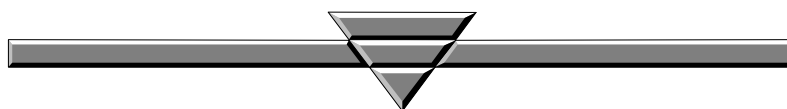


## Minutes 09 June 2009



*Port Stephens*

C.O.U.N.C.I.L

*... a community partnership*

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace, on 09<sup>th</sup> June 2009, commencing at 8.00pm.

PRESENT:

Councillors B. MacKenzie (Mayor); R. Westbury (Deputy Mayor); G. Dingle; S. Dover, G. Francis; P. Kafer; K Jordan. D Maher, J. Nell; S. O'Brien; S. Tucker, F. Ward; General Manager; Corporate Excellence Group Manager, Facilities and Services Group Manager; Sustainable Planning Group Manager; Commercial Services Group Manager & Executive Officer.

		No apologies were received.
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		Declaration of Interests were received from Crs Ken Jordan and Daniel Maher.
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# MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: T01-2010

## MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

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### 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 Council agenda namely **Tender Pre-Employment Medical Services T01-2009 – Part A**.
- 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 Pre-Employment Medical Services T01-2009 – Part A**.
- 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 of the closed part of the meeting is 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 – 09<sup>TH</sup> June 2009

#### RECOMMENDATION:

	<b>Councillor John Nell</b> <b>Councillor Shirley O'Brien</b>	That the Motion to Close be deferred to the Ordinary Council meeting on 9 June 2009.
--	--	--

<b>MINUTES FOR ORDINARY MEETING – 09 JUNE 2009</b>
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**ORDINARY COUNCIL – 09<sup>TH</sup> June 2009**

<b>164</b>	<b>Councillor Steve Tucker</b> <b>Councillor John Nell</b>	It was resolved that the Motion to Close recommendation be adopted.
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ITEM NO. 2

FILE NO: T01-2010

## MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

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### 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 Council agenda namely **Tender Medical and/or Rehabilitation Services T01-2009 – Part B.**
  - 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 Medical and/or Rehabilitation Services T01-2009 – Part B.**
  - 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 of the closed part of the meeting is 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 – 09<sup>TH</sup> June 2009

#### RECOMMENDATION:

	<b>Councillor John Nell</b> <b>Councillor Shirley O'Brien</b>	That the Motion to Close be deferred to the Ordinary Council meeting on 9 June 2009.
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<b>MINUTES FOR ORDINARY MEETING – 09 JUNE 2009</b>
--

**ORDINARY COUNCIL – 09<sup>TH</sup> June 2009**

<b>165</b>	<b>Councillor Steve Tucker</b> <b>Councillor John Nell</b>	It was resolved that the Motion to Close recommendation be adopted.
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ITEM NO. 3

FILE NO: T11-2009

## MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

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### 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 Council agenda namely **Tender T11-2009 – Supply of Haulage Services**.
  - 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 T11-2009 – Supply of Haulage Services**.
  - 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 of the closed part of the meeting is 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 – 09<sup>TH</sup> June 2009

#### RECOMMENDATION:

	<b>Councillor John Nell</b> <b>Councillor Shirley O'Brien</b>	That the Motion to Close be deferred to the Ordinary Council meeting on 9 June 2009.
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<b>MINUTES FOR ORDINARY MEETING – 09 JUNE 2009</b>
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**ORDINARY COUNCIL – 09<sup>TH</sup> June 2009**

<b>166</b>	<b>Councillor Steve Tucker</b> <b>Councillor John Nell</b>	It was resolved that the Motion to Close recommendation be adopted.
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ITEM NO. 4

FILE NO: PSC2008-2073

## MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

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### 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 Council agenda namely **Tender T04-2009 – Raymond Terrace Seniors and Community Hall Construction**.
  - 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 T04-2009 – Raymond Terrace Seniors and Community Hall Construction**.
  - 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 of the closed part of the meeting is 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 – 09<sup>TH</sup> June 2009

#### RECOMMENDATION:

	<b>Councillor John Nell</b> <b>Councillor Shirley O'Brien</b>	That the Motion to Close be deferred to the Ordinary Council meeting on 9 June 2009.
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<b>MINUTES FOR ORDINARY MEETING – 09 JUNE 2009</b>
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**ORDINARY COUNCIL – 09<sup>TH</sup> June 2009**

