

## CITY OF NEWCASTLE

**Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 23 February 2016 at 6.08pm.**

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### **PRESENT**

The Lord Mayor (Councillor N Nelmes), Councillors D Clausen D Compton, T Doyle, J Dunn, B Luke, M Osborne, S Posniak, A Robinson, A Rufo, L Tierney and S Waterhouse.

### **IN ATTENDANCE**

F Cordingley (Interim Chief Executive Officer), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), P Chrystal (Director Planning and Regulatory), F Giordano (Manager Legal and Governance), J Gaynor (Manager Strategic Planning Services), A Glauser (Manager Finance), G Sainsbury (Manager Projects and Contracts), F Leatham (Acting Manager Infrastructure Planning), N Baker (Chief of Staff Lord Mayor's Office), K Hyland (Manager Communications and Engagement), K Baartz (Communications Manager), K Sullivan (Council Services/Minutes) and A Leach (Council Services/Meetings Management).

### **MESSAGE OF ACKNOWLEDGEMENT**

The Lord Mayor read the message of acknowledgement to the Awabakal and Worimi peoples.

### **PRAYER**

The Lord Mayor read a prayer and a period of silence was observed in memory of those who served and died so that Council might meet in peace.

### **APOLOGIES**

#### **MOTION**

Moved by Cr Clausen, seconded by Cr Osborne

The apology submitted on behalf of Councillor Crakanthorp be received and leave of absence granted.

**Carried**

### **DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS**

#### **Councillor Luke**

Councillor Luke declared a less than significant non-pecuniary interest in Item 109 - Executive Monthly Performance Report, as Council may invest with businesses he is associated with. Councillor Luke said the interest was less than significant as the report to Council was to be received and he was not involved in any decision making processes.

## PROCEEDINGS IN BRIEF

Prior to the meeting the Director Planning and Regulatory distributed a late item of business on behalf of the Lord Mayor, *National Geographic Smart Cities Opportunities*.

### PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Posniak

Item 7 - Submission to the Delegate be dealt with as the first item requiring discussion and confirmation of the minutes and Item 1 - Election of Deputy Lord Mayor be dealt with at the conclusion of business.

**Carried**

## REPORTS BY COUNCIL OFFICERS

### ITEM-2                      CCL 23/02/16 - QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2015

#### MOTION

Moved by Cr Osborne, seconded by Cr Rufo

Council receives the December Quarterly Budget Review Statement (**Attachment A**) and adopts the revised budget as detailed therein.

**Carried**

### ITEM-3                      CCL 23/02/16 - EXECUTIVE MONTHLY PERFORMANCE REPORT

#### MOTION

Moved by Cr Osborne, seconded by Cr Rufo

The report be received.

**Carried**

### ITEM-9                      CCL 23/02/16 - BLUE GUM ROAD, JESMOND - PROPOSED 40 KM/H HIGH PEDESTRIAN ACTIVITY (HPA) AREA AND ASSOCIATED TRAFFIC CALMING MEASURES

#### MOTION

Moved by Cr Clausen, seconded by Cr Osborne

Approve the proposed 40km/h High Pedestrian Activity (HPA) area and associated traffic calming measures on Blue Gum Road, Jesmond between Mordue Parade and Janet Street.

**Carried**

**ITEM-10**                    **CCL 23/02/16 - PATRICK STREET MEREWETHER - PROPOSED PEDESTRIAN FACILITY AND INTERSECTION IMPROVEMENTS AT WATKINS AND FREDERICK STREET INTERSECTIONS**

**MOTION**

Moved by Cr Doyle, seconded by Cr Tierney

Approve the raised threshold in Patrick Street east of Watkins Street and the pedestrian refuge in Frederick Street south of Patrick Street and other related intersection improvements in the area as set out at paragraph 2 through 6.

**Carried**

**ITEM-11**                    **CCL 23/02/16 - HOWE STREET / DURHAM ROAD, LAMBTON - PROPOSED TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS**

**MOTION**

Moved by Cr Rufo, seconded by Cr Clausen

Council approves the installation of traffic signals at the Howe Street/Durham Road intersection and associated improvements as set out at paragraph 7.

**Carried**

**ITEM-12**                    **CCL 23/02/16 - HOWE STREET/MOREHEAD STREET, LAMBTON - PROPOSED INTERSECTION IMPROVEMENTS**

**MOTION**

Moved by Cr Clausen, seconded by Cr Rufo

Council approves the proposed improvements as set out at paragraph 4 for the Howe Street/Morehead Street intersection.

