the Senior Management Team to outline the application of Council's usual process with staff replacement.

OPTIONS

- 1) Adopt the recommendation
- 2) Council resolve to proceed with the existing principle activities and structure.

ATTACHMENTS

- 1) Current principle activities.
- 2) Current structure.
- 3) Interim organisation structure.

ATTACHMENT 1

Principle activities of Council.

Sustainable Development

Managing the natural and built environment.

Facilities & Services

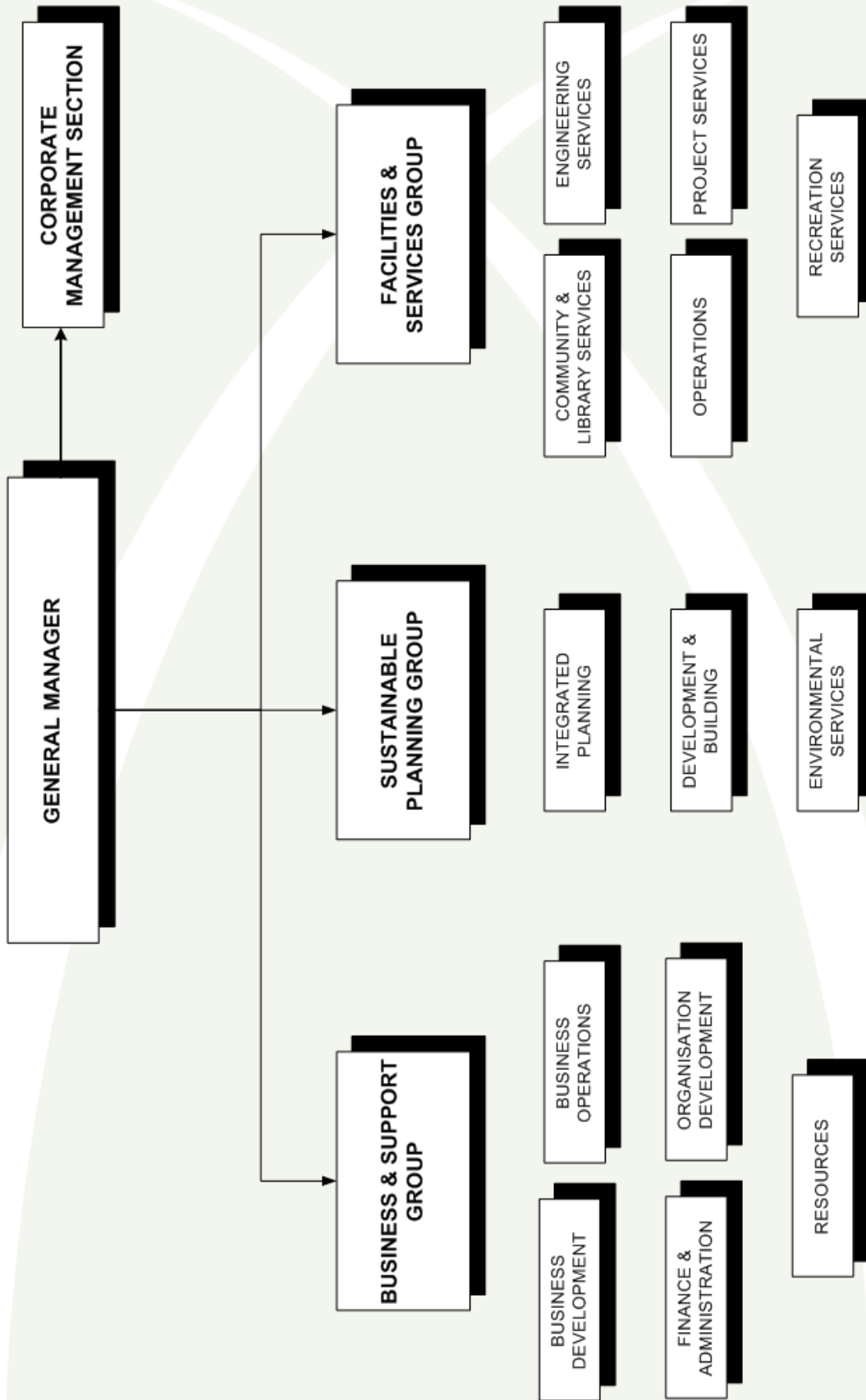
Managing the provision and delivery of facilities and services to achieve the “Council Plan”.

