

CITY OF NEWCASTLE

Extraordinary Council Meeting 17 November 2015

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CITY OF NEWCASTLE

Minutes of the Extraordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 17 November 2015 at 6.22pm.

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 and L Tierney.

IN ATTENDANCE

F Cordingley (Interim Chief Executive Officer), G Cousins (Director Corporate Services), G Essex (Acting Director Infrastructure), P Chrystal (Director Planning and Regulatory), F Giordano (Manager Council & Legal Services), K Hyland (Manager Communications and Engagement), K Baartz (Communications Manager), K Sullivan (Council Services/Webcasting) and A Leach (Council Services/Minutes).

APOLOGIES

MOTION

Moved by Cr Osborne, seconded by Cr Luke

The apologies submitted on behalf of Councillors Crakanthorp and Waterhouse be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Osborne

Councillor Osborne declared he may have a pecuniary conflict of interest relating to his employment at a nearby council.

Councillor Compton

Councillor Compton declared he may have a pecuniary conflict of interest relating to his previous appointment to, and current leave from, another council.

BUSINESS

ITEM-1: CCL 17/11/15 - IPART REPORT ON "FIT FOR FUTURE' NSW GOVERNMENT RESPONSE

MOTION

Moved by Lord Mayor Cr Nelmes, seconded by Cr Posniak

1. Council receives this report and notes that the NSW Government requires all Councils to identify their merger preference with neighbours regardless of whether they are deemed 'fit'.
2. Council's preference is to remain a stand-alone council and opposes a merger of Lake Macquarie and Newcastle City Councils.
3. If Council was to merge our preference would be for a merger with Port Stephens Council (PSC) which would be part of a regional solution with similar demographic profiles by creating a Tier 2 Global City, encompassing port, airport, defence, university, industrial and health hubs.
4. Council delegates authority to the Interim Chief Executive Officer to respond on Council's behalf to the NSW State Government by 18 November 2015 regarding the following matters via an online template in the required format:
 - a. Feedback on IPART's assessment of the Council's Fit for Future submission as follows:

"Newcastle City Council meets all of the FftF financial criteria and believes the methodology used to assess the Scale and Capacity criterion was flawed and refutes IPART's assessment that it is not fit. NCC remains committed to maintaining its long-term financial sustainability and serving the community as a stand-alone council, with second preference to merge with Port Stephens Council" (50 words)
 - b. Council's first preferred merger partner is Port Stephens Council. Council's second preference merger partner is Lake Macquarie City Council. All other preference boxes are to remain blank.
 - c. Comments on the preference:

"Council's second preference is to be the lead Council for a merger with Port Stephens Council. This merger will be part of a regional solution with similar demographic profiles by creating a Tier 2 Global City delivering required scale and capacity, while maximizing port, airport, defence, university, industrial and health hubs" (50 words)
5. That the Lord Mayor and Interim Chief Executive Officer write jointly to the Premier and Minister for Local Government requesting that Council remain eligible for \$20 million of merging funds, given the cooperative regional

leadership shown in undertaking its obligations to consult with neighbouring Councils and to proposed amalgamation preferences.

PROCEDURAL MOTION

Moved by Cr Osborne, seconded by Cr Compton

Council deal with the motion seriatim and deal with parts 3 and 4 of the motion last.

Carried

MOTION

Moved by Cr Nelmes, seconded by Cr Luke

1. Council receives this report and notes that the NSW Government requires all Councils to identify their merger preference with neighbouring Councils regardless of whether they are deemed 'fit'.

Councillor Doyle gave notice of a foreshadowed motion.

For the Motion: The Lord Mayor and Councillors Clausen, Compton, Dunn, Osborne, Posniak, Robinson, Rufo and Tierney

Against the Motion: Councillors Doyle and Luke.

Carried

The Lord Mayor ruled Councillor Doyle's foreshadowed motion had lapsed.

MOTION

Moved by Cr Nelmes, seconded by Cr Posniak

2. Council's preference is to remain a stand-alone council and opposes a merger of Lake Macquarie and Newcastle City Councils.

