

## CITY OF NEWCASTLE

### Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 28 June 2016 at 5.30pm.

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#### PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors D Clausen D Compton, T Crakanthorp, T Doyle, J Dunn, B Luke (*retired 8.45pm*), M Osborne, S Posniak, A Rufo (*retired 8.17pm*), 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), A Glauser (Manager Finance), P Moore (Manager Facilities and Recreation), L Burcham (Cultural Director), R Bales (Customer Services Manager), G Essex (Manager Civil Works), F Leatham (Acting Manager Infrastructure Planning), M Cherry (Manager Rates - Debt Management), P Waghorn (Property Management Co-ordinator), P McCarthy (Team Co-ordinator), K Hyland (Manager Communications and Engagement), K Baartz (Communications Manager), B Johnson (Media Officer), K Sullivan (Council Services/Minutes) and A Leach (Council Services/Meetings Management).

#### PRESENTATION

The Lord Mayor presented Council employee Lifeguards, Paul Bernard, Beach Inspector Nobbys Beach and Scott Hammerton, Beach Inspector Newcastle Beach with bravery awards in recognition of highly performed distinguished rescues in dangerous seas during the recent June East Coast Low.

Congratulations were extended by all Councillors and staff.

#### 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

The Lord Mayor called for apologies and leave of absence.

Councillor Robinson was not present at the meeting and an apology was not submitted on his behalf.

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

### **Councillor Luke**

Councillor Luke declared a less than significant non-pecuniary interest in Item 51 - 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.

### **Councillor Compton**

Councillor Compton declared a less than significant non pecuniary interest in Notice of Motion Item 9 - Legal Action Council Amalgamation. He stated as he was an employee of Port Stephens Council he would absent himself from the Chamber for discussion on the item.

### **Councillor Clausen**

Councillor Clausen declared a less than significant non pecuniary interest in Item 52- Adoption of 2013/17 Delivery Program, 2016/17 Operational Plan and 2016/17 Fees and Charges. He stated that a number of submissions were received relating to libraries and those submissions were received from individuals who were members of community groups in which he was involved.

### **Councillor Osborne**

Councillor Osborne declared a less than significant non pecuniary interest in Notice of Motion Item 9 - Legal Action Council Amalgamation. He stated as he was an employee of Port Stephens Council he would absent himself from the Chamber for discussion on the item

### **Councillor Tierney**

Councillor Tierney declared a significant non pecuniary interest in Item 62- Building Better Cities - Proposed Expenditure of Residual Funds. She stated that her employer was a Tier One community housing provider and potentially could tender for that Expression of Interest. Councillor Tierney stated that she would absent herself from the Chamber for discussion on the item.

### **Councillor Compton**

Councillor Compton declared a non pecuniary less than significant interest in Item 62 - Item 62- Building Better Cities - Proposed Expenditure of Residual Funds. He stated that he was a previous recipient of Building Better Cities funding for a project he was previously involved and would absent himself from the Chamber for discussion on the item.

### **Lord Mayor, Cr Nelmes**

The Lord Mayor declared a non pecuniary significant interest in Notice of Motion Item 10 - Protecting Bushland / Zoning of Land at Fletcher. The Lord Mayor advised her interest was as previously stated when the matter was last before Council in that a member of her family was a past member of the Green Corridor Coalition and that family member had been advocating a position in respect to this matter. The Lord Mayor stated that she would absent herself from the Chamber for discussion on the item and that she would request that the Deputy Lord Mayor, Councillor Dunn, to act as Chairperson.

## **PROCEEDINGS IN BRIEF**

Subsequent to the declarations of pecuniary and non pecuniary interest, both Councillors Clausen and Crakanthorp gave notice of late items of business.

The Interim Chief Executive Officer, Frank Cordingley, also gave notice of a late item of business.

## **CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES EXTRAORDINARY COUNCIL MEETING 10 MAY 2016**  
**MINUTES PUBLIC VOICE COMMITTEE 17 MAY 2016**  
**MINUTES ORDINARY COUNCIL MEETING 24 MAY 2016**

### **MOTION**

Moved by Cr Clausen

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

As there no seconder was forthcoming, the motion lapsed.

The Lord Mayor indicated that she would return to the minutes later in the meeting.

## **LORD MAYORAL MINUTE**

**ITEM-2                      LMM 28/06/16 - STOCKTON FORESHORE**

### **MOTION**

Moved by Lord Mayor, Cr Nelmes

That Newcastle City Council -

- A) Investigate the construction of a rock wall to protect the Stockton foreshore from the existing rock wall at north end to the break wall at the south end.
- B) Investigate the Extension of the Bathers Way inside the protection of the wall along the Stockton foreshore. Including the revegetation of the dunes.
- C) Council to consult with local beach user groups such as the surf club, land and dune care groups.

**Carried unanimously**

**ITEM-3****LMM 28/06/16 - SMART CITY****MOTION**

Moved by Lord Mayor, Cr Nelmes

A That Council:

- 1 Establishes a Smart and Innovative City Advisory Committee.
- 2 Adopts the interim Constitution and Terms of Reference, to be reviewed by the Committee within six months of establishment.
- 3 Appoints the Lord Mayor and three Councillors to the Committee.
- 4 Advertise the Committee and seek Expressions of Interest from both the public and targeted networks.
- 5 Work with the State and Commonwealth Government to further its vision as a Smart and Innovative City, including by investigating opportunities to legalise the testing of autonomous electric cars on designated public roads in the Newcastle region

B Councillors Clausen, Compton and Doyle be Council's representatives on the Committee.

**Carried unanimously**

**ITEM-4****LMM 28/06/16 - SUSTAINABLE NEWCASTLE****MOTION**

Moved by The Lord Mayor, Cr Nelmes

- 1 Notes the expanded role of the Clean Energy Finance Corporation (CEFC) incorporating local government financing, and the proposed Commonwealth Sustainable Cities Investment Fund program; and the Commonwealth's Smart Cities Plan.
- 2 Notes that CEFC Financing is available to Local Government for projects including:
  - a Electric and low emission vehicles (including fleet upgrades and EV charging stations)
  - b Energy from waste projects
  - c Rooftop solar PV
  - d Street lighting upgrades
  - e Building upgrades (including meter upgrades, voltage optimization, heating, ventilation and air-condition upgrades, chillers, shading, lighting upgrades and improved window glazing)
  - f Leisure and aquatic centre upgrades
- 3 Notes and reiterates Council's commitment to generating 30% of its operational electricity from low carbon sources, and reducing its overall in electricity usage by 30% (on 2008-09 levels) by 2020.

- 4 Investigates opportunities to utilize the Clean Energy Finance Corporation's Local Government Finance Program to deliver on Council's commitment.
- 5 Investigates opportunities under the Commonwealth's Smart Cities Plan to deliver Newcastle's Smart and Innovative City vision.

**Carried**

## **REPORTS BY COUNCIL OFFICERS**

### **ITEM-51 CCL 28/06/16 - EXECUTIVE MONTHLY PERFORMANCE REPORT - MAY 2016**

#### **MOTION**

Moved by Cr Tierney, seconded by Cr Crakanthorp

The report be received.