**Carried**

**ITEM-13**                    **CCL 23/02/16 - BROADMEADOW ROAD / JACKSON STREET, BROADMEADOW - PROPOSED INTERSECTION IMPROVEMENTS AND SHARED PATH**

**MOTION**

Moved by Cr Osborne, seconded by Cr Rufo

Council approves the proposed intersection improvements as set out at paragraph 5 for the intersection of Broadmeadow Road and Jackson Street, Broadmeadow.

**Carried**

**ITEM-14**

**CCL 23/02/16 - 131 - 133 CROUDACE ROAD ELERMORE VALE - ENDORSEMENT OF PROPOSED AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012**

**MOTION**

Moved by Cr Tierney, seconded by Cr Dunn

Council resolves to:

- i) Endorse the attached Planning Proposal (**Attachment A**), prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend Newcastle LEP 2012 for land at 131-133 Croudace Road Elermore Vale (Lots A and B, DP 412510) as follows:
  - a) Amend the Land Zoning Map from R2 Low Density Residential to B2 Local Centre;
  - b) Amend the Height of Buildings Map to apply a maximum permissible height of 11 metres over the land;
  - c) Amend the Minimum Lot Size map to apply no minimum lot size over the land; and
  - d) Amend the Floor Space Ratio map to apply a 1.5:1 FSR over the land;as outlined in the Planning Proposal at **Attachment A**.
- ii) Forward the Planning Proposal to the Minister for Planning and Environment for Gateway Determination pursuant to Section 56 of the EP&A Act 1979.
- iii) Advise the Secretary of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 59(1) of the EP&A Act 1979.
- iv) Receive a report back if a written objection is received during consultation with the community as per the requirements of Section 57 of the EP&A Act 1979, otherwise forward the Planning Proposal to the Secretary, Planning and Environment requesting the proposed amendment to Newcastle LEP 2012 be made.

**For the Motion:**

The Lord Mayor Cr Nelmes, Councillors Clausen, Compton, Doyle, Dunn, Luke, Osborne, Posniak, Robinson, Rufo, Tierney and Waterhouse.

**Against the Motion:**

Nil.

**Carried**

**ITEM-15**                           **CCL 23/02/16 - ADOPTION OF THE MULTICULTURAL PLAN  
2016 - 2019**

Congratulations were extended to Council staff for their efforts in respect to the development of the Multicultural Plan 2016-2019.

**MOTION**

Moved by Cr Doyle, seconded by Cr Posniak

Council

- 1 Adopt the Multicultural Plan 2016-2019 as provided in Attachment A.
- 2 Rescind the Ethnic Affairs Policy Statement 2008-2011 as it is superseded by the adoption of the Community Strategic Plan *Newcastle 2030* and the Multicultural Plan 2016-2019.

**Carried**

**ITEM-17**                           **CCL 23/02/16 - TEMPORARY SUSPENSION OF ALCOHOL  
FREE ZONE, BEAUMONT, CLEARY, JAMES, LINDSAY AND  
DENISON STREETS HAMILTON**

**MOTION**

Moved by Cr Posniak, seconded by Cr Osborne

Council approve the temporary suspension of the AFZ in Beaumont, Cleary, James, Lindsay and Denison Streets Hamilton from 6am to 8pm on Sunday 13 March 2016 for the purpose of the Beaumont Street Festival 2016. This suspension is subject to the event organiser, Hamilton Chamber of Commerce, meeting all requirements of the NSW Police Newcastle Local Area Command (LAC) and Council.

**Carried**

**ITEM-7**                           **CCL 23/02/16 - COUNCIL SUBMISSION TO THE DELEGATE**

The Interim Chief Executive Officer issued a memo dated 23 February 2016 containing more information on proposed boundary adjustments for consideration in the submission to the Delegate on the Merger Proposal.

**MOTION**

Moved by Cr Doyle, seconded by Cr Clausen

- 1 That Council amend the current draft submission to include the following points:
  - a) The merger would result in a significant reduction in local democratic representation, evident in the lower ratio of elected representatives per capita from 1 councillor per 12,309 voters to 1 per 17,763 down currently.

- b) Consideration of the merger has ignored relevant evidence that would be detrimental to the merger case.
  - c) A comprehensive community consultation process, including a full plebiscite, should precede any firm proposal for a merger.
  - d) The process that has produced this proposal has been flawed with key information withheld, in particular the full KPMG Report.
- 2
- a) Council receives the report.
  - b) Council reiterates its first preference is to remain a standalone entity.
  - c) Should a merger proceed, despite Council's position, its preference is that:
    - i The new entity be named The City of Newcastle or The City of Greater Newcastle
    - ii The title of Lord Mayor be decreed for the new entity as part of the Governor's Proclamation
    - iii The Lord Mayor be popularly elected by the people of the new local government area
    - iv The new entity comprise 13 Councillors including the Lord Mayor
    - v That 12 of these councillors are to be elected by vote of ward residents. Council's preference is for three (3) wards each with four (4) councillors. Ward boundaries should be determined based on approximately equal populations, and be generally based around the current boundaries of the State Seats of Newcastle, Wallsend and Port Stephens.

