

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 27 September 2016 at 5.32pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors D Clausen D Compton, T Crakanthorp, T Doyle, J Dunn, B Luke, M Osborne, S Posniak, A Robinson, A Rufo 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), P Nelson (Manager Commercial Property), J Gaynor (Manager Strategic Planning), I Challis (Acting Manager Projects and Contracts), P McCarthy (Team Co-ordinator), N Baker (Lord Mayor's Chief of Staff), K Edson (Executive Assistant to Director Planning and Regulatory), K Baartz (Communications Manager), B Johnson (Media Officer), K Sullivan (Council Services/Minutes) and A Knowles (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 Lord Mayor, Cr Nelmes, seconded by Cr Osborne

The apologies submitted on behalf of Councillor Tierney be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor B Luke

Councillor Luke declared a non-pecuniary less than significant conflict of interest in Item 80 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.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - ORDINARY COUNCIL MEETING 23 AUGUST 2016

MOTION

Moved by Cr Clausen, seconded by Cr Osborne

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

Carried

LORD MAYORAL MINUTE

LMM 27/09/16 - THE UNITED NATIONS HABITAT III - OCTOBER 2016

MOTION

Moved Lord Mayor, Cr Nelmes

That Council:

1. Accepts the invitation to participate in The United Nations Conference Habitat III in Quito, Ecuador and makes available the appropriate funding to enable this participation.
2. That the Lord Mayor or delegate and Interim Chief Executive Officer, or his nominee, accept the invitation and present a report to Council following Habitat III that outlines the learnings and opportunities presented.

For the Motion:

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

Against the Motion:

Councillors Compton, Luke, Robinson and Waterhouse.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-80

CCL 27/09/16 - EXECUTIVE MONTHLY PERFORMANCE REPORT - AUGUST 2016

MOTION

Moved by Cr Doyle, seconded by Cr Osborne

The report be received.

Carried

ITEM-81

**CCL 27/09/16 - DEED OF INDEMNITY FOR NEW DIRECTOR OF
NEWCASTLE AIRPORT PTY LTD**

MOTION

Moved by Cr Waterhouse, seconded by Cr Clausen

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

- (i) the affixation of Council's seal to the Deed of Indemnity to be entered into between Newcastle City Council, Port Stephens Council and Mr Cameron Macphee; and
- (ii) 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-82

**DRAFT AMENDMENT TO THE GENERAL COMMUNITY USE
PLAN OF MANAGEMENT**

MOTION

Moved by Cr Osborne, seconded by Cr Rufo

Council approves that:

- i) The draft GCU PoM (**Attachment A**) be placed on public exhibition in accordance with the *Local Government Act 1993* for 28 days;
- ii) A public hearing be held during the public exhibition period as per the *Local Government Act 1993*; and
- iii) Council receive a report on the outcome of the public exhibition when considering the adoption of the draft GCU PoM.
- ii) A public hearing be held during the public exhibition period as per the *Local Government Act 1993*; and
- iii) Council receive a report on the outcome of the public exhibition when considering the adoption of the draft GCU PoM.

Carried

ITEM-83 **CCL 27/09/16 - ADOPTION OF AMENDMENTS TO
NEWCASTLE DEVELOPMENT CONTROL PLAN 2012 TO
INCORPORATE CONTROLS FOR NON-LEASED PARTS OF
THE PORT OF NEWCASTLE**

MOTION

Moved by Cr Doyle, seconded by Cr Posniak

Council adopts the amended Newcastle DCP 2012 as set out in **Attachment A**.

For the Motion: Lord Mayor, Cr Nelmes, Councillors Clausen,
Compton, Crakanthorp, Doyle, Dunn, Luke, Osborne,
Posniak, Robinson, Rufo and Waterhouse.

Against the Motion: Nil.