**Carried**

### **ITEM-54 CCL 28/06/16 - INTEREST ON OVERDUE RATES AND CHARGES FOR 2016/17**

#### **MOTION**

Moved by Cr Doyle, seconded by Cr Dunn

- 1 Council adopts the rate of 8% per annum on interest on overdue rates and charges for the 2016/17 rating year. This is the maximum allowable by the Minister for Local Government.
- 2 The rate of interest on overdue rates and charges that are deferred against an eligible ratepayer's estate for the 2016/17 rating year be fixed at 3.45% per annum.

**Carried**

### **ITEM-55 CCL 28/06/16 - MAKING OF THE RATE - HUNTER CATCHMENT CONTRIBUTION AND COMMISSION FOR THE YEAR COMMENCING 1 JULY 2016**

#### **MOTION**

Moved by Cr Crakanthorp, seconded by Cr Posniak

- 1 (a) Council notes that Hunter Local Land Services has established the Hunter Catchment Contribution rate for the 2016/17 rating year at 0.011800 of a cent in the dollar on all relevant properties within the Newcastle Local Government Area (LGA), with a land value in excess of \$300.
- (b) Council endorses the levying and collection of the Hunter Catchment Contribution on behalf of Hunter Local Land Services as the rate detailed in Paragraph 1(a) above.

- 2 Council endorses the rate of commission payable to Council for the collection of the 2016/17 Catchment Contribution at 5% of Hunter Catchment Contributions collected, as determined by Hunter Local Land Services.

**Carried**

**ITEM-56 CCL 28/06/16 - ADOPTION OF ASSET MANAGEMENT POLICY 2016**

**MOTION**

Moved by Cr Osborne, seconded by Cr Tierney

Council adopts the draft Asset Management Policy (2016) in the form as attached at **Attachment A** as Council's Asset Management Policy.

**Carried**

**ITEM-58 CCL 28/06/16 - RAINBOW CROSSING**

**MOTION**

Moved by Cr Clausen, seconded by Cr Posniak

Council approves Islington Park as the preferred location to install a rainbow crossing.

**Carried**

**ITEM-59 CCL 28/06/16 - AMENDMENT TO DEVELOPMENT CONTROLS FOR THE NON-LEASED PARTS OF THE PORT OF NEWCASTLE - NEWCASTLE DEVELOPMENT CONTROL PLAN 2012**

**MOTION**

Moved by Cr Tierney, seconded by Cr Waterhouse

Council resolves to:

- i) Place the draft amendments to Newcastle Development Control Plan 2012 as provided in **Attachment A** on public exhibition for 28 days; and
- ii) Write to the Department of Planning and Environment to seek the return of the Intertrade site at Mayfield (shown as a 'deferred matter' under the Three Ports SEPP) to the Newcastle Local Environmental Plan 2012 to allow appropriate zones and development controls to be developed in consultation with the community.

**For the Motion:**

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

**Against the Motion:**

Nil.

**Carried**

**ITEM-60**                      **CCL 28/06/16 - AMENDMENT TO SECTION 7.06  
STORMWATER - NEWCASTLE DEVELOPMENT CONTROL  
PLAN 2012**

**MOTION**

Moved by Cr Doyle, seconded by Cr Clausen

Council approves placing the draft amendments to Section 7.06 Stormwater and Section 9.00 Glossary of Newcastle Development Control Plan 2012, as provided in **Attachments A & B**, on public exhibition for a period of four weeks.

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

**Against the Motion:**                      Nil.

**Carried**

**ITEM-61**                      **CCL 28/06/16 - HERITAGE CONSERVATION AREA REVIEW  
PROJECT**

**MOTION**

Moved by Cr Tierney, seconded by Cr Waterhouse

Council endorses the Review of Heritage Conservation Areas Final Report, provided in **Attachment A**.

**Carried**

**ITEM-52**                      **CCL 28/06/16 - ADOPTION OF 2013-2017 DELIVERY  
PROGRAM, 2016/17 OPERATIONAL PLAN AND 2016/17 FEES  
AND CHARGES**

**MOTION**

Moved by Lord Mayor Cr Nelmes, seconded by Cr Dunn

A     Council adopts the revised 2013-17 Delivery Program in the form as attached at **Attachment A**, the 2016/17 Operational Plan in the form as attached at **Attachment B** and the 2016/17 Fees and Charges in the form as attached at **Attachment C**.

B     That Council

1     Notes the memo from Director Planning and Regulatory dated 6 June 2016 regarding room hire, fees and charges at Council's libraries.

2     Develops a policy which ensures that community groups and non-for-profits are not charged for booking meeting space at Council's libraries when they do not expect exclusive use.

**For the Motion:**

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

**Against the Motion:**

Councillors Compton, Luke, Tierney and Waterhouse.

**Carried**

**ITEM-53****CCL 28/06/16 - MAKING OF THE RATES AND CHARGES FOR 2016/17****MOTION**

Moved by Cr Clausen, seconded by Cr Posniak

1 Council makes the following rates and charges for the 2016/17 financial year:

RATE	MINIMUM RATE	AD Valorem Amount Cents in \$	BASE AMOUNT		ESTIMATED RATE YIELD P.A. \$'s
			\$	% of Total Rates	
<b>Ordinary Rates</b>					
Residential	Nil	0.208437	621.84	50	77,422,009
Farmland	\$829.90	0.350100	Nil	Nil	37,072
Business	\$829.90	1.736442	Nil	Nil	33,689,726
<b>Business Sub-Categories</b>					
Major Commercial Shopping Centre - Kotara	\$829.90	2.810197	Nil	Nil	1,222,435
Major Commercial Shopping Centre - Jesmond	\$829.90	3.776598	Nil	Nil	479,628
Major Commercial Shopping Centre - Waratah	\$829.90	4.191554	Nil	Nil	337,420
Major Commercial Shopping Centre - Wallsend	\$829.90	4.601706	Nil	Nil	384,242
Major Commercial Shopping Centre - The Junction	\$829.90	3.255166	Nil	Nil	180,336
Major Commercial Shopping Centre - Inner City	\$829.90	2.041922	Nil	Nil	290,157
Suburban Shopping Centres.	\$829.90	2.664679	Nil	Nil	241,686
Suburban Shopping Centres - Inner City	\$829.90	2.203108	Nil	Nil	127,145
Suburban Shopping Centres - Mayfield	\$829.90	3.516680	Nil	Nil	149,107
Kotara - Homemaker's Centre	\$829.90	1.375300	Nil	Nil	479,705
Kooragang Industrial Coal Zone	\$829.90	1.478340	Nil	Nil	520,232
Kooragang North Industrial Coal Zone	\$829.90	2.026475	Nil	Nil	1,171,303
Kooragang Industrial Centre - Walsh Point	\$829.90	1.594072	Nil	Nil	1,039,335