The Geographic Names Board should be given the opportunity to convene a public exhibition of ward names.

- d) Council supports the proposed minor boundary variations to:
- i Incorporate Woodberry in the new Local Government Area
  - ii Revise the southern boundary to follow the natural catchment divide, as distributed by the Interim Chief Executive Officer (outlined below):

*A variation to the Lake Macquarie City Council (LMCC) boundary change to seek greater efficiencies and cost savings to ratepayers through improved integrated watercourse and drainage management by bringing the upper reaches of Ironbark Creek and Throsby Creek catchments into the Newcastle Local Government LGA. This is an extension of the proposal in the report to adjust the boundary with LMCC to the Newcastle Link Road.*

- e) Council delegates authority to the Interim Chief Executive Officer to make necessary amendments to the Submission, in consultation with the Lord Mayor, that arise from Council's resolution relating to the Submission and to lodge the amended Submission on Council's behalf with the Delegate by 28 February 2016. A final copy of the submission is to be made available to Councillors prior to submission.

#### **PROCEDURAL MOTION**

Moved by Cr Luke, seconded by Cr Tierney

Parts 1 and 2 of the motion be dealt with seriatim.

**Carried**

#### PART 1

#### **MOTION**

Moved by Cr Doyle, seconded by Cr Clausen

That Council amend the current draft submission to include the following points:

- a) The merger would result in a significant reduction in local democratic representation, evident in the lower ratio of elected representatives per capita from 1 councillor per 12,309 voters to 1 per 17,763 down currently.
- b) Consideration of the merger has ignored relevant evidence that would be detrimental to the merger case.
- c) A comprehensive community consultation process, including a full plebiscite, should precede any firm proposal for a merger.
- d) The process that has produced this proposal has been flawed with key information withheld, in particular the full KPMG Report.

The motion moved by Councillors Doyle and Clausen incorporating Part 1 was put to the meeting.

**For the Motion:** The Lord Mayor Cr Nelmes, Councillors Clausen, Doyle, Dunn, Osborne, Posniak and Rufo.

**Against the Motion:** Councillors Compton, Luke, Robinson, Tierney and Waterhouse.

**Carried**

## PART 2

### **MOTION**

Moved by Cr Doyle, seconded by Cr Clausen

- a) Council receives the report.
- b) Council reiterates its first preference is to remain a standalone entity.
- c) Should a merger proceed, despite Council's position, its preference is that:
  - i The new entity be named The City of Newcastle or The City of Greater Newcastle
  - ii The title of Lord Mayor be decreed for the new entity as part of the Governor's Proclamation
  - iii The Lord Mayor be popularly elected by the people of the new local government area
  - iv The new entity comprise 13 Councillors including the Lord Mayor
  - v That 12 of these councillors are to be elected by vote of ward residents. Council's preference is for three (3) wards each with four (4) councillors. Ward boundaries should be determined based on approximately equal populations, and be generally based around the current boundaries of the State Seats of Newcastle, Wallsend and Port Stephens.  
  
The Geographic Names Board should be given the opportunity to convene a public exhibition of ward names.
- d) Council supports the proposed minor boundary variations to:
  - i Incorporate Woodberry in the new Local Government Area



- ii Revise the southern boundary to follow the natural catchment divide, as distributed by the Interim Chief Executive Officer (outlined below):

*A variation to the Lake Macquarie City Council (LMCC) boundary change to seek greater efficiencies and cost savings to ratepayers through improved integrated watercourse and drainage management by bringing the upper reaches of Ironbark Creek and Throsby Creek catchments into the Newcastle Local Government LGA. This is an extension of the proposal in the report to adjust the boundary with LMCC to the Newcastle Link Road.*

- iii Revise the western boundary to follow the natural divide to include the Hexham Swamp Catchment.
- e) Council delegates authority to the Interim Chief Executive Officer to make necessary amendments to the Submission, in consultation with the Lord Mayor, that arise from Council's resolution relating to the Submission and to lodge the amended Submission on Council's behalf with the Delegate by 28 February 2016. A final copy of the submission is to be made available to Councillors prior to submission.

