

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 22 August 2017 at 5.42pm.

PRESENT

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

IN ATTENDANCE

J Bath (Interim Chief Executive Officer), A Glauser (Interim Director Corporate Services), K Liddell (Interim Director Infrastructure), P Chrystal (Director Planning and Regulatory), E Kolatchew (Interim Manager Legal and Governance), J Gaynor (Manager Strategic Planning), P Nelson (Manager Property Services), K Hyland (Manager Communications and Engagement - *arrived 7.13pm*), P McCarthy (Team Co-ordinator Strategic Planning), K Baartz (Communications Manager), B Johnson (Media Officer), K Sullivan (Council Services/Minutes) and A Knowles (Council Services/Webcasting)

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 Rufo, seconded by Cr Osborne

The apologies submitted on behalf of Councillors Compton, Luke and Waterhouse be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Clausen

Councillor Clausen declared a significant non-pecuniary interest in Confidential Item 9 - Purchase of Hunter Water Building - 679A to 681 Hunter Street, Newcastle West stating that the property was owned by his employer. Councillor Clausen advised the declaration was a non-pecuniary interest and would not gain any benefit from the purchase, however, he would leave the Chamber for discussion on the item.

Councillor Doyle

Councillor Doyle declared a non-pecuniary less than significant interest in Item 96 - Supplementary Report - Land Bounded by Mosbri Crescent and Kitchener Parade The Hill - Endorsement of Amendment to Newcastle Local Environmental Plan 2012 and Development Control Plan 2012 indicating that she lived in the vicinity.

Lord Mayor, Cr Nelmes

The Lord Mayor declared a less than significant non-pecuniary interest in Item 96 - Supplementary Report - Land Bounded by Mosbri Crescent and Kitchener Parade The Hill - Endorsement of Amendment to Newcastle Local Environmental Plan 2012 and Development Control Plan 2012, indicating that a former Councillor lived near the proposed development.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - ORDINARY COUNCIL MEETING 13 JUNE 2017

MINUTES - PUBLIC VOICE COMMITTEE 18 JULY 2017

MINUTES - ORDINARY COUNCIL MEETING 25 JULY 2017

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

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

The motion to adopt the draft minutes was put to the meeting.

Carried

LORD MAYORAL MINUTE

**ITEM-13 LMM 28/08/17 - END OF TERM AND RECOGNITION OF
OUTGOING COUNCILLORS; COUNCILLORS OSBORNE,
POSNIAK AND WATERHOUSE**

In moving the item, the Lord Mayor requested the background information provided by Councillors Waterhouse, Posniak and Osborne be recorded in the minutes.

Councillor Sharon Waterhouse

During this term, Councillor Waterhouse has served tirelessly on a number of Committees including, the Traffic Committee; JRPP; and the Audit Committee. Councillor Waterhouse expresses the following with gratitude:

"Thank you to my fellow Councillors it has been an exciting time to be on Council - I have very much appreciated the opportunity to serve the community with you all. Thank you also to the staff who are a pleasure to work with. I wish you all the best for the future & look forward to seeing continued positive change for the city".

Councillor Stephanie Posniak

Councillor Posniak was elected to Newcastle City Council in 2012.

Councillor Posniak has been a key advocate for the City of Newcastle becoming a Refugee Welcome Zone and that we better embrace refugees, as well as ensuring that Council reviews its ethnic affairs policy and that the City of Newcastle becomes a more culturally and religiously diverse city.

By advocating that the City of Newcastle becomes a Refugee Welcome Zone, Councillor Posniak was instrumental in ensuring that our community is welcoming of refugees, that we uphold the human rights of refugees, that we demonstrate compassion for refugees and that we enhance cultural and religious diversity across our City.

Councillor Posniak was also instrumental in upgrading Nesca Park in Cooks Hill and Civic Park as well as securing the revitalisation of Young Street, Carrington.

Councillor Posniak has also been a tireless advocate for the expansion of the Newcastle Art Gallery, and worked closely with our state and federal counterparts, as well as the University of Newcastle to ensure the successful delivery of the NeW Space development in the City.

Councillor Michael Osborne

Councillor Osborne was elected at the election of 27 March 2004 to represent Ward 2 and then, in 2008 and 2012, to represent Ward 1.

He has been elected by his fellow Councillors to represent the City as the Deputy Lord Mayor and served in 2005, 2008-2009 and 2015-2016.