Kooragang Industrial Centre	\$829.90	1.336980	Nil	Nil	1,346,608
Mayfield North Heavy Industrial Centre	\$829.90	0.837823	Nil	Nil	483,424
Mayfield North Industrial Centre	\$829.90	1.346165	Nil	Nil	351,627
Mayfield North Industrial Centre - Future Development	\$829.90	1.699145	Nil	Nil	292,100
Carrington Industrial Coal and Port Zone	\$829.90	2.629580	Nil	Nil	1,181,997
Carrington Industrial Centre	\$829.90	1.889113	Nil	Nil	1,085,747
Carrington Industrial Port Operations Use	\$829.90	2.110279	Nil	Nil	224,576
Broadmeadow Industrial Centre	\$829.90	3.084100	Nil	Nil	128,299
Hexham Industrial Centre	\$829.90	2.390206	Nil	Nil	746,625
<b>Special Rates</b>					
Hunter Mall	Nil	0.282446	Nil	Nil	86,775
Mayfield Business District	Nil	0.106000	Nil	Nil	73,766
Hamilton Business District - Zone A	Nil	0.203678	Nil	Nil	83,945
Hamilton Business District - Zone B	Nil	0.101839	Nil	Nil	34,166
Hamilton Business District - Zone C	Nil	0.050919	Nil	Nil	13,440
Wallsend Business District - Zone A	Nil	0.382298	Nil	Nil	99,983
Wallsend Business District - Zone B	Nil	0.191149	Nil	Nil	13,652
Wallsend Business District - Zone C	Nil	0.286724	Nil	Nil	23,941
New Lambton Business District	Nil	0.123715	Nil	Nil	14,350
City Centre - City East	Nil	0.343256	Nil	Nil	177,900
City Centre - Darby St	Nil	0.075378	Nil	Nil	28,044
City Centre - City West (Close Zone)	Nil	0.148870	Nil	Nil	242,248
City Centre - City West (Distant Zone)	Nil	0.074435	Nil	Nil	21,186
City Centre – Tower	Nil	0.343256	Nil	Nil	171,614
City Centre – Mall	Nil	0.343256	Nil	Nil	119,375
City Centre – Civic (Close Zone)	Nil	0.192461	Nil	Nil	86,528
City Centre – Civic (Distant Zone)	Nil	0.096231	Nil	Nil	6,263
<b>TOTAL</b>					<b>124,909,717</b>

- 2 An Ordinary Rate of zero point two zero eight four three seven cents (0.208437c) in the dollar with a 50% base charge of six hundred and twenty one dollars and eighty four cents (\$621.84) named **RESIDENTIAL**, apply to all rateable land in The City of Newcastle Local Government Area (LGA) categorised as Residential.
- 3 An Ordinary Rate of zero point three five zero one zero zero cents (0.350100c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **FARMLAND**, apply to all rateable land in The City of Newcastle LGA categorised as Farmland.

- 4 An Ordinary Rate of one point seven three six four four two cents (1.736442c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS**, apply to all rateable land in The City of Newcastle LGA categorised as Business **except** that rateable land determined to be in the Business Sub-Categories - Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Suburban Shopping Centres, Suburban Shopping Centres (Inner City), Suburban Shopping Centre - Mayfield, Kotara, Homemaker’s Centre, Kooragang Industrial Coal Zone, Kooragang North Coal Zone, Kooragang Industrial Centre, Kooragang Industrial Centre - Walsh Point, Mayfield North Heavy Industrial Centre, Mayfield North Industrial Centre, Mayfield North Future Industrial Development Centre, Carrington Industrial Coal Zone, Carrington Industrial Centre, Carrington Industrial Port Operations Use, Carrington Industrial Coal and Port Zone, Broadmeadow Industrial Centre and Hexham Industrial Centre.
- 5 An Ordinary Rate of two point eight one zero one nine seven cents (2.810197c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - KOTARA**, apply to all rateable land in The City of Newcastle LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Kotara providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of thirty (30) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Kotara.
- 6 An Ordinary Rate of three point seven seven six five nine eight cents (3.776598c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - JESMOND**, apply to all rateable land in The City of Newcastle LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Jesmond providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Jesmond.

- 7 An Ordinary Rate of four point one nine one five five four cents (4.191554c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WARATAH**, apply to all rateable land in The City of Newcastle LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Waratah providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres - Waratah.
- 8 An Ordinary Rate of four point six zero one seven zero six cents (4.601706c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES - WALLSEND**, apply to all rateable land in The City of Newcastle LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of Wallsend providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major **COMMERCIAL SHOPPING CENTRES - WALLSEND**.
- 9 An Ordinary Rate of three point two five five one six six cents (3.255166c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES – THE JUNCTION**, apply to all rateable land in The City of Newcastle LGA, being utilised as a Major Commercial Shopping Centre. "Major Commercial Shopping Centre" being defined as a centre of commercial activity within the suburb of The Junction providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres – The Junction.
- 10 An Ordinary Rate of two point zero four one nine two two cents (2.041922c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS - MAJOR COMMERCIAL SHOPPING CENTRES (INNER CITY)**, apply to all rateable land in The City of Newcastle LGA situated at Newcastle West within the centre of activity defined by Parry, National Park, King and Ravenshaw Streets, being utilised as a Major Commercial Centre (Inner City). "Major Commercial Centre – (Inner City)" being defined as a centre of commercial activity providing at least six thousand square metres (6,000m<sup>2</sup>) of floor space and which incorporates a major anchor tenant trading as a supermarket outlet together with a minimum of twenty (20) specialty stores and service outlets. This land is categorised as Sub-Category Business - Major Commercial Shopping Centres (Inner City).

- 11 An Ordinary Rate of two point six six four six seven nine cents (2.664679c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS – SUBURBAN SHOPPING CENTRES**, apply to all rateable land in The City of Newcastle LGA, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than 6000m<sup>2</sup> which operates as a Supermarket excepting the land categorised as Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City) or Suburban Shopping Centre - Mayfield. This land is categorised as Sub-category Business - Suburban Shopping Centres.
- 12 An Ordinary Rate of two point two zero three one zero eight cents (2.203108c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS – SUBURBAN SHOPPING CENTRES – INNER CITY**, apply to all rateable land in The City of Newcastle LGA, being utilised as an Inner City Suburban Shopping Centre. "Inner City Suburban Shopping Centre" being defined as a centre of commercial activity within the suburb of Newcastle West or Hamilton situated on a site of greater than four thousand and nine hundred square metres (4,900m<sup>2</sup>) which operates as a Supermarket excepting the land categorised as Major Commercial Shopping Centres - Kotara, Major Commercial Shopping Centres – Jesmond, Major Commercial Shopping Centres – Waratah, Major Commercial Shopping Centres - Wallsend, Major Commercial Shopping Centres – The Junction, Major Commercial Centres (Inner City), Suburban Shopping Centre – Mayfield and Suburban Shopping Centres. This land is categorised as Sub-category Business - Suburban Shopping Centres – Inner City.
- 13 An Ordinary Rate of three point five one six six eight zero cents (3.516680c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS – SUBURBAN SHOPPING CENTRE - MAYFIELD** apply to all rateable land in The City of Newcastle LGA within the suburb of at Mayfield, being utilised as a Suburban Shopping Centre. "Suburban Shopping Centre" being defined as a centre of commercial activity situated on a site of greater than six thousand and nine hundred square metres (6,000m<sup>2</sup>) which operates as a Supermarket. This land is categorised as sub-category Business – Suburban Shopping Centre - Mayfield.
- 14 An Ordinary Rate of one point three seven five three zero zero cents (1.375300c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS – KOTARA HOMEMAKER'S CENTRE** apply to all rateable land in The City of Newcastle LGA situated at Kotara, used for commercial purposes, within the centre of activity defined by Northcott Drive, Bradford Close, the northern and western boundaries of Lot 501 DP 1174032, the northern and eastern boundaries of Lot 181 DP 850168 and the southern boundary of Lot 220 DP 1014716. This land is categorised as sub-category Business – Kotara Homemaker's Centre.