#### **AMENDMENT**

Moved by Cr Luke, seconded by Cr Tierney

- v That 12 of these councillors are to be elected by vote of residents. Council's preference is for no wards.

The amendment was put to the meeting.

**For the Amendment:** Councillors Compton, Luke, Robinson, Rufo, Tierney and Waterhouse.

**Against the Amendment:** The Lord Mayor Cr Nelmes, Councillors Clausen, Doyle, Dunn, Osborne and Posniak.

**Defeated**

The motion moved by Councillors Doyle and Clausen incorporating Part 2 was put to the meeting.

**For the Motion:** The Lord Mayor Cr Nelmes, Councillors Clausen, Doyle, Dunn, Osborne and Posniak.

**Against the Motion:** Councillors Compton, Luke, Robinson, Rufo, Tierney and Waterhouse.

**Carried**

**ITEM-4**

**CCL 23/02/16 - AMENDMENTS TO CODE OF MEETING PRACTICE**

**MOTION**

Moved by Cr Posniak, seconded by Cr Dunn

- 1 Council notes the Officer's report.
- 2 Council notes that the Government's current Explanatory Paper (Towards New Local Government Legislation: proposed Phase 1 amendments) proposes the introduction of a Model Code of Meeting Practice
- 3 Council makes a formal submission on the Phase 1 amendments by the due date (15 March 2016) which requests that the Model Code include:
  - a A framework for open and transparent council meetings and briefings
  - b Codify measures which enable the public to address meetings
  - c Include procedures to be followed by the Chief Executive Officer/General Manager when excluding business from the agenda
  - d A framework for the structure of strategic advisory committees and committees of council as a formalised mechanism for community and expert input into Council decision making
- 4 A copy of Council's submission is to be provided to councillors no later than 1 business day before submissions are due.

Councillor Doyle gave notice of a foreshadowed motion.

**FORESHADOWED MOTION - CR DOYLE**

- 1 *Council officers prepare those changes to Council's codes, procedures and public notification practices that will enact the following measures to extend public participation and accountability:*
  - a. *To make all Councillor/staff workshops and briefings open to the public, subject to requirements governing genuinely confidential matters.*
  - b. *To allow members of the public to address council meetings on agenda items and ask questions at Council meetings, briefings, committee meetings and workshops.*
  - c. *To provide public notification of Workshops.*
  - d. *To require Strategic Advisory Committees and Working Parties to make regular reports and recommendations to Council.*
  - e. *To provide means by which council can move into "Committee of the Whole" [Local Government (General) Regulation 259], where it is appropriate.*

- 2 *These changes be brought to the next open briefing of Council.*
- 3 *The period following the briefing include open discussion among Councillors.*
- 4 *Changes necessary to allow more public participation and accountability be adopted at the next ordinary meeting of Council.*

The Lord Mayor ruled Doyle's foreshadowed motion out of order as elements of the motion required due notice.

Councillor Luke moved dissent against the Lord Mayor's ruling.

The motion of dissent was put to the meeting and carried by show of hands.

### **The motion of dissent was upheld.**

The Manager Legal and Governance was requested by the Lord Mayor to address Council on the foreshadowed motion. He confirmed as follows:

- any proposed amendments to Council's Code of Meeting Practice (COMP) would require the preparation of a draft amended COMP;
- the draft amended COMP would need to first come back to a Council meeting for approval to be placed on public exhibition for a minimum of 28 days and 42 days would need to be allowed for the receipt of submissions from the public;
- subsequently, a report would need to come back to Council to adopt any amended COMP;
- it was not legally possible for Council to unilaterally adopt an amended COMP without first going through a public exhibition process;
- the criticality of Councillor workshops continuing to be closed to the public so that Council staff could continue to share commercial in confidence information necessary to assist Councillors in making informed decisions at subsequent Council meetings;
- a failure to do so would potentially jeopardise the ongoing conduct of information sharing Councillor workshops; and
- the existing opportunities provided by Council for public participation at Public Voice and Briefing Committees should be recognised.

Councillor Doyle then moved Parts 1 and 2 of her foreshadowed motion as an amendment.

### **AMENDMENT**

Moved by Cr Doyle, seconded by Cr Osborne

- 1 Council officers prepare those changes to Council's codes, procedures and public notification practices that will enact the following measures to extend public participation and accountability:
  - a. To make all Councillor/staff workshops and briefings open to the public, subject to requirements governing genuinely confidential matters.

- b. To allow members of the public to address council meetings on agenda items and ask questions at Council meetings, briefings, committee meetings and workshops.
- c. To provide public notification of Workshops.
- d. To require Strategic Advisory Committees and Working Parties to make regular reports and recommendations to Council.
- e. To provide means by which council can move into "Committee of the Whole" [Local Government (General) Regulation 259], where it is appropriate.