He also has contributed over the years through a number of Council committees, including the Asset Advisory Board, Hunter Coast and Estuary Management Committee, Newcastle Floodplain Risk Management Committee, Fernleigh Track Committee, Lower Hunter Public Transport Liaison Group and Newcastle Environmental Advisory Panel which became the Newcastle Environmental Advisory Committee, which he has chaired since its inception.

The Newcastle Environmental Advisory Committee and its forerunner the Newcastle Environmental Advisory Panel have provided strategic advice and guidance on a range of Council documents and strategies including the Newcastle Biodiversity Strategy, Newcastle Green Corridor and Landscape Precincts Plan, Newcastle Urban Forest Policy, Carbon and Water Management Policy and Action Plan, Strategic Climate Change Policy, Hunter Estuary Coastal Zone Management Plan, Newcastle Coastal Zone Management Plan, Newcastle Stormwater Management Plan, Urban Water Cycle Policy, Newcastle Environmental Management Plan and the Newcastle Environmental Management Strategy, to name a few.

Councillor Osborne is passionate about improving cycling infrastructure across the City. He helped manage the successful completion of the Fernleigh Track through the Fernleigh Track Committee. He worked with fellow Councillors to get consensus for a comprehensive Cycling Strategy and Action Plan for Newcastle, developed through a working party comprising key cycling advocates and the community of which he was an active member for many years. This initiative was unanimously supported by Councillors from across the political spectrum.

Councillor Osborne has worked hard to improve communication between the community and the Council and initiated the Webcasting of council meetings. He initiated the investigation which led to the introduction of the 'green waste' service, was successful in getting the e-waste collection reinstated and got Council to lobby the State Government, directly and through the NSW Local Government Association, to introduce a Container Deposit Scheme for NSW (this was in December 2008 and the scheme is now set to commence across NSW on 1 December 2017).

Councillor Osborne pushed for the southern part of the Adamstown Army lands and the former east Charlestown bypass lands to be protected in the Glenrock State Conservation Area, gained unanimous support for his motion to extend the boundary of the Hunter Estuary Wetlands Ramsar Site, and for the Watagans to Port Stephens biodiversity corridor to be protected in the national parks estate. Councillor Osborne co-founded and developed the Green Corridor Coalition, an alliance of more than 50 community and environment groups committed to the protection of biodiversity corridors in the Hunter, and is an Honorary Life Member of The Wilderness Society and Convenor of the Board of The Wilderness Society Newcastle.

Councillor Osborne has stood up for good planning decisions, including protecting the good areas across the City and supporting increased development in areas where it is appropriate.

As he has often said in this chamber, he has stood up to represent the interests of the residents and ratepayers of Newcastle.

It would be fitting to explore the option of naming a bridge on the Richmond Vale Rail Trail or on the Pipeline Trail (R8) past the wetlands, after Councillor Michael Osborne, for serving for three terms on Newcastle City Council.

MOTION

Moved by Lord Mayor Cr Nelmes

That Newcastle City Council:

- 1 Notes that this meeting of 22 August 2017 is the last Ordinary Council Meeting of an extended term which began in 2012;
- 2 Congratulates all Staff and Councillors for their contribution throughout this Council term;
- 3 Notes that this meeting marks the final meeting of retiring Councillors, Councillor Michael Osborne, Councillor Stephanie Posniak and Councillor Sharon Waterhouse;

- 4 Congratulates each of our outgoing Councillors for their contribution to the betterment of the City of Newcastle Reports back on options to recognise the service of three-term Councillors.

The motion was put by acclamation.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-89 CCL 22/08/17 - PROPOSED LAND TRANSFER - 299 PACIFIC HIGHWAY MEREWETHER

MOTION

Moved by Cr Osborne, seconded by Cr Clausen

Council resolves to accept the proposed transfer of National Parks & Wildlife Services land being lot 1 in the draft plan to subdivide lot 5 in DP 1016931. In accordance with section 31 of the Local Government Act 1993, the land is to be classified as operational land. Authorisation to accept the land is subject to completion of acquisition due diligence and amendment of the proposed subdivision plan to formally dedicate part of the land for public road purposes.

Carried

ITEM-91 CCL 22/08/17 - MCCAFFREY DRIVE, RANKIN PARK - PROPOSED KERB EXTENSION AT ELBROOK DRIVE

MOTION

Moved by Cr Dunn, seconded by Cr Doyle

Approve the proposed kerb extension and westbound left-turn slip lane extension on McCaffrey Drive, Rankin Park, as shown at **Attachment A**.