Carried

ITEM-84 **CCL 27/09/16 - ENDORSEMENT OF PROPOSED AMENDMENT
TO LOCAL ENVIRONMENTAL PLAN 2012 - RAIL CORRIDOR
LAND BETWEEN WORTH PLACE AND WATT STREET
NEWCASTLE**

MOTION

Moved by Cr Luke, seconded by Cr Waterhouse

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 to enable mixed use development, public recreation and tourist uses on surplus rail corridor land between Worth Place and Watt Street, Newcastle, including amendments on adjoining land listed in the following table:

Title	Address
Part Lot 22 DP1165985	430 Hunter Street, Newcastle
Part Lot 3 DP1111305	6 Workshop Way, Newcastle
Lot 100 DP809262	426 Hunter Street, Newcastle
Lot 31 DP534638	418 - 422 Hunter Street, Newcastle
Lot 1 DP18256	414 - 416 Hunter Street, Newcastle
Lot 1 DP1192409	1R Merewether Street, Newcastle
Lot 1001 DP1095836	280 Hunter Street, Newcastle
Lot 21 DP1009735	150 Scott Street, Newcastle
Lot 22 DP1009735	110 Scott Street, Newcastle
Lot 15 & 16, DP21503	484 - 486 Hunter Street, Newcastle
Lot 17 DP21503	488 Hunter Street, Newcastle

- ii) Forward the Planning Proposal to the Minister for Planning and Environment for Gateway Determination pursuant to Section 56 of the *EP&A Act*.
- iii) Advise the Secretary of the Department of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 59(1) of the *EP&A Act*.
- iv) Consult with the community and relevant government agencies as instructed by the gateway determination.
- v) Receive a report back on the Planning Proposal, including the draft planning agreement, following the public exhibition as per the requirements of Section 57 of the *EP&A Act*.

PROCEDURAL MOTION

Moved by Cr Crakanthorp, seconded by Cr Doyle

That Council

- 1 Lay the item on the table pending an open Briefing from Council Officers with an invitation to Urban Growth to provide a briefing on Monday 10 October 2016 at 5.30pm, with a Public Voice session to follow with opportunity for the community to present.
- 2 Request that the NSW Government provide a report as per Council's resolution of 26 July 2016 which requires the Government to demonstrate that the rail corridor is no longer needed for the future

For the Motion:

Lord Mayor, Cr Nelmes, Councillors Clausen, Crakanthorp, Doyle, Dunn, Osborne, Posniak, Robinson and Rufo.

Against the Motion:

Councillors Compton, Luke and Waterhouse.

Carried

CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Doyle, seconded by Cr Osborne

Council not consider Item 35 - Property Matter - Lot 374 DP755247 in confidential session and hear Item 36 only.

Defeated

PROCEDURAL MOTION

Moved by Cr Luke, seconded by Cr Compton

Council enter into confidential session for discussion on Confidential Items 35 and 36 for the reasons outlined in the business papers.

Carried
Councillors Doyle and Osborne voted against

Council moved into confidential session at 6.01pm and reconvened at 7.02pm. The Interim Chief Executive Officer gave a report to open Council on the items resolved in confidential session.

ITEM-35 CON 27/09/16 - PROPERTY MATTER - LOT 374 DP 755247

PROCEDURAL MOTION

Moved by Cr Doyle, seconded by Cr Osborne

Council Officers bring back a report on the planning and reclassification proposal with respect to Lot 374 DP 755247.

For the motion Lord Mayor, Cr Nelmes, Councillors Crakanthorp, Doyle, Osborne, Posniak and Rufo.

Against the motion Councillors Compton, Clausen, Dunn, Luke, Robinson and Waterhouse.
Carried on Lord Mayor's casting vote

ITEM-36 CON 27/09/16 - SUPPLY OF ELECTRICITY TO COUNCIL'S LARGE SITES CONTRACT 2017/071T

MOTION

Moved by Cr Compton, seconded by Cr Waterhouse

- 1 Council accept the tender of ERM Power Retail Pty Ltd at the rates and charges as submitted in their tender for Supply of Electricity to Council's Large Sites and unmetered street lighting for Contract No. 2017/071T.
- 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

Councillor Clausen tabled a petition containing 16 signatures from residents in Dawson Street, Waratah regarding traffic issues in their street and presented the petition to the Interim Chief Executive Officer.

The meeting concluded at 7.05pm.