<b>167</b>	<b>Councillor Steve Tucker</b> <b>Councillor John Nell</b>	It was resolved that the Motion to Close recommendation be adopted.
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**ITEM NO. 5****FILE NO: A2004-0891****MOTION TO CLOSE MEETING TO THE PUBLIC****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**  
-----**RECOMMENDATION:**

- 1) That pursuant to section 10A(2)(d) (ii) 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 Council agenda namely ***Lease to NSW Department of Lands of Levels 2, 3 and 4, 437 Hunter St, Newcastle.***
  - 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, confer a commercial advantage on a competitor of the Council
  - 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 it may prejudice Council's commercial position and Council should have the same protection for its confidential commercial activities as that applying to other persons.
  - 4) That the minutes of the closed part of the meeting are to be made public as soon as possible after the meeting and the report is to remain confidential.
- 
- 

**OPERATIONS COMMITTEE – 09<sup>TH</sup> June 2009****RECOMMENDATION:**

	<b>Councillor John Nell Councillor Shirley O'Brien</b>	That the Motion to Close be deferred to the Ordinary Council meeting on 9 June 2009.
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**ORDINARY COUNCIL – 09<sup>TH</sup> June 2009**

<b>168</b>	<b>Councillor Steve Tucker Councillor John Nell</b>	It was resolved that the Motion to Close recommendation be adopted.
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# **OPERATIONS COMMITTEE RECOMMENDATIONS**

**ITEM NO. 1****FILE NO: PSC2008-9838****DRAFT COUNCIL PLAN 2009-2013 AND FEES & CHARGES 2009-2010****REPORT OF: WAYNE WALLIS - GROUP MANAGER CORPORATE SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receives and notes the information contained in this Report.
- 2) Considers the recommendations contained in the Supplementary Report to be provided before 9 June 2009.

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**OPERATIONS COMMITTEE – 09<sup>TH</sup> JUNE 2009****RECOMMENDATION:**

	<b>Councillor John Nell</b> <b>Councillor Bob Westbury</b>	That the recommendation be adopted.
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**ORDINARY MEETING – 09<sup>TH</sup> JUNE 2009**

<b>169</b>	<b>Councillor John Nell</b> <b>Councillor Glenys Francis</b>	It was resolved that the recommendation be adopted.
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**BACKGROUND**

The purpose of this report is to advise Council that in accordance with its determination, the abovementioned documents will come off public exhibition on 28 May 2009.

A Supplementary Information Paper with collated submissions and recommendations will be provided in advance of the meeting of the Operations Committee on 9 June 2009.

## **LINKS TO CORPORATE PLANS**

The links to the draft 2009-2013 Council Plan are:-

**SOCIAL SUSTAINABILITY** – Council will preserve and strengthen the fabric of the community, building on community strengths.

**CULTURAL SUSTAINABILITY** – Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.

**ECONOMIC SUSTAINABILITY** – Council will support the economic sustainability of its communities while not compromising its environmental and social well being.

**ENVIRONMENTAL SUSTAINABILITY** – Council will protect and enhance the environment while considering the social and economic ramifications of decisions.

**BUSINESS EXCELLENCE** – Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Amendments to the Fees & Charges document are anticipated from the submissions, together with feedback from the community.

Submissions in relation to the Draft Council Plan 2009-2013 may impact Council's decisions in relation to the budget.

## **LEGAL AND POLICY IMPLICATIONS**

There are no implications anticipated from the submissions process.

## **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 culture 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**

### **SOCIAL IMPLICATIONS**

The Draft Council Plan 2009-2013 contains 4 goals and 11 strategies designed to preserve and strengthen the fabric of the community.

### **ECONOMIC IMPLICATIONS**

The Draft Council Plan 2009-2013 contains 1 goal and 2 strategies that support the economic development of the community.

### **ENVIRONMENTAL IMPLICATIONS**

There are 2 goals and 6 strategies in the Draft Council Plan 2009-2013 that provide for protection and enhancement of the environment of Port Stephens.

## **CONSULTATION**

The Draft Council Plan 2009-2013 and the Draft Fees & Charges 2009-2010 have been advertised in local media as being on exhibition. Copies have been placed on Council's website and in libraries and community centres.