Carried

ITEM-97 CCL 22/08/17 - AFFIXATION OF A COUNCIL SEAL TO A DEED OF INDEMNITY

This item related to the requirement to affix Council's seal to a Deed of Indemnity for Council's Interim Chief Executive Officer, Mr Jeremy Bath.

The Deed of Indemnity was received on 18 August 2017 and required execution as a matter of urgency to protect Council's interests.

PROCEDURAL MOTION

Moved by Cr Osborne, seconded by Cr Clausen

The matter of Affixation of a Council Seal to a Deed of Indemnity be heard as a late item of business as it is considered to be of great urgency.

The Lord Mayor accepted the matter of Affixation of a Council Seal to a Deed of Indemnity to be heard as a late item of business.

The procedural motion was put to the meeting.

Carried

MOTION

Moved by Cr Osborne, seconded by Cr Clausen

In accordance with Clause 400(4) of the Local Government (General) Regulation 2015, 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. Jeremy Bath; and
- (b) the Lord Mayor and any one other Councillor, or any two Councillors, witnessing the affixation of Council's seal to the Deed of Indemnity,

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

Carried

ITEM-86 CCL 22/08/17 - EXECUTIVE MONTHLY PERFORMANCE REVIEW - JULY 2017

MOTION

Moved by Cr Clausen, seconded by Cr Osborne

The report be received.

Carried

ITEM-87 CCL 22/08/17 - ADOPTION OF INVESTMENT AND BORROWING POLICY

MOTION

Moved by Cr Clausen, seconded by Cr Osborne

Council adopts the draft Investment and Borrowing Policy (Policy) in the form as at **Attachment A** and in doing so terminates the previously approved individual Investment Policy and Loan Borrowing Policy.

Carried

ITEM-88

CCL 22/08/17 - FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2017 TO BE REFERRED TO COUNCIL'S AUDITORS

MOTION

Moved by Cr Dunn, seconded by Cr Clausen

- 1 That Council notes the preparation of its Financial Statements for the year ended 30 June 2017 are underway and upon completion they will be referred for audit in accordance with the requirements of s. 413 (1) of the Act.
- 2 Council authorises the Lord Mayor, a Councillor, the Interim Chief Executive Officer and the Responsible Accounting Officer to sign the relevant statements in accordance with s. 413 (2) of the Act at the conclusion of the external audit (**Attachments A and B**).

Carried

ITEM-90

CCL 22/08/17 - SUPPLEMENTARY REPORT - OPEN AND TRANSPARENT GOVERNANCE STRATEGY

In moving the motion, Councillor Doyle added a Part B.

MOTION

Moved by Cr Doyle, seconded by Cr Osborne

PART A

- 1 Council approves the placement of the draft Open and Transparent Governance Strategy as set out at **Attachment B**, on public exhibition, during the period between 28 August 2017 to 23 October 2017.
- 2 Council adopts the Communications and Engagement Plan - Open and Transparent Governance Strategy as set out at **Attachment C**.
- 3 Council staff to present a final Strategy in a report to Council after taking into account the submissions and feedback from the public exhibition period and community consultation as detailed in paragraph 2 above.

PART B

Council place the *Charter for Community Consultation and Open Governance* adopted at the Community Forum of 17 August at City Hall on public Exhibition concurrently with the Draft Strategy for relevant public input on incorporating the proposals in this charter into Council's strategy.

In 3.3 of the Strategy document:

Replace

- 1 The main objective of the Public Voice Policy is to provide members of the community with the opportunity to address Councillors on matters falling within the jurisdiction of Council that are of a strategic nature.

With

- 2 The main objective of the Public Voice Policy is to provide members of the community with the opportunity to address Councillors on matters within its charter.

Charter for Community Consultation and Open Governance

These reforms are intended to restore community confidence in the council and the office of Lord Mayor, and to establish systems that ensure the highest level of transparency, accountability and probity in city governance. We seek assurances that the Lord Mayor and Councillors will advocate strongly in the interests of all Newcastle and Hunter residents when dealing with the State Government and its agencies.