Business & Support

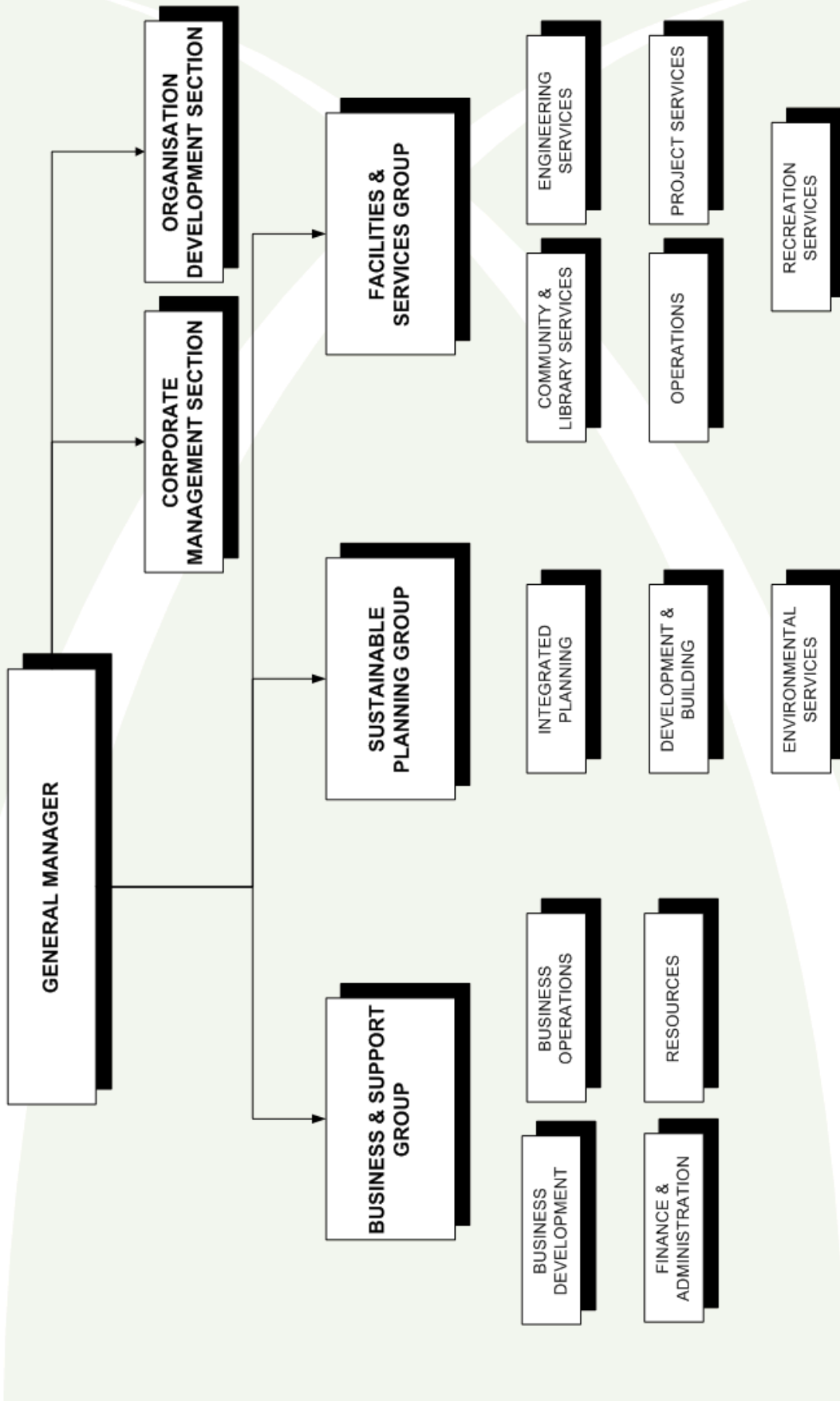
Managing the support function and business activities that permit the organisation to achieve its objectives.

The General Manager has a section to oversee governance, Council services, communication and corporate planning for the organisation.