## **OPTIONS**

- 1) Adopt the recommendations in the Report
- 2) Amend the recommendations in the Report
- 3) Reject the recommendations in the Report



**ATTACHMENTS**

Nil

**COUNCILLORS ROOM**

Nil

**TABLED DOCUMENTS**

Nil

**ITEM NO. 2****FILE NO: PSC2008-0599****NSW COASTLINE CYCLEWAY GRANTS- SANDY POINT RD****REPORT OF: MICK LOOMES - ENGINEERING SERVICES MANAGER**

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Accepts the grant of \$167,500 offered under NSW Cycleway Grants Program for Sandy Point Cycleway, Corlette and signage for Marsh Rd and Fullerton Cove Rd.
- 2) Match the grant by review of the Transport Section of the 2009/10 Integrated Works Program.

---

**OPERATIONS COMMITTEE – 09<sup>TH</sup> JUNE 2009****RECOMMENDATION:**

	<b>Councillor John Nell</b> <b>Councillor Bruce MacKenzie</b>	That the recommendation be adopted.
--	--	-------------------------------------

**ORDINARY MEETING – 09<sup>TH</sup> JUNE 2009**

<b>170</b>	<b>Councillor John Nell</b> <b>Councillor Glenys Francis</b>	It was resolved that the recommendation be adopted.
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**BACKGROUND**

The purpose of this report is to inform Council of the NSW Coastline Cycleway Grant Project, to seek its formal acceptance of the NSW Government Grant and to source Councils matching contribution by review of the 2009/10 Integrated Works Program.

The NSW Government's Coastline Cycleway program provides support funding for a

continuous 1,400km cycle route from the Queensland border to the Victorian border, linking coastal communities and avoiding main roads where possible.

The route of the Coastline Cycleway within Port Stephens Council's area starts at Fern Bay and ends at the Marina at Nelson Bay. The route generally follows Nelson Bay Road, Fullerton Cove Rd, Marsh Rd, Port Stephens Drive, Salamander Way, Town Centre Circuit, Purser Street, Worimi Drive, Sandy Point Road, Bagnall Beach Reserve and Burbong Street, where it connects to the existing concrete cycleway along Dutchies Beach.

In 2008 Council submitted a grant application to the Department of Planning for the 2.5m wide shared cycleway along Sandy Point Rd from Foreshore Drive to Conroy Park. In April 2009 the Minister for Planning, The Hon Kristina Keneally MP, announced a \$167,500 grant to Port Stephens Council for the proposed Sandy Point Cycleway and minor signposting for Fullerton Cove Rd and Marsh Rd under the NSW Coastline Cycleway Grants Program.

A locality map of the project is attached for reference.

#### **LINKS TO CORPORATE PLANS**

The links to the 2008-2012 Council Plan are:

**SOCIAL SUSTAINABILITY** – Council will preserve and strengthen the fabric of the community, building on community strengths.

**CULTURAL SUSTAINABILITY** – Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.

**ECONOMIC SUSTAINABILITY** – Council will support the economic sustainability of its communities while not compromising its environmental and social well being.

**ENVIRONMENTAL SUSTAINABILITY** – Council will protect and enhance the environment while considering the social and economic ramifications of decisions.

**BUSINESS EXCELLENCE** – Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey

#### **FINANCIAL/RESOURCE IMPLICATIONS**

The grant is provided on the basis that Council makes a dollar-for-dollar (50%) contribution towards the project, and no other State Government grants can be used for this purpose. On confirmation of this grant, Council will have to make provision to match the above grant. In order to match the grant, two capital works projects listed for construction next financial year need to be adjusted, being:

- i. Provision of kerb and guttering along one side of Boulder Bay Rd at Fingal Bay (\$60,000) deferred 12 months.
- ii. Full reconstruction of Tanilba Ave near the pensioners units at Tanilba Bay reduced from \$600,000 to \$500,000 for 2009/10

In accordance with Council's policy for provision of footpaths, adjoining property owners will contribute the remaining funds required to match the Government grant.

These adjustments proposed can be undertaken through the appropriate Council budget review process next year.

## **LEGAL AND POLICY IMPLICATIONS**

In accepting the grant Council will be required to construct the cycleway to the agreed standard width of 2.5m and the path should to be built in concrete. The pathway will be shared by pedestrians and cyclists.