- 15 An Ordinary Rate of one point four seven eight three four zero cents (1.478340c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS – KOORAGANG INDUSTRIAL COAL ZONE** apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by the suburb of Kooragang being Lot 11 DP 841542, Lot 121 DP 874949, Lot 1 DP 1097327, Lot 5 DP 1097327, Lots 2, 5, 7, 9 DP 775774, Lot 1 DP 775775, Lot 1 DP 869622, Lot 18 DP 1119752. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang Industrial Coal Zone.
- 16 An Ordinary Rate of two point zero two six four seven five cents (2.026475c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS – KOORAGANG NORTH INDUSTRIAL COAL ZONE** apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by the suburb of Kooragang being Lots 2, 3, 6, 16 DP1119752, Lot 61 DP 1184395, Lot 62 DP 1184943, Lot 16 DP 262783, Lots 8 DP 1119752, Lots 29, 30, 31, 32 and 33 DP 1184229, Lots 4, 5, 6, 10, 11, 12 DP 1207051, Lots 3, 7, 8, 9, 13, 14, 15 DP 1207051 and Lot 22 DP 1155723. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Kooragang North Industrial Coal Zone.
- 17 An Ordinary Rate of one point five nine four zero seven two cents (1.594072c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE WALSH POINT** apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by the suburb of Kooragang being Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22 DP 234887, Lots 6, 7 DP 262783, Lots 1, 2, 3 DP 557904, Lot 1 DP575674, Lots 2, 6, 7, 8, 9 DP 775772, Lots 11, 12, 13, 14, 17, 18, 19, 20, 22, 23 DP 775773, Lots 2, 4, 5, 7, 8, 9, 10, 14 DP 775775, Lots 29, 31, 32, 33, 35, 37, 38, 39, 40, 41, 42 DP 775776, Lots 44, 45, 46, 47, 48, 49, 50, 51, 53 DP 775777, Lots 60, 61, 62, 63 DP 802700, Lot 3 DP 858206, Lots 2, 4, 5 DP1015754, Lots 201, 202, 203, 204, 205, 206, 208, 210 DP 1017038, Lots 210, 211 DP 1018949, Lots 520, 521 DP 1018950, Lots 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 DP 1018951, Lots 131, 132 DP 1018952, Lot 362 DP 1104196, Lot 15 DP 1119752, Lot 12, 13 DP 1144748, Lots 1, 2 DP 1184514, Lots 1, 2, 3, 4 DP 1191912, Lots 94, 95 DP 1191913, Lots 41, 42, 43, 44 DP 1193134, Lot 2 DP 1195449, Lots 151, 152, 153 DP 1202468, Lots 91, 92 DP 1202475 and Lot 3 in DP 234288. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act located within this centre of activity which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorized Business – Kooragang Industrial Centre. This land is categorised as sub-category Business – Kooragang Industrial Centre Walsh Point.

- 18 An Ordinary Rate of one point three three six nine eight zero cents (1.336980c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS – KOORAGANG INDUSTRIAL CENTRE** apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by the suburb of Kooragang. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act located in Kooragang which is not sub categorised as Business – Kooragang Industrial Coal Zone or not sub categorised as Business – Kooragang North Industrial Coal Zone or not sub categorised as Business – Kooragang Industrial Centre Walsh Point. This land is categorised as sub-category Business – Kooragang Industrial Centre.
- 19 An Ordinary Rate of zero point eight three seven eight two three cents (0.837823c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS – MAYFIELD NORTH HEAVY INDUSTRIAL CENTRE** apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by all land contained within, Lot 225 DP 1013964, Lot 224 DP 1013964, Lot 2 DP 1204573 and Lot 2 DP 1184257 and zoned SP1 – Special Activities under the State Environmental Planning Policy (Three Ports) 2009. This land is categorised as sub-category Business - Mayfield North Heavy Industrial Centre.
- 20 An Ordinary Rate of one point three four six one six five cents (1.346165c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE** apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by Lot 10 DP 625019, Lot 1 DP 403544, Lot 1 DP 528411, Lot 2 DP 207307, Lot 3 DP 259009, Lot 1 DP 880225, Lots 1, 2 DP 1177466, Lots 36, 37, 38, 39, 40 DP 1191723 and Lot Pt 1 DP 207307. This land is categorised as sub-category Business - Mayfield North Industrial Centre.
- 21 An Ordinary Rate of one point six nine nine one four five cents (1.699145c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS – MAYFIELD NORTH INDUSTRIAL CENTRE FUTURE DEVELOPMENT** apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by Lots 41, 42, 43, 44, 45 in DP 1191982. This land is categorised as sub-category Business - Mayfield North Industrial Centre Future Development.
- 22 An Ordinary Rate of two point six two nine five eight zero cents (2.629580c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS – CARRINGTON INDUSTRIAL COAL AND PORT ZONE** apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by all land within Lot 1 DP 1044636 Lots 1, 2 DP 1104199, the land contained within Railway Land Lease reference number 115/75/2261, Lots 3, 4 DP 1104199, Lots 1, 2, 3 DP 1187068, Lot 30 DP 1190075, Lots 8 and 11 DP 1190231, Lots 12, 13, 14, 15, 16 DP 1190232, Lots 110, 111, 113 DP 1191911, Lots 91, 92, 93 DP 1193181, Lots 1, 2, 3 DP 1195231, Lots 219, 220 DP 1195310. This land is categorised as sub-category Business - Carrington Industrial Coal and Port Zone.

- 23 An Ordinary Rate of two point one one zero two seven nine cents (2.110279c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS – CARRINGTON INDUSTRIAL PORT OPERATIONS USE** apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by all land within Lot 11 DP 1023961, Lot 27 DP 842685 Lot 101 DP 1014244, Lot 1014 DP 1143277, Lot 33 DP 1078910 and Lot 1 DP 834572. This land is categorised as sub-category Business - Carrington Industrial Port Operations Use.
- 24 An Ordinary Rate of one point eight eight nine one one three cents (1.889113c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS – CARRINGTON INDUSTRIAL CENTRE** apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by all land with an area of greater than than six hundred square metres (600m<sup>2</sup>) zoned SP1 – Special Activities under the State Environmental Planning Policy (Three Ports) 2009 and located within the suburb of Carrington and the land known as Lot 1 DP 1097368 excepting that land categorised as Business - Carrington Industrial Coal and Port Zone or the land categorised as Business - Carrington Industrial Port Operations Use. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business – Carrington Industrial Centre.
- 25 An Ordinary Rate of three point zero eight four one zero zero cents (3.084100c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS – BROADMEADOW INDUSTRIAL** apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by all land within Lot 221 DP 1012345. This land is categorised as sub-category Business - Broadmeadow Industrial.
- 26 An Ordinary Rate of two point three nine zero two zero six cents (2.390206c) in the dollar with a minimum rate of eight hundred and twenty nine dollars and ninety cents (\$829.90) named **BUSINESS – HEXHAM INDUSTRIAL CENTRE** apply to all rateable land in The City of Newcastle LGA within the centre of activity defined by all land wholly or partly contained in a “parcel of land” as defined within the Valuation of Land Act NSW 1916, which is zoned IN3 Heavy Industrial under the Newcastle Local Environmental Plan 2012 and located within the suburb of Hexham excepting Lots 2 and 3 DP 874409 and Lot 1 DP 90824. This sub categorisation applies to all land categorised as Business in terms of Section 518 of the Act within the defined area. This land is categorised as sub-category Business - Hexham Industrial Centre.
- 27 A Special Rate of zero point two eight two four four six cents (0.282446c) in the dollar named **HUNTER MALL**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the “Hunter Mall Town Improvement District” as defined in **Attachment A** for the purpose of defraying the cost of continuing additional horticultural and cleansing services and street furnishings determined to be of special benefit to the said Hunter Mall Town Improvement District.