PRINCIPLES

- 1 To act honourably, transparently and fairly in the public interest
- 2 To treat all citizens equally
- 3 To be open, truthful and publicly accountable
- 4 To utilise effective dialogue that enables public understanding of issues
- 5 To spend or authorise spending of public money only for public benefit
- 6 To maintain ethical standards with regard to your position or information obtained through your position.

Objective #1:

Establish procedures that ensure the highest level of transparency, accountability and probity

- 1 Make all Councillor/staff workshops and briefings open to the public, subject to the confidentiality provisions of the Local Government Act.
- 2 Amend the Council Code of Conduct and Code of Meeting Practice to remove unnecessary impediments to councillors performing their duties as elected representatives.
- 3 The Lord Mayor, the General Manager and their staff will maintain an online, real-time open diary like those used by some NSW State MPs. It will record the times, participants and discussion topics of any meetings that involve people not employed by council, including but not limited to development or project proponents, lobbyists, government agencies, other elected officials, and community groups.

Objective #2:

Restore community confidence and genuine consultation into Council's practices.

- 4 Establish a network of council-supported, community-based groups or committees who represent the interests of residents in the local communities. (Restore the status of groups such as the previous local Forums and Precinct Committees)
- 5 Create an Internal Council Ombudsman role to independently investigate and respond to complaints about council administration.
- 6 Provide increased opportunities for community members and groups to address the elected council at ordinary council meetings, Public Voice sessions, and site inspections, and remove unnecessary vetting of access to these channels of input.

Objective #3:

Undertake procedural reform to include the community.

- 7 Revitalise and expand Council's committee system as a key structure for community and expert input into council decision-making.
- 8 Implement a fortnightly council meeting cycle by interspersing ordinary Council meetings with meetings of strategic advisory committees.
- 9 Ensure extensive resident consultation before any decision to remove significant local assets, including heritage listed buildings and significant trees or to change zoning status of land in order to allow removal of public assets.
- 10 Improve communication methods with the community to ensure that all residents have an opportunity to be involved in their council e.g. improve Council's website to make it faster, more accessible and easier to use and search.

Councillor Rufo proposed the following amendment to the Strategy Document:

Wording be amended to Point 3.5, *Open and Transparent Disclosures* to include the following statement:

Council will publish monthly a report on the expenses of the Chief Executive Officer, Lord Mayor and Lord Mayor's Office in detail.

The mover and seconder accepted Councillor Rufo's amendment into the motion.

The motion from Councillors Doyle and Osborne including the amendment from Councillor Rufo was put to the meeting.

**Carried
unanimously**

ITEM-92 CCL 22/08/17 - ENDORSEMENT OF NEWCASTLE 2030 END OF TERM REPORT 2012-2017

MOTION

Moved by Cr Osborne, seconded by Cr Clausen

Council endorses the Newcastle 2030 End of Term Report 2012-2017.

Carried

ITEM-93 CCL 22/08/17 - ADOPTION OF THE DRAFT SMART CITY STRATEGY 2017-2021

MOTION

Moved by Cr Osborne, seconded by Cr Clausen

Council resolves to adopt the Newcastle Smart City Strategy 2017-2021 as provided in **Attachment A**.

**Carried
unanimously**

ITEM-94 CCL 22/08/17 - SUPPLEMENTARY REPORT - EXHIBITION OF DRAFT PLANNING AGREEMENT FOR RAIL CORRIDOR LAND BETWEEN WORTH PLACE AND WATT STREET, NEWCASTLE

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

Council resolves to place the draft Newcastle Urban Rail Transformation Program Planning Agreement (**Attachment D**) on public exhibition for 28 Days.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Dunn

Items 94 - Supplementary Report - Exhibition of Draft Planning Agreement for Rail Corridor Land Between Worth Place and Watt Street, Newcastle and 95 - Supplementary Report - Exhibition of Amendment to Section 6.01 Newcastle City Centre of Newcastle Development Control Plan 2012, be debated concurrently.

Carried

ITEM-95

CCL 22/08/17 - SUPPLEMENTARY REPORT - EXHIBITION OF AMENDMENT TO SECTION 6.01 NEWCASTLE CITY CENTRE OF NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

Council resolves to place the draft amendment to Newcastle Development Control Plan 2012 (DCP) Section 6.01 Newcastle City Centre (**Attachment A**) on public exhibition for 28 days.

Councillor Osborne requested public exhibition be extended to 40 days for both items.

The mover and seconder accepted the amendment into the motions.