The Department of Planning does not accept any legal obligation for the project and as such Council will be responsible for all legal obligations and liabilities during construction and the ongoing maintenance of this facility.

## **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.
- 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**

### **SOCIAL IMPLICATIONS**

Linking sections of the existing coastline cycleway will benefit the community, providing safer pedestrian and cycleway access.

## ECONOMIC IMPLICATIONS

Extending the cycleway network which exists throughout Port Stephens will continue to help attract visitors and tourists to the area.

Adjoining property owner will be required to contribute towards the cost of the pathway in accordance with Council's policy on footpath construction.

## ENVIRONMENTAL IMPLICATIONS

The proposal is to utilise the existing nature strip which is essentially cleared. However a number of overhanging branches will require inspecting and potential pruning. The section adjacent to the service road which supplies access to property numbers 134 to 140 Sandy Point Rd may require tree trimming and/or removal. More information will be known once detailed design work has been finalised.

The proposal will be subject to a formal Review of Environmental Factors (REF) to be assessed and determined internally by Council.

## CONSULTATION

The proposed cycleway is part of Council's overall footpath and cycleway strategy for the Tomaree Peninsula. Council has received much positive and some negative feedback about the proposal from the community following communication in early 2008.

The main concerns are from a few adjacent property owners along the cycleway, who are concerned about safety, and the difficulties of seeing oncoming pedestrians and cyclists on the proposed path when exiting their own properties due to their high property fences. The width of the proposed pathway being 2.5m makes this very difficult to change as there are power poles in the middle of the nature strip for the length of the project. Some residents are also concerned about the bus shelter, and others concerned about drainage, some believe that it should not be constructed at all.

There have also been a few residents suggesting an alternative route which follows the foreshore around the Corlette headland. However this would be very difficult to construct and would be at least 800m longer thereby significantly increasing the cost.

As mentioned above, the proposal has otherwise received much positive comment with the recognition that it will be a safer route for pedestrian and cyclists over the current practice of pedestrians using the existing roadway.

Further consultation with the adjoining property owners and parks committee will be undertaken before the final design plans are developed and work is undertaken.