- 28 A Special Rate of zero point one zero six zero zero zero cents (0.106000c) in the dollar named **MAYFIELD BUSINESS DISTRICT**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the "Mayfield Business District" as defined in **Attachment B** for the purpose of defraying the additional cost of promotion, beautification and development of the Mayfield Business District determined to be of special benefit to the said Mayfield Business District.
- 29 A Special Rate of zero point two zero three six seven eight cents (0.203678c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the "Hamilton Business District" as defined in **Attachment C** for the purpose of defraying the additional cost of promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District.
- 30 A Special Rate of zero point one zero one eight three nine cents (0.101839c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the "Hamilton Business District" as defined in **Attachment D** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District.
- 31 A Special Rate of zero point zero five zero nine one nine cents (0.050919c) in the dollar named **HAMILTON BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the "Hamilton Business District" as defined in **Attachment E** for the purpose of defraying the additional cost promotion, beautification and development of the Hamilton Business District determined to be of special benefit to the said Hamilton Business District.
- 32 A Special Rate of zero point three eight two two nine eight cents (0.382298c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE A**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the "Wallsend Business District" as defined in **Attachment F** for the purpose of defraying the additional cost promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District.
- 33 A Special Rate of zero point one nine one one four nine cents (0.191149c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE B**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the "Wallsend Business District" as defined in **Attachment G** for the purpose of defraying the additional cost promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District.



- 34 A Special Rate of zero point two eight six seven two four cents (0.286724c) in the dollar named **WALLSEND BUSINESS DISTRICT - ZONE C**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the "Wallsend Business District" as defined in **Attachment H** for the purpose of defraying the additional cost of promotion, beautification and development of the Wallsend Business District determined to be of special benefit to the said Wallsend Business District.
- 35 A Special Rate of zero point one two three seven one five cents (0.123715c) in the dollar named **NEW LAMBTON BUSINESS DISTRICT**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the "New Lambton Business District" as defined in **Attachment I** for the purpose of defraying the additional cost of promotion, beautification and development of the New Lambton Business District determined to be of special benefit to the said New Lambton Business District.
- 36 A Special Rate of zero point three four three two five six cents (0.343256c) in the dollar named **CITY CENTRE - CITY EAST**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the "City Centre Benefit Area - City East" as defined in **Attachment J** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City East determined to be of special benefit to the said City Centre Benefit Area - City East.
- 37 A Special Rate of zero point zero seven five three seven eight cents (0.075378c) in the dollar named **CITY CENTRE - DARBY STREET**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the "City Centre Benefit Area -Darby Street" as defined in **Attachment K** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Darby Street determined to be of special benefit to the said City Centre Benefit Area -Darby Street.
- 38 A Special Rate of zero point one four eight eight seven zero cents (0.148870c) in the dollar named **CITY CENTRE - CITY WEST (CLOSE ZONE)**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the "City Centre Benefit Area - City West" as defined in **Attachment L** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City West (Close Zone) determined to be of special benefit to the said City Centre Benefit Area - City West (Close Zone).
- 39 A Special Rate of zero point zero seven four four three five cents (0.074435c) in the dollar named **CITY CENTRE - CITY WEST (DISTANT ZONE)**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the "City Centre Benefit Area -City West" as defined in **Attachment M** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - City West (Distant Zone) determined to be of special benefit to the said City Centre Benefit Area - City West (Distant Zone).

- 40 A Special Rate of zero point three four three two five six cents (0.343256c) in the dollar named **CITY CENTRE - TOWER** apply to part of the rateable land within The City of Newcastle LGA constituted and known as the “City Centre Benefit Area - Tower” as defined in **Attachment N** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Tower determined to be of special benefit to the said City Centre Benefit Area - Tower.
- 41 A Special Rate of zero point three four three two five six cents (0.343256c) in the dollar named **CITY CENTRE – MALL**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the “City Centre Benefit Area - Mall” as defined in **Attachment O** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area - Mall determined to be of special benefit to the said City Centre Benefit Area - Mall.
- 42 A Special Rate of zero point one nine two four six one cents (0.192461c) in the dollar named **CITY CENTRE - CIVIC (CLOSE ZONE)**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the “City Centre Benefit Area – Civic (Close Zone)” as defined in **Attachment P** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Close Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Close Zone).
- 43 A Special Rate of zero point zero nine six two three one cents (0.096231c) in the dollar named **CITY CENTRE - CIVIC (DISTANT ZONE)**, apply to part of the rateable land within The City of Newcastle LGA constituted and known as the “City Centre Benefit Area –Civic (Distant Zone)” as defined in **Attachment Q** for the purpose of defraying the additional cost of promotion, beautification and development of the City Centre Benefit Area – Civic (Distant Zone) determined to be of special benefit to the said City Centre Benefit Area – Civic (Distant Zone).
- 44 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars (\$25.00) per non-strata property and twelve dollars and fifty cents (\$12.50) per Strata/Company Title unit for the provision of stormwater management services. This charge applies to all rateable land categorised as Residential not being an exclusion as outlined in Section 496A(2) of the Act as amended.
- 45 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars \$25.00 per three hundred and fifty square meters (350m<sup>2</sup>) or part thereof, of land area capped at a maximum of \$1,000 for each non-strata property. This charge applies to all non-strata or non-company title rateable land categorised as Business not being an exclusion as outlined in Section 496A(2) of the Act as amended.

- 46 A **STORMWATER MANAGEMENT SERVICE CHARGE** of twenty five dollars \$25.00 per three hundred and fifty square meters 350m<sup>2</sup> or part thereof, of land area occupied by the strata scheme, capped at a maximum of \$1,000, divided between each unit based on the unit entitlement of each business lot divided by the total unit entitlement of strata lots within the scheme. This charge applies to all strata or company title rateable land categorised as Business where the dominant use of the strata development is for business purposes, not being an exclusion as outlined in Section 496A(2) of the Act as amended.
- 47 A **DOMESTIC WASTE MANAGEMENT SERVICE CHARGE** of three hundred and forty dollars and nine cents (\$340.09) for the provision of domestic waste management services for each parcel of rateable land for which the service is available in The City of Newcastle LGA.
- 48 A **BUSINESS WASTE MANAGEMENT SERVICE CHARGE** of two hundred and thirty one dollars and fifty one cents (\$231.58) for the provision of waste management services (other than domestic waste management services), on each parcel of rateable land categorised as Business or sub-categorised as one of the Business sub-categories referred to in the table within paragraph 1 of this report, for which the service is provided or proposed to be provided in The City of Newcastle LGA.

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

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

**Carried**

**ITEM-57 CCL 28/06/16 - YOUNG STREET CARRINGTON STREETScape UPGRADE EXHIBITION**

**MOTION**

Moved by Cr Osborne, seconded by Cr Posniak

- A 1 Council resolves to place the Young Street, Carrington Streetscape Upgrade Plans Option 1 and Option 2 (**Attachment A and Attachment B**) on public exhibition for a period of 28 days.
- 2 To endorse the consultation strategy as outlined in this report.
- 3 That a report be placed back before Council on the preferred plan following public exhibition.