2 These changes be brought to the next open briefing of Council.

The Lord Mayor ruled the amendment out of order and stated that all of the issues raised in the amendment were covered in Councillor Posniak's motion.

Councillors Doyle and Osborne moved dissent against the Lord Mayor's ruling.

The motion of dissent was put to the meeting and defeated by show of hands and the Lord Mayor's ruling upheld.

The motion moved by Councillor Posniak and seconded by Councillor Dunn was put to the meeting.

**Carried**

The Lord Mayor asked Councillor Doyle to move the foreshadowed motion.

Councillor Doyle stated she was moving Parts 1 and 2 only of the foreshadowed motion.

## **MOTION**

Moved by Cr Doyle, seconded by Cr Osborne

- 1 Council officers prepare those changes to Council's codes, procedures and public notification practices that will enact the following measures to extend public participation and accountability:
  - a. To make all Councillor/staff workshops and briefings open to the public, subject to requirements governing genuinely confidential matters.
  - b. To allow members of the public to address council meetings on agenda items and ask questions at Council meetings, briefings, committee meetings and workshops.
  - c. To provide public notification of Workshops.
  - d. To require Strategic Advisory Committees and Working Parties to make regular reports and recommendations to Council.

- e. To provide means by which council can move into "Committee of the Whole" [Local Government (General) Regulation 259], where it is appropriate.

2 These changes be brought to the next open briefing of Council.

### **AMENDMENT**

Moved by Lord Mayor, Cr Nelmes, seconded by Councillor Clausen

Council notes:

- 1 The Interim Chief Executive Officer is going to improve the public notification of Workshops.
- 2 Strategic Advisory Committees can make regular reports and recommendations to Council under the provisions of the Code of Meeting Practice.
- 3 Council can move into 'Committee of the Whole' under the provisions of the current Code of Meeting Practice.

Councillor Luke raised a point of order indicating the amendment would replace the motion.

The Lord Mayor stated that she would move the amendment as a Part B to the motion.

### **PROCEDURAL MOTION**

Moved by Cr Clausen, seconded by Cr Posniak

Parts A and B of the motion be moved seriatim.

**Carried**

The motion moved by Councillors Doyle and seconded by Councillor Osborne, Part A, was put to the meeting.

#### **For the Motion:**

Councillors Doyle and Osborne.

#### **Against the Motion:**

The Lord Mayor Cr Nelmes, Councillors Clausen, Compton, Dunn, Luke, Posniak, Robinson, Rufo, Tierney and Waterhouse.

**Defeated**

The motion moved by the Lord Mayor and seconded by Councillor Clausen, Part B, was put to the meeting.

**For the Motion:** The Lord Mayor Cr Nelmes, Councillors Clausen, Dunn and Posniak.

**Against the Motion:** Councillors Compton, Doyle, Luke, Osborne, Robinson, Rufo, Tierney and Waterhouse.

**Defeated**

**ITEM-5 CCL 23/02/16 - AFFIXATION OF THE COUNCIL SEAL TO A DEED OF INDEMNITY**

**MOTION**

Moved by Cr Clausen, seconded by Cr Dunn

In accordance with Clause 400(4) of the Local Government (General) Regulation 2005, Council approves and authorises:

- (a) the affixation of Council's seal to the Deed of Indemnity to be entered into between Newcastle City Council, Port Stephens Council and Mr Frank Cordingley; and
- (b) each of the Lord Mayor and any one other Councillor, or any two Councillors (other than the Lord Mayor), witnessing the affixation of Council's seal to the Deed of Indemnity,

on the grounds that the Deed of Indemnity relates to the business of Council.

**Carried**

**ITEM-6 CCL 23/02/16 - SUPPLEMENTARY REPORT - NEWCASTLE SHOW HOLIDAY COMMUNITY ENGAGEMENT FEEDBACK**

**MOTION**

Moved by Cr Dunn, seconded by Cr Clausen

- 1 Council notes the report.
- 2 Council notes that the majority of submissions received (76% of the 502 submissions) supported a Show Day Public Holiday.
- 3 Council delegates authority to the ICEO to submit an application to the Executive Director, NSW Industrial Relations, requesting the Minister for Industrial Relations to declare Friday 4 March 2016 a local event day under the *Public Holidays Act 2010* (NSW).

- 4 From 2017 Chief Executive Officer automatically submit an application to the Executive Director, NSW Industrial Relations, requesting the Minister for Industrial Relations to declare the Friday of Show Holiday a local event day under the *Public Holidays Act 2010* (NSW).