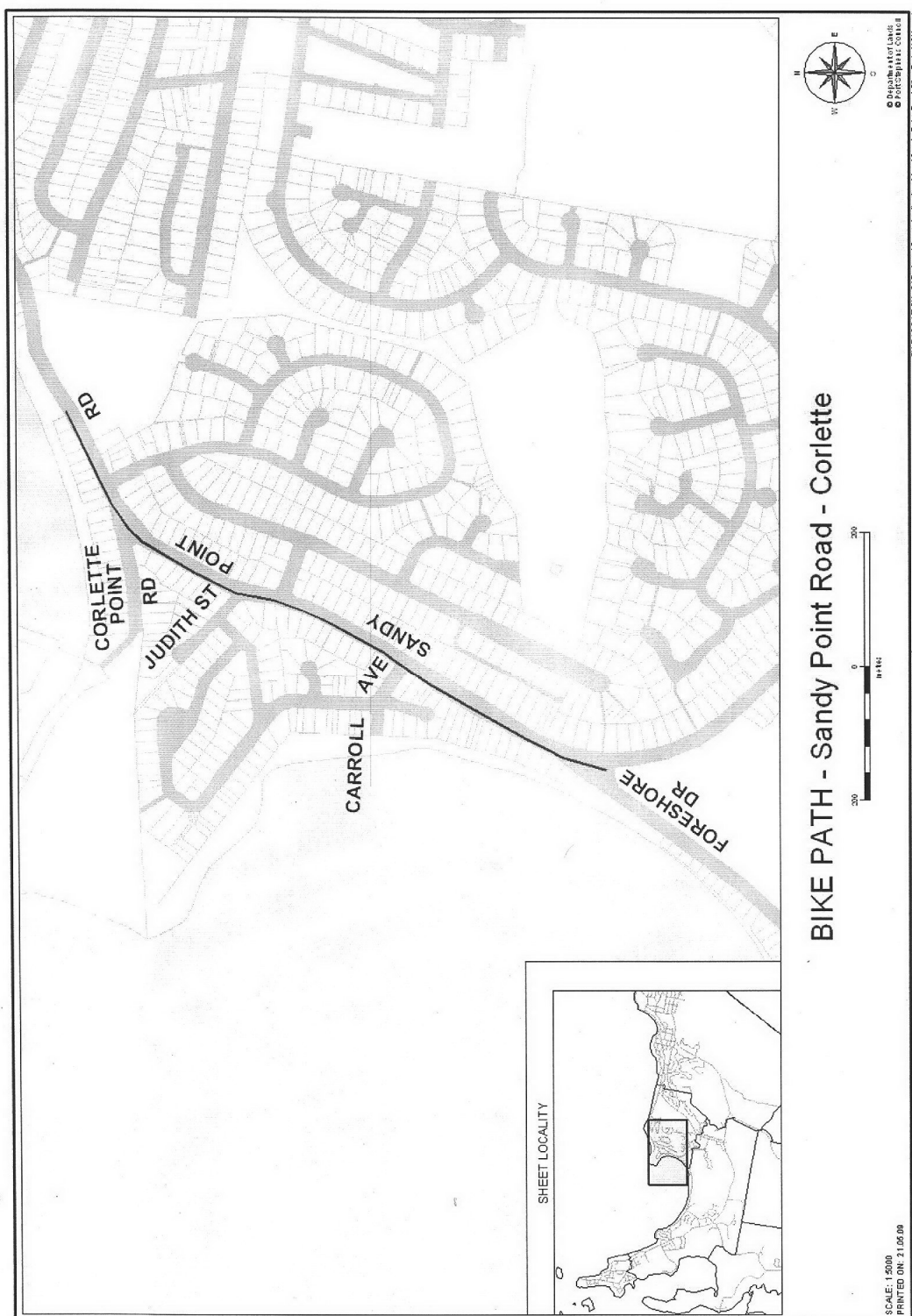
**OPTIONS**

- 1) Accept the grant and associated financial implications
- 2) Decline the offer of the grant

**ATTACHMENTS**

- 1) Locality plan

ATTACHMENT 1



# CONFIDENTIAL ITEMS



*In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.*

*Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.*

171	Councillor Steve Tucker Councillor Peter Kafer	It was resolved that Council moved into Confidential Session.
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There being no further business the meeting closed 8.04 pm.



**ITEM NO. 1****FILE NO: T01-2010****PRE-EMPLOYMENT MEDICAL SERVICES T01 2009 – PART A****REPORT OF: ANNE SCHMARR - ORGANISATION DEVELOPMENT MANAGER**

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Accept the tenders of Humanonics and Attain Health Services for the provision of pre-employment medical services.
- 

**OPERATIONS COMMITTEE – 09<sup>TH</sup> JUNE 2009****RECOMMENDATION:**

	<b>Councillor John Nell</b> <b>Councillor Shirley O'Brien</b>	That the Motion to Close be deferred to the Ordinary Council meeting on 9 June 2009.
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**ORDINARY MEETING – 09<sup>TH</sup> JUNE 2009**

<b>172</b>	<b>Councillor John Nell</b> <b>Councillor Ken Jordan</b>	It was resolved that Council accept the tenders of Humanonics and Attain Health Services for the provision of pre-employment medical services.
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**CONFIDENTIAL****ITEM NO. 2****FILE NO: T01-2010****MEDICAL AND/OR REHABILITATION SERVICES T01 2009 – PART B****REPORT OF: ANNE SCHMARR - ORGANISATION DEVELOPMENT MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Accept the tender of Shoal Bay Medical Centre, in conjunction with Anna Bay Medical Centre and Raymond Terrace Family Practice for the provision of medical services.
- 2) Accept the tender of Health and Safety Solutions for the provision of rehabilitation services.

**OPERATIONS COMMITTEE – 09<sup>TH</sup> JUNE 2009****RECOMMENDATION:**

	<b>Councillor John Nell</b> <b>Councillor Shirley O'Brien</b>	That the Motion to Close be deferred to the Ordinary Council meeting on 9 June 2009.
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**ORDINARY MEETING – 09<sup>TH</sup> JUNE 2009**

<b>173</b>	<b>Councillor John Nell</b> <b>Councillor Ken Jordan</b>	It was resolved that Council accept the tender of Shoal Bay Medical Centre, in conjunction with Anna Bay Medical Centre and Raymond Terrace Family Practice for the provision of medical services.  It was resolved that Council accept the tender of Health and Safety Solutions for the provision of rehabilitation services.
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<b>MINUTES FOR ORDINARY MEETING – 09 JUNE 2009</b>
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Crs Ken Jordan and Daniel Maher declared a significant non-pecuniary interest and a non-pecuniary interest respectively in Item 3 and left the meeting at 8.02pm.