B Council Officers to investigate the following concerns raised by the Carrington Community Council and local residents and report back to Council:

- Traffic safety in Young Street
- Cycleways in Young Street
- Contamination
- Low lying land study (Stage 3)

**Carried unanimously**

**ITEM-62 CCL 28/06/16 - BUILDING BETTER CITIES COMMITTEE - PROPOSED EXPENDITURE OF RESIDUAL FUNDS**

Councillors Compton and Tierney left the Chamber for discussion on this item.

**MOTION**

Moved by Cr Doyle, seconded by Cr Posniak

Council resolves to undertake a targeted Expressions of Interest process to seek affordable housing proposals from Tier One community housing providers registered under the National Regulatory System Community Housing using residual Building Better Cities funds valued at \$3.01M.

**Carried unanimously**

Councillors Compton and Tierney returned to the Chamber at the conclusion of this item.

**ITEM-63 CCL 28/06/16 - ANNUAL FEES FOR THE LORD MAYOR AND COUNCILLORS 2016/17**

**MOTION**

Moved by Cr Clausen, seconded by Cr Doyle

Council approves:

- (i) an increase of 2.5% to the annual fees payable to the Lord Mayor in accordance with s. 249(1) of the Local Government Act 1993 ( Act);
- (ii) an increase of 2.5% to the annual fees payable to Councillors in accordance with s. 248(1) of the Act;
- (iii) the payment to the Lord Mayor of the increased annual fee payable to the mayor as provided for in accordance with s. 249(1) of the Act and the payment to the Lord Mayor of the increased annual fee payable to Councillors in accordance with 248(1) of the Act, as provided for in s. 249(2) of the Act; and
- (iv) the payment in the increased annual fees to the Lord Mayor and the Councillors be effective from the first full pay period in the 2016/17 financial year.

Councillor Luke gave notice of a foreshadowed motion that being a nil increase to the annual fees payable to the Lord Mayor and Councillors.

The motion was put to the meeting.

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

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

**Carried**

## NOTICES OF MOTION

### ITEM-7 **NOM 28/06/16 - NEWCASTLE TO BECOME AN OFFICIAL RV FRIENDLY TOWN OR DESTINATION**

#### **MOTION**

Moved by Cr Osborne, seconded by Cr Doyle

1. That Council work with the Campervan and Motorhome Club of Australia to initiate the assessment process for official RV Friendly Town and/or RV Friendly Destination accreditation.
2. That Council receive a report on:
  - a) the extent to which Newcastle currently does and does not comply with the relevant criteria outlined in the Campervan and Motorhome Club of Australia's "RV Friendly Town" and "RV Friendly Destination" assessment forms;
  - b) the relevant accreditation process, and any actions that would probably be required to meet the relevant criteria;
  - c) any estimated associated costs and probable cost/benefit, and how any costs could be funded; and
  - d) any potential relevant issues arising from accreditation, and recommended strategies for managing such issues.
3. That the Campervan and Motorhome Club of Australia be invited to provide a briefing to Council on their program at a Briefings Committee meeting.

**Carried unanimously**

### ITEM-8 **NOM 28/06/16 - INCLUSIVE REPRESENTATION OF SPORTS**

#### **MOTION**

Moved by Cr Doyle, seconded by Cr Osborne

That Newcastle City Council affirms its commitment to:

- Encouraging a healthy lifestyle for all residents;
  - Ensuring that, where appropriate, council-commissioned artworks and publications serve the purpose of depicting and celebrating the diverse practices and achievements of local residents who engage in healthy and enjoyable sporting activities; and
  - Representing that diverse range of sporting achievement in a manner that is gender, ability and ethnically inclusive.
-

To ensure that this commitment is consistently put into practice, Council request Council Officers to explore ways that funds may be raised to commission new murals or alternative artworks at an appropriate point or points along Newcastle's Bathers Way. These artworks or murals would depict a greater diversity, especially gender diversity, of sporting achievement than is currently on display along Newcastle's beaches and coastal parks.

**Carried**

## **ITEM-9                    NOM 28/06/16 - LEGAL ACTION COUNCIL AMALGAMATION**

Councillors Compton and Osborne left the Chamber for discussion on this item.

Councillor Doyle tabled an alternate motion at the meeting.

### **ORIGINAL MOTION**

That Council:

- 1 Take all appropriate legal action to protect Council against forced amalgamation, whether by joining an action presently on foot or by commencing fresh proceedings and that any such action be commenced as soon as reasonably practicable.
- 2 Delegate to the Lord Mayor, Deputy Lord Mayor, Interim Chief Executive Officer, Frank Cordingley, to engage the services of an appropriate legal firm within two (2) business days;
- 3 Receive a confidential briefing from the Interim Chief Executive Officer and/or engaged legal counsel as to any such action as soon as practicable; and
- 4 Delegate the Lord Mayor the authority to act on behalf of Council in relation to any legal action pursued in consequence of this motion.

### **ALTERNATE MOTION**

#### **MOTION**

Moved by Cr Doyle, seconded by Cr Posniak

That Council:

- 1 Obtain independent legal advice regarding the prospects of a successful challenge to the proposed forced amalgamation of Newcastle City and Port Stephens Councils, whether by joining an action presently on foot or by commencing fresh proceedings.
- 2 Delegate to the Lord Mayor, Deputy Lord Mayor, Interim Chief Executive Officer (CEO), Frank Cordingley, to engage the services on an appropriate legal firm within two (2) business days.
- 3 Receive a confidential briefing from the Interim CEO and/or engaged legal counsel as to any such action as soon as practicable.

- 4 Delegate the Lord Mayor, Deputy Lord Mayor and Interim CEO, the authority to act on behalf of Council in relation to any legal action pursued in consequence of this motion.

#### **AMENDMENT**

Moved by Cr Tierney, seconded by Cr Luke

That Council:

- 1 Obtain independent legal advice regarding the prospects of a successful challenge to the proposed forced amalgamation of Newcastle City and Port Stephens Councils, whether by joining an action presently on foot or by commencing fresh proceedings.
- 2 Delegate to the Lord Mayor, Deputy Lord Mayor, Interim Chief Executive Officer (CEO), Frank Cordingley, to engage the services on an appropriate legal firm within two (2) business days.
- 3 Receive a confidential briefing from the Interim CEO and/or engaged legal counsel as to any such action as soon as practicable.

The amendment was put to the meeting.

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

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

**Defeated**

The alternate motion was put to the meeting.

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

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

**Carried**

Councillors Compton and Osborne returned to the meeting at the conclusion of this item.

#### **ITEM-10                      NOM 28/06/16 - PROTECTING BUSHLAND / ZONING OF LAND AT FLETCHER**

The Lord Mayor left the Chamber for the discussion on this item and requested the Deputy Lord Mayor to take the Chair.

The Deputy Lord Mayor assumed the Chair.

Councillor Osborne tabled an alternate motion at the meeting.