Councillor Doyle gave notice of a foreshadowed motion.

The motions moved by Councillors Clausen and Dunn, and as amended to extend public exhibition for 40 days, were put to the meeting concurrently.

For the Motion:

Lord Mayor, Cr Nelmes, Councillors Clausen, Dunn and Rufo.

Against the Motion:

Councillors Doyle, Osborne, Posniak and Robinson.

**Carried
casting vote**

ITEM-96

CCL 22/08/17 - SUPPLEMENTARY REPORT - LAND BOUNDED BY MOSBRI CRESCENT AND KITCHENER PARADE THE HILL - ADOPTION OF AMENDMENT TO NEWCASTLE LEP 2012

The Director Planning and Regulatory tabled an All Councillor memo regarding Supplementary Report - Land Bounded by Mosbri Crescent and Kitchener Parade the Hill - Adoption of Amendment to Newcastle LEP 2012 in response to matters raised at the Public Voice meeting of 15 August 2017. It was noted the proponents of the Mosbri Crescent Planning Proposal (NBN Television) requested the item to be deferred to allow sufficient time to provide a detailed response.

MOTION

Moved by Cr Rufo, seconded by Cr Posniak

Council resolves to:

- i) Endorse the attached planning proposal PP_2016_NEWCA_010_00, pursuant to section 55 of the Environmental Planning and Assessment Act 1979 NSW (EP&A Act), in order to amend Newcastle Local Environmental Plan 2012 (LEP) and rezone land bounded by Mosbri Crescent and Kitchener Parade, The Hill that comprises the following land parcels:
 - a) SP6373, SP3058, Lots 10, 12, 13 DP 216346 and Lot 1 DP204077, Nos 1 - 17 Mosbri Crescent, and
 - b) Lot 8 DP216346, SP19610 and Lot 62 DP522440, Nos. 31, 37 and 41 Kitchener Parade, The Hill.
- ii) Forward the planning proposal to the Department of Planning and Environment (DPE) requesting that a draft LEP be prepared and made pursuant to section 59(1) of the EP&A Act.
- iii) Advise the Secretary of the DPE that Council does not seek to exercise delegations for undertaking section 59(1) of the EP&A Act.
- iv) Adopt the new draft Section 6.14 - 11 Mosbri Crescent, The Hill of Newcastle Development Control Plan 2012 and provide public notice advising that this development control take effect on the business day following the date upon which the abovementioned amendment to Newcastle LEP 2012 is made.

PROCEDURAL MOTION

Moved by Cr Rufo, seconded by Cr Posniak

Council note the request from the applicant to defer consideration of the item and that the proposed Amendment to Newcastle Local Environmental Plan 2012 for Land Bounded by Mosbri Crescent and Kitchener Parade The Hill be relisted for Council's consideration at a later date.

For the Procedural Motion:

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

Against the Procedural Motion:

Nil.

Carried

NOTICES OF MOTION

ITEM-20 **NOM 22/08/17 - LAMBTON PARK FENCED OFF LEASH-DOG AREA**

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

Council:

- 1 Notes its previous resolution of 26 April 2017 requiring Council to investigate the development of a fenced dog park in Lambton Park. At the 26 April meeting, Council accepted a petition with more than 107 signatories calling for a fully fenced dog off leash area for play, exercise, socialisation and training in Lambton Park.
- 2 Notes that Council has made available funding in the current financial year (2017/18) to deliver new fenced dog off-leash facilities across the City.
- 3 Receives an update on the status of investigations at Lambton Park, and expected timeframes for the delivery of new fenced off-leash area.
- 4 Receives an additional petition with a further 124 signatories.

Carried

Councillor Clausen tabled the additional petition at the meeting.

ITEM-21 **NOM 22/08/17 - NEED FOR UPGRADED COMMUNITY FACILITIES IN JESMOND**

In moving the motion, Councillor Clausen added an additional point 6:

MOTION

Moved by Cr Clausen, seconded by Cr Doyle

That Council:

- 1 Reaffirms its commitment as a Refugee Welcome Zone (**Attachment A**).
- 2 Notes its commitment to produce a Community Facilities Strategy for implementation under the adopted Social Strategy. A key commitment of the Social Strategy is that Council "*will invest in and promote community facilities and services [that] deliver benefits to the community and provide opportunities for improved levels of physical activity and social interaction.*"