**Carried**

**ITEM-8 CCL 23/02/16 - DEVONSHIRE STREET NEWCASTLE WEST  
- RAINBOW CROSSING**

**MOTION**

Moved by Cr Clausen, seconded by Cr Osborne

- 1 Council notes the report.
- 2 Council Officers, in consultation with the community, bring a report back to Council outlining options for footpath or park upgrades incorporating a rainbow ('rainbow crossing') as part of 2016/17 capital works in the Hamilton/Islington area.



Council notes that the installation of a rainbow crossing in Devonshire Street was not supported by the NCTC.

- 3 Council requests that the above image be included in the minutes in colour.

**Carried**

**ITEM-16**

**CCL 23/02/16 - ADOPTION OF COUNCIL GRANT AND SPONSORSHIP PROGRAMS**

**PROCEDURAL MOTION**

Moved by Cr Clausen, seconded by Cr Posniak

Council adjourn for a short recess to allow Councillor Clausen to distribute an alternate motion.

**Carried**

The Council meeting adjourned at 8.33pm and was reconvened at 8.37pm.

**MOTION**

Moved by Cr Clausen, seconded by Cr Rufo

- 1 Council adopts the Event Sponsorship Policy, Economic Development Sponsorship Policy, Community Assistance Grant Policy and Recreation Facilities Grant Program Policy (**Attachments A, B C and E**) with the inclusion of the following statement:

“Application forms and funding agreements will contain information relating to the acknowledgement of funding and/or in-kind support from Council.

The recipient of funding/in-kind support must abide by the following set of principles:

- Acknowledge Council’s contribution in written material relating to the project
- Use Council’s logo and name in accordance with the requirements of the funding agreement.
- Issue an invitation to the Lord Mayor, or representative, to any announcement or public event associated with the funding, and whether they are able to attend, be acknowledged as official guests. Where practicable, they should be afforded the courtesy of publicly addressing the event.

Successful applicants will be required to provide evidence in acquittal reporting.”



- 2 Council adopts the Place Making Grant Policy (**Attachment D**) with an amendment to Section 6 in each to include the following statement:

“Council will require your event/project/service/activity to publicly acknowledge Council's support. The application form will require information on how this will be achieved (including, for example, the inclusion of Council's logo on advertising and collateral, invitations to events and functions, opportunities for Council representative to present awards). For successful applicants, this requirement will be included in the formal agreement and you will be required to provide evidence in the acquittal reporting.”

**Carried**

**ITEM-18 CCL 23/02/16 - CHANGE OF DATE FOR SCHEDULED MARCH 2016 DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

The Director of Planning and Regulatory tabled a memo issued to all Councillors, 23 February 2016 in relation to DA2015/0945 - 481 Hunter Street, Newcastle which referred to a Section 82A request by the Applicant to review Council's refusal of the development application.

The Director of Planning and Regulatory advised that the proposed change of date was to allow the Committee to review the determination of the application in early March 2016 prior to the expiration of the statutory assessment period. He confirmed that that the Applicant had recently advised Council they would not be proceeding with a review of the determination and had formally withdrawn the section 82A request.

The Director of Planning and Regulatory indicated that Council may determine not to consider Item 18 on the agenda.

**PROCEDURAL MOTION**

**MOTION**

Moved by Cr Luke, seconded by Cr Tierney

Council withdraw Item 18 - Change of Date for Scheduled March 2016 Development Applications Committee Meeting, from the Council agenda.

**Carried**

## CONFIDENTIAL REPORTS

### PROCEDURAL MOTION

Moved by Cr Posniak, seconded by Cr Osborne

Council proceed into confidential session for discussion on Confidential Items 2 - 8 for the reasons outlined in the business papers.

**Carried**

Councillor Compton apologised for the late notice of his declaration and declared a non-pecuniary less than significant interest in the Confidential tender reports generally advising that his company constructed in the Newcastle Local Government Area and was on a selective tendering list but had not been selected in respect of any of the tenders.

Council entered into confidential session at 8.50pm and reconvened at 9.14pm and the Interim Chief Executive Officer announced the detail of the resolutions approved in confidential session.

### ITEM-2                      **CON 23/02/16 - EMPIRE PARK SHADE SHELTER CONSTRUCTION CONTRACT NO 2016/208T**

#### MOTION

- 1 Council accepts the tender of Daracon Landscaping in the amount of \$333,658.96 (excluding GST) for the Empire Park Shade Shelter Construction Contract No. 2016/208T.
- 2 This confidential report relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until Council determines otherwise.