## **ORIGINAL MOTION**

That Council

- (1) Reaffirm its decision of 8 December 2015 in relation to Item-128 CCL 08/12/15 - 505 Minmi Road Fletcher - Adoption of Amendment to Newcastle Local Environmental Plan 2012, to not proceed with the Planning Proposal for 505 Minmi Rd, Fletcher; and
- (2) Directs the Interim CEO to write to the Minister for Planning and the Secretary to the Department of Planning and Environment to reaffirm Council's decision regarding the zoning of 505 Minmi Rd, Fletcher.

## **ALTERNATE MOTION**

### **MOTION**

Moved by Cr Osborne, seconded by Cr Doyle

- 1 That Council note Council's resolution of 8 December 2015 in relation to Item-128 CCL 08/12/15 - 505 Minmi Road Fletcher - Adoption of Amendment to Newcastle Local Environmental Plan 2012 to:
  - a) not proceed with the Planning Proposal for 505 Minmi Rd, Fletcher, and
  - b) request the Minister for Planning and Environment to allow Council to discontinue the proposed amendments.
- 2 That Council also note recent correspondence from the Department of Planning and Environment verifying that Council has the legal authority to accept or reject the proposed amendment without the need for any further reference to the Minister.
- 3 That for the purpose of removing any possible legal doubt, Council hereby acknowledge:
  - a) the instrument of delegation to councils by the NSW Minister for Planning on 14 October 2012 in relation to the Minister's plan making powers under s.56(a) and 59 of the Environmental Planning and Assessment Act,
  - b) the written authorisation (dated 22 February 2013) of the Director General of the NSW Department of Planning and Infrastructure confirming Council's delegated authority in relation to the planning proposal for 505 Minmi Rd, and
  - c) Council's acceptance of the delegated authority to determine this planning proposal.
- 4 That Council confirm that, in accordance with the intention of Part 1 of its 8 December 2015 resolution, Council formally rejects the proposed amendment, and seeks no further decision by the Minister on this matter unless this is legally necessary.



- 5 That the above decisions be urgently conveyed to the Department of Planning and Environment.

The alternate motion was put to the meeting.

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

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

**Carried**

The Lord Mayor returned to the Chamber at the conclusion of this item and the Deputy Lord Mayor stepped down from the Chair.

The Lord Mayor resumed the Chair.

**ITEM-11                    NOM 28/06/16 - LISTING OF NEWCASTLE RECREATION RESERVE, ORDNANCE STREET NEWCASTLE ON THE STATE HERITAGE REGISTER UNDER THE HERITAGE ACT 1977**

**MOTION**

Moved by Cr Doyle, seconded by Cr Osborne

That Council supports the listing of those parts of Newcastle Recreation Reserve described below in the NSW State Heritage Register

The listing includes the following sites:

- King Edward Park incorporating Arcadia Park (Crown Reserve 570075, Lots 7003 and 7004, DP 1077043 with Council as Trust Manager for Newcastle Coastal and Estuary Reserve Trust);
- Obelisk Park (Lot 1238, DP 1096744, Community Land vested in Council);
- Shepherds Hill Defence Reserve (Crown Reserve 170100, Lot 3116, DP 755247, with Council as Trust Manager for Newcastle Coastal and Estuary Reserve Trust);
- Portion of South Newcastle Beach Cliffs (portion of Crown Reserve 570019, portion of Lot 7061, DP 1118737, adjoining King Edward Park, vested in Newcastle Coastal and Estuary Reserve Trust with Newcastle City Council as Reserve Manager); and
- King Edward Headland Reserve (Crown Reserve 1011189, Lot 3109, DP 755247, vested in King Edward Park Headland Reserve Trust and administered by NSW Lands Administration Ministerial Corporation).

To ensure that the heritage listing nomination is advanced as quickly as possible, Council Officers will expedite the resolution of all outstanding matters regarding the management of each of these sites.

**Carried**

**ITEM-12                      NOM    28/06/16    -    OPEN    AND    COLLABORATIVE  
LEADERSHIP**

**MOTION**

Moved by Cr Clausen, seconded by Cr Crakanthorp

That Council:

- 1    Notes the adopted Newcastle 2030 vision to create a smart, livable and sustainable city, within a framework of open and transparent leadership.
- 2    Notes that there is presently no core strategic document for the Open and Transparent Leadership CSP objective.
- 3    Draft an Open and Transparent Governance Strategy as a core strategic document. The Strategy is to consider best practice for open councils, including current and planned actions of council to improve transparency.

The Strategy is to outline implementation opportunities for:

- a)    Delivering procedures which ensure the highest level of transparency, accountability and probity in Civic governance (including implementable solutions to allow open diaries for the Lord Mayor and Chief Executive Officer, improvements to the model Code of Conduct and Code of Meeting Practice, an independent Internal Ombudsman to investigate and respond to complaints about council's administration)
  - b)    Achieving community confidence and improved consultation in Council's practices (including improvements to the accessibility of Public Voice; improved community consultation and notification practices; improved consultation with community including community committees and BIAs)
  - c)    Delivering procedural reform to better include the community in decision making (including expanding involvement of Committees of Council in decision making; inclusion of Strategic Advisory Committee meetings in Council's meeting cycle; continue improvements to accessibility of Council's website)
- 4    A draft Open and Transparent Governance Strategy is to be produced for Council's consideration by September 2016.

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

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

**Carried**

## CONFIDENTIAL REPORTS

### PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Posniak

Council proceed into confidential session for discussion on Confidential Items 22 - 27 for the reasons outlined in the business papers.

**Carried**

Councillor Rufo retired from the meeting at 8.17pm.

Council moved into confidential session at 8.17pm and reconvened into an open session at 8.44pm.

### ITEM-22                      **CON 28/06/16 - SUPPLEMENTARY REPORT TO ITEM-12 CON 26/4/16 - CONSIDERATION OF SALE OF AA COMPANY HOUSE THROUGH PUBLIC TENDER**

#### MOTION

1 Council resolves:

- i) To authorise the sale of 195 Denison Street Hamilton, known as AA Company House, via a public Expressions of Interest (EOI) process provided that EOI's are within minus 10% of the valuation.
- ii) That the EOI is to be assessed in accordance with selection criteria designed to identify a suitable proponent with an intention to use, restore and stabilise the property in accordance with the recommendations outlined in the Conservation Management Plan 2016.
- iii) To direct the reinvestment of net proceeds of sale in Council heritage projects as follows:
  - a) \$20,000 to be allocated to an interpretation and building plaquing program for Hamilton which highlights the history of the Australian Agricultural Company; and
  - b) All remaining funds are to be allocated to the Cathedral Park revitalisation project.
- iv) To delegate authority to the Interim Chief Executive Officer to execute all relevant documentation to effect the transaction.
- v) Confidentiality is to remain on the item until contracts have been settled.

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**

**Councillors Crakanthorp, Doyle and Osborne requested their names be recorded in the minutes as having voted against the motion.**

**ITEM-23                    CON 28/06/16 - CONFIDENTIAL PROPERTY MATTER - LOT 383 DP 548603**

**MOTION**

- 1    (a)    The Interim Chief Executive Officer be delegated authority to enter into an Option Agreement with the UON, in return for the payment of an option fee equivalent to approximately \$40,000 or five percent of the agreed purchase price. The Option Agreement will grant UON the right to purchase 6 University Drive Callaghan (Lot 383 DP 548603) at a price to be determined by an independent certified valuation. The option will have a term of 12 months.
- (b)    Upon exercise of the above Option Agreement by the UON, the Interim Chief Executive Officer be delegated authority to execute all relevant documentation to effect the sale transaction.
- 2    This confidential report relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 (Act) be treated as confidential and remain confidential until Council determines otherwise.