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

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

Carried

MOTION

Moved by Lord Mayor, seconded by Cr Clausen

5. That the Lord Mayor and Interim Chief Executive Officer write jointly to the Premier and Minister for Local Government requesting that Council remain eligible for \$20 million available funds for the infrastructure needs of Newcastle of merging funds, given the cooperative regional leadership shown in undertaking its obligations to consult with neighbouring Councils and to proposed amalgamation preferences.

Councillor Osborne gave notice of a foreshadowed motion that being part 3 of Councillor Doyle's lapsed foreshadowed three part motion.

AMENDMENT

Moved by Cr Doyle, seconded by Cr Osborne

That the Lord Mayor and Interim Chief Executive Officer write jointly to the Premier and Minister for Local Government requesting that Council remain eligible for \$20 million available funds for the infrastructure needs of Newcastle.

The Lord Mayor ruled the amendment out of order.

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

PROCEDURAL MOTION

Moved by Cr Luke, Seconded by Cr Tierney

Move dissent against the Lord Mayor's ruling.

Carried

The motion of dissent was put to the meeting and declared upheld.

The Lord Mayor put Councillor Doyle's amendment to the meeting.

For the amendment: Councillors Doyle and Osborne

Against the amendment: The Lord Mayor and Councillors Clausen, Compton, Dunn, Luke, Posniak, Robinson, Rufo and Tierney.

Defeated

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

For the Motion: The Lord Mayor and Councillors Clausen, Compton, Dunn, Luke, Posniak, Robinson, Rufo and Tierney

Against the Motion: Councillors Doyle and Osborne.

Carried

Councillors Compton and Osborne retired from the Chamber for parts 3 and 4 of the motion at 7.30pm.

MOTION

Moved by Cr Nelmes, seconded by Cr Posniak

3. If Council was to merge our preference be for a merger with Port Stephens Council (PSC); which would be part of a regional solution with similar demographic profiles by creating a Tier 2 Global City, encompassing port, airport, defence, university, industrial and health hubs.

AMENDMENT

Moved by Cr Tierney

3. If Council was to merge our preference would be for a merger with Lake Macquarie Council (LMCC); which would be part of a regional solution with similar demographic profiles by creating Tier 2 Global City.

The Lord Mayor ruled the amendment out of order due to Council previously resolving that it was against merging with Lake Macquarie City Council.

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

For the Motion: The Lord Mayor and Councillors Clausen, Dunn, Posniak and Rufo

Against the Motion: Councillors Doyle, Luke, Robinson and Tierney.

Carried

MOTION

Moved by Lord Mayor, seconded by Cr Posniak

4. Council delegates authority to the Interim Chief Executive Officer to respond on Council's behalf to the NSW State Government by 18 November 2015 regarding the following matters via an online template in the required format:
 - a. Feedback on IPARTs assessment of the Council's Fit for Future submission as follows:

"NCC meets all of the FftF financial criteria and believes the methodology used to assess the Scale and Capacity criterion was flawed and refutes IPART's assessment that it is not fit. NCC's preference is to serve its community as a stand-alone council, second preference to merge with Port Stephens Council" (50 words)
 - b. Council's first preferred merger partner is Port Stephens Council. Council's second preference merger partner is Lake Macquarie City Council. All other preference boxes are to remain blank.
 - c. Comments on the preference:

"Council's second preference is to be lead Council for a merger with Port Stephens Council. This merger will be part of a regional solution with similar demographic profiles by creating a Tier 2 Global City delivering required scale and capacity, while maximizing port, airport, defence, university, industrial and health hubs" (50 words)

AMENDMENT

Moved by Cr Tierney, seconded by Cr Luke

- c. Comments on the preference:

"If Council's merger preference is not accepted then we agree to merge with the most appropriate neighbouring council that will maximise the benefit to the combined community as determined by the State Government."

For the amendment: Councillors Luke and Tierney

Against the amendment: The Lord Mayor and Councillors Clausen, Doyle, Dunn Posniak, Robinson and Rufo.