**Carried**

### ITEM-3                      **CON 23/02/16 - STOCKTON BEACH HOLIDAY PARK - FABRICATION AND INSTALLATION OF CAMP KITCHEN CONTRACT NO. 2016/135T**

#### MOTION

- 1 Council accept a tender of Wengold Pty Ltd in the amount of \$393,600 (excluding GST) for Fabrication and Installation of Camp Kitchen Contract No. 2016/135T.
- 2 This confidential report relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until Council determines otherwise.

**Carried**

**ITEM-4                    CON 23/02/16 - ADMINISTRATION BUILDING EXPANSION -  
SUMMERHILL WASTE MANAGEMENT CENTRE -  
CONTRACT NO. 2016/127T**

**MOTION**

- 1     Council accept a tender of the RTC Group in the amount of \$634,933 (excluding GST) for the Administration Building Expansion - Summerhill Waste Management Centre Construction Contract No. 2016/127T.
- 2     This confidential report relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until Council determines otherwise.

**Carried**

**ITEM-5                    CON 23/02/16 - TENDER FOR CONTRACT 2016/211Q -  
TREE ASSESSMENT TECHNICAL SERVICES**

**MOTION**

- 1     Council accept the tender of Homewood Consulting Pty Ltd and the tender of The Sugar Factory for Tree Assessment Technical Services Contract No. 2016/211Q.
- 2     This confidential report relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until Council determines otherwise.

**Carried**

**ITEM-6                    CON 23/02/16 - CITY HALL COMMERCIAL KITCHEN  
REFURBISHMENT - CONTRACT NO. 2016/156T**

**MOTION**

Moved by Cr Osborne, seconded by Cr Rufo

- 1     Council accepts the tender of Lammond Catering Equipment Pty Ltd in the amount of \$403,015 (excluding GST) for the City Hall Commercial Kitchen Refurbishment Contract No. 2016/156T.
- 2     This confidential report relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until Council determines otherwise.

**Carried**

**ITEM-7**                                    **CON 23/02/16 - NEWCASTLE MUSEUM SHADE FRAME  
REFURBISHMENT CONTRACT NO. 2016/245T**

**MOTION**

Moved by Cr Luke, seconded by Cr Rufo

- 1 Council accepts the tender of Thomas & Coffey in the amount of \$241,110 (excluding GST) for the Newcastle Museum Shade Frame Refurbishment Contract No. 2016/245T.
- 2 This confidential report relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until Council determines otherwise.

**Carried**

**ITEM-8**                                    **CON 23/02/16 - BERESFIELD COMMUNITY CHILDCARE  
CENTRE PLAYGROUND UPGRADE CONTRACT NO.  
2016/020Q**

**MOTION**

- 1 Council not accept the sole tender received for the Beresfield Community Childcare Education Centre - Playground Upgrade for Contract No. 2016/020Q and not proceed with the contract.
- 2 This confidential report relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until Council determines otherwise.

**Carried**

**PROCEEDINGS IN BRIEF**

As the time was nearing 9.30pm, Councillor Luke moved that the meeting extend and conclude by 10.00pm.

**PROCEDURAL MOTION**

Moved by Cr Luke, seconded by Cr Posniak

The meeting extend and conclude by 10.00pm.

**Carried**

## LATE ITEMS OF BUSINESS

### ITEM-19 CCL 23/02/16 - LATE ITEM OF BUSINESS NATIONAL GEOGRAPHIC SMART CITIES OPPORTUNITIES

The purpose of this report which was not on the Agenda was to outline an opportunity presented by National Geographic for Newcastle to be included in their Smart Cities of the World program in August / September 2016.

#### **PROCEDURAL MOTION**

Moved by Cr Osborne, seconded by Cr Posniak

The matter of National Geographic 'Smart Cities' be heard as a late item of business.

**Carried**

#### **MOTION**

Moved by Cr Osborne, seconded by Lord Mayor Cr Nelmes

- 1 That Council endorse participation in the National Geographic 'Smart Cities' program in August / September 2016 subject to:
  - i) Clarification of the full costs of engaging in the program.
  - ii) Exploration of opportunities for cost-sharing with partner organisations in the Newcastle Smart City Initiative.
  - iii) Confirmation that Council and any potential partners will retain oversight of city brand development and marketing content.
- 2 That Council have the full costs included in the quarterly review budget process and included in the 2016/17 budget.

#### **For the Motion:**

The Lord Mayor Cr Nelmes, Councillors Clausen, Doyle, Dunn, Osborne and Posniak.

#### **Against the Motion:**

Councillors Compton, Luke, Robinson, Rufo, Tierney and Waterhouse.