**Carried unanimously**

**ITEM-24                    CON 28/06/16 - TENDER CONTRACT 2016/348T MUSEUM CATERING AND CAFE SERVICES**

**MOTION**

- 1    Council rejects all tenders received for the Newcastle Museum Catering and Café Services (Contract 2016/348T) and Council officers enter into negotiations with the D'Vine Group Pty Limited (D'Vine Group) with the view to achieving a better financial outcome from the D'Vine Group through negotiation prior to the Interim Chief Executive Officer entering into a contract.
- 2    Council delegates authority to the Interim Chief Executive Officer to execute the negotiated contract to effect the transaction.
- 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 Council determines otherwise.

**Carried**

**ITEM-25****CON 28/06/16 - TENDER FOR THE SUPPLY OF READY MIXED CONCRETE FOR CONTRACT NO 2016/414T****MOTION**

- 1 Council resolves to accept the tenders of Boral Resources Country Pty Ltd, Hanson Constructions Materials Pty Ltd, Holcim Australia Pty Ltd, Hunter Readymixed Concrete Pty Ltd and Premier Concrete Pty Ltd at the tendered rates for the supply of ready mixed concrete for Contract No 2016/414T.
- 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-26****CON 28/06/16 - TREE MAINTENANCE SERVICES CONTRACT NO 2016/449T****MOTION**

- 1 Council resolves to accept the tenders of Waratah Professional Tree Care Pty Ltd, Active Tree Services Pty Ltd, Agility Professional Tree Services Pty Ltd and Treeserve Pty Ltd with payments to be made in accordance with the tendered daily rates for tree maintenance services for Contract No 2016/449T.
- 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-27****CON 28/06/16 - IN-VEHICLE TRACKING AND ROUTING SOFTWARE CONTRACT NO. 2016/309T****MOTION**

- 1 Council accepts the tender of Navman Wireless Australia Pty Ltd (Navman) in the amount of \$297,471 (excluding GST) for In-Vehicle Tracking and Routing Solution for Contract No.2016/390T.
- 2 This confidential report relating to the matters specified in s. 10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until Council determines otherwise.

**Carried**

## LATE ITEMS OF BUSINESS

Councillor Luke retired from the meeting at 8.45pm.

### **ITEM-64 CCL 28/06/16 - NEWCASTLE INNER CITY BYPASS**

Councillor Clausen requested the matter of the Newcastle Inner City Bypass be heard as a late item of business in accordance with Clause 20 of Council's Code of Meeting Practice. He stated that the matter was of great urgency as submissions closed on 16 June 2016 which prevented the matter being included in the final business paper.

#### **PROCEDURAL MOTION**

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

The matter of the Newcastle Inner City Bypass be heard as a late item of business.

#### **MOTION**

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

That Council:

- 1 Endorses the submission from Officers dated 16 June to RMS regarding the Revised Strategic Design of the Newcastle Inner City Bypass Rankin Park to Jesmond.
- 2 Supports the public statement from Hunter New England Health and calls on RMS to deliver a full interchange to the John Hunter Hospital.
- 3 Supports residents' concerns and calls on RMS to deliver a full interchange at McCaffrey Drive to prevent a 'rat run' through local streets and John Hunter's internal road network.
- 4 Supports cyclists concerns and calls on RMS to implement design changes to mitigate the need for cyclists to traverse three additional sets of traffic lights when travelling east / west to / from Wallsend on the off road cycle path.

**Carried**

### **ITEM-65 CCL 28/06/16 - BUILD THEM HERE**

Councillor Crakanthorp requested the matter of Build Them Here be heard as a late item of business in accordance with Clause 20 of Council's Code of Meeting Practice. He indicated that the matter was of great urgency because the State Government was considering the manufacture of light rail rolling stock overseas.

#### **PROCEDURAL MOTION**

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

The matter of Build Them Here be heard as a late item of business.

## **MOTION**

Moved by Cr Crakanthorp, seconded by Cr Dunn

That Council:

- 1 Notes the Adzuna report released 21 June 2016 indicating that Newcastle is the hardest place in Australia to find work, as indicated by a job seeker to job ratio with an average of 15.2 job seekers vying for each vacant position.
- 2 Notes that local Hunter manufacturers are desperate for work.
- 3 Notes the Hunter's expertise in manufacturing rail rolling stock.
- 4 Notes that the State Government gave a commitment in the NSW Parliament that it "will use its best endeavours" to source local content for the Newcastle Light Rail rolling stock.
- 5 Expresses its concern that the State Government has revealed as part of the State Budget that the Newcastle Light Rail rolling stock will be built in Spain, not the Hunter, sending jobs and millions of dollars off shore.
6. Calls on the State Government to commit to building the Newcastle Light Rail rolling stock in the Hunter.

**Carried unanimously**

## **ITEM-66                      CCL 28/06/16 - WORLD CITIES SUMMIT 2016 - SINGAPORE / 10 - 14 JULY 2016**

The Interim Chief Executive Officer stated that the purpose of this report was to seek Council's endorsement to accept the invitation to have the Lord Mayor and the Interim Chief Executive Officer, or his nominee, attend the World Cities Summit in Singapore from 10 to 14 July 2016.

He requested the matter be heard in accordance with Clause 20 of Council's Code of Meeting Practice on the grounds of great urgency as the direct request from the CISCO to participate in this Summit was received after the finalisation of the business papers and required a response to be provided as soon as practicable.

### **PROCEDURAL MOTION**

Moved by Cr Doyle, seconded by Cr Clausen

The matter of World Cities Summit 2016 - Singapore / 10 - 14 July 2016 be heard as a late item of business.

## **MOTION**

Moved by Cr Doyle, seconded by Cr Clausen

- 1 That Council supports participation and attendance at the World Cities Summit 2016 and makes available appropriate funding to enable this participation on the proviso that Council pays all expenses and does not accept Cisco's offer for sponsorship.
- 2 That the Lord Mayor and Interim Chief Executive Officer, or his nominee, present a report to Council following the Summit that outlines the learnings and opportunities presented and details the participation costs to Council.

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

**Against the Motion:** Councillors Osborne, Tierney and Waterhouse.

**Carried**

## **CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES EXTRAORDINARY COUNCIL MEETING 10 MAY 2016**  
**MINUTES PUBLIC VOICE COMMITTEE 17 MAY 2016**

## **MOTION**

Moved by Cr Clausen, seconded by Cr Dunn

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

**Carried**

**MINUTES ORDINARY COUNCIL MEETING 24 MAY 2016**

## **MOTION**

Moved by Cr Clausen, seconded by Cr Dunn

The draft minutes as circulated be taken and read and confirmed subject to the following statement being removed from page 19 of the agenda.

"In the Lord Mayor's address she referred to the amendment as a political stunt".

Councillor Tierney indicated that the statement should remain as it was relevant to a subsequent point of order raised by Councillor Luke which lead to a motion of dissent and vote by division.

## **PROCEDURAL MOTION**

Moved by Cr Osborne, seconded by Cr Posniak

The minutes lay on the table to enable Council staff to check the audio recording of the meeting..

**Carried**

**The meeting concluded at 9.22pm.**