- 3 Receives the comprehensive issues report “The view from the West – Planning for successful refugee integration in Western Newcastle” (**Attachment B**) which recommends Council partner with the State Government to redevelop the Jesmond Neighborhood Centre to address the urgent need for expanded community facilities to support a range of programs delivered by non-for-profits that support Newcastle’s growing refugee and migrant communities.
- 4 Notes letters of support for the re-development of the Jesmond Neighborhood Centre have been received from:
 - a) The University of Newcastle (**Attachment C**)
 - b) Navitas (**Attachment D**)
 - c) Northern Settlement Services (**Attachment E**)
 - d) NSW Service for Treatment and Rehabilitation of Torture and Trauma Survivors (**Attachment F**)
 - e) Toogee Martial Arts (**Attachment G**)
 - f) Zara’s House (**Attachment H**)
 - g) Newcastle Video Moviemakers (**Attachment I**)
 - h) Residents and active users of the Centre (**Attachment J**)
- 5 Prioritise the completion of a draft Community Facilities Strategy for public exhibition, reflecting community feedback, and the clear need to provide upgraded community facilities to service the changing needs of the Greater Jesmond and Wallsend communities.
- 6 Seek opportunities to partner with the NSW Government and the Commonwealth Government, noting recent statements on the need for functional community facilities, to deliver upgrades to the Jesmond Neighbourhood Centre.

**Carried
unanimously**

**ITEM-22 NOM 22/08/17 - AMEND PLANNING PROPOSAL TO PLACE
LIGHT RAIL ON THE RAIL CORRIDOR**

ORIGINAL MOTION - CR DOYLE

Council resolves that prior to the *Draft Plan for Rail Corridor Land Between Worth Place and Watt Street Newcastle* being placed on public exhibition, Council will do whatever is necessary to amend the Draft Plan so that the land affected will be zoned so as to:

- a enable rails to be installed on, and light rail vehicles to operate on the Rail Corridor from Worth Place to Newcastle Station, and
- b require that, where necessary to enable an effective rail service on the Rail Corridor, any buildings on the rail route from Worth Place to Newcastle Station are to be constructed so that all light rail vehicles can pass underneath those buildings.

MOTION

Moved by Cr Doyle, seconded by Cr Osborne

Council resolves that during the public exhibition and community consultation of the *Draft Plan for Rail Corridor Land Between Worth Place and Watt Street Newcastle*, that parts a) and b) below be included as part of the community consultation.

- a enable rails to be installed on, and light rail vehicles to operate on the Rail Corridor from Worth Place to Newcastle Station, and
- b require that, where necessary to enable an effective rail service on the Rail Corridor, any buildings on the rail route from Worth Place to Newcastle Station are to be constructed so that all light rail vehicles can pass underneath those buildings.

Carried

ITEM-23 NOM 22/08/17 - COUNCIL, DESTINATION NSW AND SUPERCARS CONSULTATION

MOTION

Moved by Cr Doyle, seconded by Cr Osborne

Noting that:

- 1 Council resolved, at its meeting of 22 November 2016 to implement a consultation process as follows:

That Council, in collaboration with Destination NSW and Supercars Australia, conducts a series of consultation and information sessions with residents of Newcastle East regarding the Supercars event that is to happen in Newcastle during 2017.

These consultation and information meetings should cover:

- 1 *Council's role in the event,*
 - 2 *The proposed route,*
 - 3 *Vehicle access, including emergency vehicles,*
 - 4 *Governance of noise control and abatement measures,*
 - 5 *Agency responsibilities*
 - 6 *Long term road safety management*
 - 7 *Benefits to local community and Council from this event,*
 - 8 *Potential environmental effects on heritage buildings.*
 - 9 *Potential effects on parkland*
- 2 The consultative process has failed on several occasions to answer the questions or requests of residents and small businesses

Council resolves to:

- 1 Review the consultation process that has occurred so far and rectify the process so that affected residents and small businesses are included in a respectful discussion where all voices are heard and responded to in a timely fashion.
- 2 Communicate Council's concerns regarding the failures of communication to both Destination NSW and Supercars.
- 3 Find an alternative, more suitable venue for subsequent Supercars race events in Newcastle and the Hunter.