**Current Organisational Structure
2008-2009**



Interim Organisational Structure
2008-2009



MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 1779-003 T34-2007

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary meeting agenda namely **T34-2007 – Baggage Screening Equipment – Newcastle Airport Ltd.**
 - 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the **T34-2007 – Baggage Screening Equipment – Newcastle Airport Ltd.**
 - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
 - 4) That the report and minutes of the closed part of the meeting are to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.
-

OPERATIONS COMMITTEE – 8 APRIL 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 8 APRIL 2008

RESOLUTION:		
58	Councillor Robinson Councillor Nell	It was resolved that the recommendation be adopted.

ITEM NO. 2

FILE NO: 1779-003 T04-2008 PSC2005-2522

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary Meeting agenda namely **Salamander Bay Waste Depot Retaining Wall Reconstruction – T04-2008**.

 - 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and

 - ii) In particular, the report includes confidential pricing information in respect of the **Salamander Bay Waste Depot Retaining Wall Reconstruction – T04-2008**.

 - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.

 - 4) That the report and minutes of the closed part of the meeting are to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.
-

OPERATIONS COMMITTEE – 8 APRIL 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 8 APRIL 2008

RESOLUTION:		
59	Councillor Robinson Councillor Nell	It was resolved that the recommendation be adopted.

ITEM NO. 3

FILE NO: 1779-003 T02-2008

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 3 on the Ordinary Meeting agenda namely **Tender for the supply of one (1) Mobile Library Trailer (T02-2008)**

 - 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and

 - ii) In particular, the report includes confidential pricing information in respect of the **Tender for the supply of one (1) Mobile Library Trailer (T02-2008)**

 - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.

 - 4) That the report and minutes of the closed part of the meeting are to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.
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OPERATIONS COMMITTEE – 8 APRIL 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 8 APRIL 2008

RESOLUTION:

60	Councillor Robinson Councillor Nell	It was resolved that the recommendation be adopted.
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ITEM NO. 4

FILE NO: 1779-003 T01-2008

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 4 on the Ordinary Meeting agenda namely **Newcastle Airport Ltd Nelson Bay Road and Williamtown Drive Intersection Upgrade Tender.**

 - 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and

 - ii) In particular, the report includes confidential pricing information in respect of the **Newcastle Airport Ltd Nelson Bay Road and Williamtown Drive Intersection Upgrade Tender.**

 - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.

 - 4) That the report and minutes of the closed part of the meeting are to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.
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OPERATIONS COMMITTEE – 8 APRIL 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 8 APRIL 2008

RESOLUTION:

61	Councillor Robinson Councillor Nell	It was resolved that the recommendation be adopted.
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ITEM NO. 5

FILE NO: A2004-0573V2

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(g) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 of the General Manager’s Report on the Ordinary agenda namely **Seabreeze Estate**.
 - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information concerning legal advice provided that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
 - 3) That disclosure of the information would, on balance, be contrary to the public interest, as it would prejudice Council’s legal position and Council has an obligation to protect its interests and the interests of ratepayers.
 - 4) That the report and the minutes of the closed part of the meeting remain confidential until the matter is settled.
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OPERATIONS COMMITTEE – 8 APRIL 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 8 APRIL 2008

RESOLUTION:

62	Councillor Robinson Councillor Nell	It was resolved that the recommendation be adopted.
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ITEM NO. 6

FILE NO: PSC2005-0693

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: PETER GESLING – GENERAL MANAGER

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d)(i) and 10A(2)(g) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 5 on the Ordinary agenda namely **Port Stephens Council v Port Stephens Veterans and Citizens Aged Care – Costs Settlement**.
 - 2) That the reasons for closing the meeting to the public to consider this item be that the report and discussion will include:
 - a) details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; and
 - b) information concerning legal advice provided that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
 - 3) That disclosure of the information would, on balance, be contrary to the public interest, as it would prejudice Council's legal position and Council has an obligation to protect its interests and the interests of ratepayers.
 - 4) That the report and the minutes of the closed part of the meeting remain confidential.
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OPERATIONS COMMITTEE – 8 APRIL 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 8 APRIL 2008

RESOLUTION:

63	Councillor Robinson Councillor Nell	It was resolved that the recommendation be adopted.
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ORDINARY MEETING OF COUNCIL – 8 APRIL 2008

RESOLUTION:

64	Councillor Robinson Councillor Hodges	It was resolved that Council move into Confidential Session.
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CONFIDENTIAL ITEMS