**CONFIDENTIAL****ITEM NO. 3****FILE NO: T11-2009****TENDER T11-2009 – SUPPLY OF HAULAGE SERVICES****REPORT OF: PETER MURRAY - MANAGER OPERATIONS SECTION**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Accept the tender from Flynn Haulage & Earthmoving for the supply of hired haulage vehicles for the period until 30 June 2011, with an option to extend for a period of 12 months.
- 

**OPERATIONS COMMITTEE – 09<sup>TH</sup> JUNE 2009****RECOMMENDATION:**

	<b>Councillor John Nell</b> <b>Councillor Shirley O'Brien</b>	That the Motion to Close be deferred to the Ordinary Council meeting on 9 June 2009.
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**ORDINARY MEETING – 09<sup>TH</sup> JUNE 2009**

<b>174</b>	<b>Councillor Bruce MacKenzie</b> <b>Councillor Shirley O'Brien</b>	It was resolved that Council accept the tender from Flynn Haulage & Earthmoving for the supply of hired haulage vehicles for the period until 30 June 2011, with an option to extend for a period of 12 months.
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Crs Ken Jordan and Daniel Maher returned to the meeting following Item 3 at 8.03pm.

**CONFIDENTIAL****ITEM NO. 4****FILE NO: PSC2008-2072****TENDER – T04 2009, RAYMOND TERRACE SENIORS AND COMMUNITY HALL CONSTRUCTION****REPORT OF: PETER AVIS - PROJECT SERVICES MANAGER**

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Accepts the tender of J & J Killalea Pty Ltd for the construction of the Raymond Terrace Seniors and Community Hall.
- 

**OPERATIONS COMMITTEE – 09<sup>TH</sup> JUNE 2009****RECOMMENDATION:**

	<b>Councillor John Nell</b> <b>Councillor Shirley O'Brien</b>	That the Motion to Close be deferred to the Ordinary Council meeting on 9 June 2009.
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**ORDINARY MEETING – 09<sup>TH</sup> JUNE 2009**

<b>175</b>	<b>Councillor Glenys Francis</b> <b>Councillor Pete Kafer</b>	It was resolved that Council accepts the tender of J & J Killalea Pty Ltd for the construction of the Raymond Terrace Seniors and Community Hall.
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**CONFIDENTIAL****ITEM NO. 5****FILE NO: A2004-0891****LEASE TO NSW DEPARTMENT OF LANDS OF LEVELS 2, 3 AND 4, 437 HUNTER STREET, NEWCASTLE****REPORT OF: CARMEL FOSTER - COMMERCIAL SERVICES PROPERTY MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Note the continued occupancy of Levels 2, 3 and 4, 437 Hunter Street, Newcastle by the NSW Department of Lands.
- 2) Authorise the Mayor and General Manager to affix the seal of Council to the lease and associated documentation

**OPERATIONS COMMITTEE – 09<sup>TH</sup> JUNE 2009****RECOMMENDATION:**

	<b>Councillor John Nell</b> <b>Councillor Shirley O'Brien</b>	That the Motion to Close be deferred to the Ordinary Council meeting on 9 June 2009.
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**ORDINARY MEETING – 09<sup>TH</sup> JUNE 2009**

<b>176</b>	<b>Councillor Glenys Francis</b> <b>Councillor Pete Kafer</b>	<b>It was resolved that Council :-</b>  1. Note the continued occupancy of Levels 2, 3 and 4, 437 Hunter Street, Newcastle by the NSW Department of Lands.  2) Authorise the Mayor and General Manager to affix the seal of Council to the lease and associated documentation.
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<b>MINUTES FOR ORDINARY MEETING – 09 JUNE 2009</b>
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177	<b>Councillor Peter Kafer</b> <b>Councillor Ken Jordan</b>	It was resolved that Council moved out of Confidential Session.
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*I certify that pages 1 to 31 of the Open Ordinary Minutes of Council 9 June 2009 and the pages 32 to 56 of the Confidential Ordinary Minutes of Council 9 June 2009 were confirmed by Council at its meeting held on 30 June 2009.*

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**Cr Bruce MacKenzie**  
**MAYOR**