PROCEDURAL MOTION

Moved by Cr Rufo, seconded by Cr Robinson

Parts 1 to 2 and subsequent parts 1, 2 and 3 (4, 5 and 6) be moved seriatim

Carried

PART 1

MOTION

Moved by Cr Doyle, seconded by Cr Osborne

Noting that:

- 1 Council resolved, at its meeting of 22 November 2016 to implement a consultation process as follows:

That Council, in collaboration with Destination NSW and Supercars Australia, conducts a series of consultation and information sessions with residents of Newcastle East regarding the Supercars event that is to happen in Newcastle during 2017.

These consultation and information meetings should cover:

- 1 *Council's role in the event,*
- 2 *The proposed route,*
- 3 *Vehicle access, including emergency vehicles,*
- 4 *Governance of noise control and abatement measures,*
- 5 *Agency responsibilities*
- 6 *Long term road safety management*
- 7 *Benefits to local community and Council from this event,*
- 8 *Potential environmental effects on heritage buildings.*
- 9 *Potential effects on parkland*

Carried

PART 2

MOTION

Moved by Cr Doyle, seconded by Cr Osborne

Council notes that the consultative process has failed on several occasions to answer the questions or requests of residents and small businesses.

For the Motion: Councillors Doyle, Osborne, Posniak, Robinson and Rufo.

Against the Motion: Lord Mayor, Cr Nelmes, Councillors Clausen and Dunn.

Carried

PART 3

MOTION

Moved by Cr Doyle, seconded by Cr Osborne

Council resolves to review the consultation process that has occurred so far and rectify the process so that affected residents and small businesses are included in a respectful discussion where all voices are heard and responded to in a timely fashion.

For the Motion: Councillors Doyle, Osborne, Robinson and Rufo.

Against the Motion: Lord Mayor, Cr Nelmes, Councillors Clausen, Dunn and Posniak.

**Defeated
casting vote**

PART 4

Council resolves to communicate Council's concerns regarding the failures of communication to both Destination NSW and Supercars.

For the Motion: Lord Mayor, Cr Nelmes, Councillors Clausen, Doyle, Dunn, Posniak,

Against the Motion: Nil.

Carried

PART 5

Council resolves to find an alternative, more suitable venue for subsequent Supercars race events in Newcastle and the Hunter.

For the Motion: Councillors Doyle and Osborne.

Against the Motion: Lord Mayor, Cr Nelmes, Councillors Clausen, Dunn, Posniak, Robinson and Rufo.

Defeated

CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Dunn

Council resolve into confidential session for the reasons outlined in the business papers.

Carried

Council resolved into confidential session at 8.30pm.

Councillor Clausen left the chamber for discussion on Confidential Item 9 - Purchase of Hunter Water Building - 679A to 681 Hunter Street, Newcastle West, and returned to the meeting at 8.35pm when Council reconvened.

The Interim Chief Executive Officer then reported the resolutions of confidential session.

ITEM-8 CON 22/08/17 - PROPERTY MATTER - CLARENDON HOTEL LEASE

MOTION

Moved by Lord Mayor, Cr Nelmes, seconded by Cr Dunn

- 1 Council resolves to accept a surrender of the existing lease of the Clarendon Hotel at 347 Hunter Street, Newcastle with Raygin Pty Ltd and simultaneously to enter into a new 25 year lease from 1 October 2017.
- 2 Council grant authority to the Interim Chief Executive Officer or his delegate to execute all relevant documentation between Council and Raygin Pty Ltd for the surrender of their existing lease and enter into a new long term lease.
- 3 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 finalisation of the transaction.

Carried

ITEM-9

**CON 22/08/17 - PURCHASE OF HUNTER WATER BUILDING -
679A TO 681 HUNTER STREET, NEWCASTLE WEST**

MOTION

Moved by Cr Osborne, seconded by Cr Robinson

- 1 Council resolves to acquire LOT 2 IN DP 593753 AND PT LOT 110 IN DP 1141210 as identified in the draft subdivision plan for an amount that is within 10% of the Valuation referred to in this report on the terms outlined in this confidential report.
- 2 Delegates to the Interim Chief Executive Officer authority to execute all relevant documentation to effect the transaction.
- 3 To publicly notify the proposal to classify the acquired land as Operational Land in accordance with section 34 of the *Local Government Act 1993*.
- 4 If no public submissions are received objecting to the classification proposal the property is classified as Operational.
- 5 Confidentiality to remain on this item until the transaction has been finalised and Council resolves to lift confidentiality.

Carried

The meeting concluded at 8.40pm.