Defeated

Councillor Dunn left the Chamber at 8.00pm returned at 8.02pm.

AMENDMENT

Moved by Cr Rufo, seconded by Cr Clausen

- b. Council's first preferred merger partner is Port Stephens Council. All other preference boxes are to remain blank.

For the amendment: Councillors Clausen, Doyle, Dunn, Posniak, Robinson and Rufo

Against the amendment: The Lord Mayor and Councillors Luke and Tierney.

Carried

AMENDMENT

Moved by Cr Doyle

Newcastle City Council meets all of the FftF financial criteria and believes the methodology used to assess the Scale and Capacity criterion was flawed and refutes IPART's assessment that it is not fit. NCC remains committed to maintaining its long-term financial sustainability and serving the community as a stand-alone council.

Council notes that:

- i. no evidence-based case has been made to show that the residents of Newcastle would benefit from a merger with any other council,
- ii. sufficient time has not been made available for council to properly investigate possible mergers with neighbouring councils; and
- iii. no mutually acceptable framework exists to progress discussions between councils.

Councillor Doyle's amendment lapsed for want of a seconder. Councillor Doyle moved the amendment as a foreshadowed motion.

The motion moved by the Lord Mayor and Councillor Posniak incorporating the amendment to Part b (as outlined below) was put to the meeting.

MOTION

Moved by Lord Mayor, seconded by Cr Posniak

4. Council delegates authority to the Interim Chief Executive Officer to respond on Council's behalf to the NSW State Government by 18 November 2015, regarding the following matters, via an online template in the required format:

- a. Feedback on IPART's assessment of the Council's Fit for Future submission as follows:

"NCC meets all of the FftF financial criteria and believes the methodology used to assess the Scale and Capacity criterion was flawed and refutes IPART's assessment that it is not fit. NCC's preference is to serve its

community as a stand-alone council, second preference to merge with Port Stephens Council" (50 words)

b. Council's first preferred merger partner is Port Stephens Council. All other preference boxes are to remain blank.

c. Comments on the preference:

"Council's second preference is to be lead Council for a merger with Port Stephens Council. This merger will be part of a regional solution with similar demographic profiles by creating a Tier 2 Global City delivering required scale and capacity, while maximizing port, airport, defence, university, industrial and health hubs" (50 words)

For the Motion: The Lord Mayor and Councillors Clausen, Dunn, Robinson, Rufo, Posniak

Against the Motion: Councillors Doyle, Luke and Tierney.

Carried

Councillors Compton and Osborne returned to the Chamber at 8.28pm.

The Lord Mayor requested Councillor Osborne bring forward his foreshadowed motion.

MOTION

Moved by Cr Osborne, seconded by Cr Doyle

That the Lord Mayor and Interim Chief Executive Officer write jointly to the Premier and Minister Local Government stating that if Newcastle City Council is being considered for a merger that a poll of electors be carried out, in accordance with section 14 of the Local Government Act 1993, and funded by the State Government.

For the Motion: The Lord Mayor and Councillors Doyle and Osborne

Against the Motion: Councillors Clausen, Compton, Dunn, Luke, Posniak, Robinson, Rufo and Tierney.

Defeated

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Councillor Doyle brought forward her foreshadowed motion. Following advice from the Lord Mayor Councillor Doyle removed the first paragraph from the motion and moved parts i., ii., and iii. only.

MOTION

Moved by Cr Doyle, seconded by Cr Osborne

Council notes that:

- i. no evidence-based case has been made to show that the residents of Newcastle would benefit from a merger with any other council,
- ii. sufficient time has not been made available for council to properly investigate possible mergers with neighbouring councils; and
- iii. no mutually acceptable framework exists to progress discussions between councils.

For the Motion:

The Lord Mayor and Councillors Doyle, Clausen, Osborne, Posniak, Robinson and Rufo

Against the Motion:

Councillors Dunn, Compton, Luke and Tierney.

Carried

The meeting closed at 8.48pm.