**Carried**

## CONFIRMATION OF PREVIOUS MINUTES

### CCL 23/02/16 - MINUTES BRIEFING COMMITTEE HELD 1 DECEMBER 2015

#### MOTION

Moved by Cr Clausen, seconded by Cr Dunn

The draft minutes as circulated be taken as read and confirmed.

Carried

### CCL 23/02/16 - MINUTES OF ORDINARY COUNCIL MEETING 8 DECEMBER 2015

#### MOTION

Moved by Cr Clausen, seconded by Cr Dunn

The draft minutes as circulated be taken as read and confirmed subject to the minutes of the Ordinary Council meeting 8 December 2015 being adopted with the following changes made (additions in **bold** and deletions in ~~strikethrough~~) in respect to *Item 138 - 08/12/15 - Supplementary Report - Review Instrument of Delegations*.

*Councillor Rufo addressed the meeting and raised **confidential** legal advice reported in the Newcastle Herald.*

*The Lord Mayor indicated that Councillor Rufo should not discuss **confidential** legal advice and stated that she was aware three Councillors, namely, Waterhouse, Rufo and Luke had **forwarded** ~~had disclosed~~ emails containing confidential Council legal advice. ~~to unknown third parties.~~*

*Councillor Waterhouse raised a point of order that the Lord Mayor was making unsubstantiated allegations against herself and other Councillors.*

*The Lord Mayor stated that she was not making allegations against the three Councillors but a statement of fact **as advised by the Acting Interim Chief Executive Officer**.*

*Councillor Posniak gave notice of a substantive foreshadowed motion in respect of Item 138 - Supplementary Report - Review Instrument of Delegations.*

*The Lord Mayor indicated that in order to discuss a substantive motion regarding Item 138, Council needed to rescind only Part A (2), (3) and (4) of Council's resolution - Item 103 Late Item of Business - CCL 27/10/15 - General Manager's Performance Review Report.*

*The Lord Mayor asked the mover and seconder whether they would accept amending the rescission motion.*

**For the Motion:** The Lord Mayor Cr Nelmes, Councillors Clausen, Doyle, Dunn, Osborne and Posniak.

**Against the Motion:** Councillors Compton, Luke, Robinson, Rufo, Tierney and Waterhouse.

**Carried**

## REPORTS BY COUNCIL OFFICERS

### ITEM-1 CCL 23/02/16 - ELECTION OF DEPUTY LORD MAYOR

#### MOTION

Moved by Cr Luke, seconded by Cr Tierney

- 1 Council approves the term of the Deputy Lord Mayor to be for a period taking effect from 23 February 2016 and concluding on 9 September 2016 (being the day before the presently scheduled local government elections due to be held on 10 September 2016) or such later date as the State Government determines as the revised local government election date.
- 2 Council approves the conduct of an election of a Deputy Lord Mayor by ordinary ballot voting in accordance with the election procedures set out in Parts 1 and 2 of Schedule 7 of the Local Government (General) Regulation 2005 (NSW) (Regulation) at an election to be conducted at the Ordinary Council Meeting to be held on 23 February 2016 (refer to Paragraphs 19 and 20).

#### AMENDMENT

Moved by Cr Clausen, seconded by Cr Dunn

Council approves the term of the Deputy Lord Mayor to be for a period taking effect from 23 February 2016 and concluding on 22 March 2016.

**For the Amendment:** The Lord Mayor Cr Nelmes, Councillors Clausen, Doyle, Dunn, Osborne and Posniak.

**Against the Amendment:** Councillors Compton, Luke, Robinson, Rufo, Tierney and Waterhouse.

**Carried**

The amended motion was put to the meeting.

**For the Motion:** The Lord Mayor Cr Nelmes, Councillors Clausen, Doyle, Dunn, Osborne and Posniak.

**Against the Motion:** Councillors Compton, Luke, Robinson, Rufo, Tierney and Waterhouse.

**Carried**

The Lord Mayor confirmed the motion carried and the term of the Deputy Lord Mayor to be for a period taking effect 23 February 2016 and concluding 22 March 2016.

The Interim Chief Executive Officer (as the returning officer):

- Announced that nominations had been received for the position of Deputy Lord Mayor from Councillors Dunn and Rufo.
- Distributed ballot forms and called for a vote in favour of each nominee by ordinary ballot.
- Announced that the vote had resulted in a tie and placed the names of Councillors Dunn and Rufo into a hat.
- Declared Councillor Dunn elected as Deputy Lord Mayor for a period from 23 February 2016 and concluding on 22 March 2016.

**The meeting concluded at 9.54pm.**