

Minutes 11 August 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 11 August 2009, commencing at 6.27pm.

PRESENT: Councillors B. MacKenzie (Mayor); R. Westbury (Deputy Mayor); G. Dingle; S. Dover, G. Francis; P. Kafer; K. Jordan; 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.

250	Councillor Bruce MacKenzie Councillor Ken Jordan	It was resolved that apologies be received and noted from Councillor Daniel Maher.
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		No declarations of interests were received.
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SUBJECT

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MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 1779-003

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

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 T14-2009 Supply of Sand, Soil, Mulch and Pavement Materials.***
- 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 T14-2009 Supply of Sand, Soil, Mulch and Pavement Materials.***
- 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 – 11 AUGUST 2009

RECOMMENDATION:

	Councillor John Nell Councillor Geoff Dingle	That the recommendation be deferred to the Ordinary Council 11 August 2009.
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MINUTES FOR ORDINARY MEETING – 11 AUGUST 2009

ORDINARY COUNCIL MEETING – 11 AUGUST 2009

251	Councillor John Nell Councillor Ken Jordan	It was resolved that the recommendation be adopted.
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ITEM NO. 2

FILE NO: 1779-003

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

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 T21 2009 – Medowie Community Centre Car Park and Recreation Area.**
- 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 T21 2009 – Medowie Community Centre Car Park and Recreation Area.**
- 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 – 11 AUGUST 2009

RECOMMENDATION:

	Councillor John Nell Councillor Geoff Dingle	That the recommendation be deferred to the Ordinary Council 11 August 2009.
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MINUTES FOR ORDINARY MEETING – 11 AUGUST 2009

ORDINARY COUNCIL MEETING – 11 AUGUST 2009

252	Councillor John Nell Councillor Ken Jordan	It was resolved that the recommendation be adopted.
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ITEM NO. 3

FILE NO: 1779-003

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

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 T13-2009 – Tree Maintenance 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 T13-2009 – Tree Maintenance 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 – 11 AUGUST 2009

RECOMMENDATION:

	Councillor John Nell Councillor Geoff Dingle	That the recommendation be deferred to the Ordinary Council 11 August 2009.
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MINUTES FOR ORDINARY MEETING – 11 AUGUST 2009

ORDINARY COUNCIL MEETING – 11 AUGUST 2009

253	Councillor John Nell Councillor Ken Jordan	It was resolved that the recommendation be adopted.
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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.

ORDINARY COUNCIL MEETING – 11 AUGUST 2009

254	Councillor John Nell Councillor Ken Jordan	It was resolved that Council move into confidential session.
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ITEM NO. 1

FILE NO: T14-2009

TENDER T14-2009 SUPPLY OF SAND, SOIL, MULCH AND PAVEMENT MATERIALS

REPORT OF: PETER MURRAY – MANAGER, OPERATIONS

ORDINARY MEETING – 11 AUGUST 2009

255	Councillor John Nell Councillor Ken Jordan	It was resolved that Council accept all tenders submitted for the supply of sand, soil, and pavement materials for a period until 1 September 2011, with an option to extend for a further 12 months.
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CONFIDENTIAL

ITEM NO. 2

FILE NO: PSC2005-0458

TENDER T21 2009 – MEDOWIE COMMUNITY CENTRE CAR PARK AND RECREATION AREA

REPORT OF: PETER AVIS – MANAGER, PROJECT SERVICES

ORDINARY MEETING – 11 AUGUST 2009

256	Councillor John Nell Councillor Ken Jordan	It was resolved that Council accepts the tender of GWB Design and Build Pty Ltd for the construction of the Medowie Community Hall Car Park and Recreation Area.
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ITEM NO. 3

FILE NO: T 13-2009

TENDER T13 2009 - TREE MAINTENANCE SERVICES

REPORT OF: PETER MURRAY – MANAGER, OPERATIONS

ORDINARY MEETING – 11 AUGUST 2009

257	Councillor John Nell Councillor Ken Jordan	It was resolved that Council accept all the tenders in order of preference: Bolans Tree Services, Active Tree's Services, Advanced Arbor Services, Branch Management, J K Cooper Tree Services and Mr Chipps Strategic Tree Services for the provision of tree maintenance services for the period until 30 June 2011, with an option to extend for a further 12 months.
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ORDINARY COUNCIL MEETING – 11 AUGUST 2009

258	Councillor Steve Tucker Councillor John Nell	It was resolved that Council move out of confidential session.
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There being no further business the meeting closed at 6.29pm

I certify that pages 1 to 13 of the Open Ordinary Minutes of Council 11 August 2009 and the pages 14 to 35 of the Confidential Ordinary Minutes of Council 11 August 2009 were confirmed by Council at its meeting held on 25 August 2009.

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Cr Bruce MacKenzie
MAYOR