

## CITY OF NEWCASTLE

**Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle, on Tuesday 14 February 2017 at 5.33pm.**

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### **PRESENT**

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

### **IN ATTENDANCE**

F Cordingley (Acting Interim Chief Executive Officer), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), A Baxter (Acting Director Planning and Regulatory), F Giordano (Manager Legal and Governance), J Gaynor (Manager Strategic Planning), M Blackburn-Smith (Manager Development and Building), K Hyland (Manager Communications and Engagement), B Johnson (Media Officer) and K Sullivan (Council Services/Minutes/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.

### **PRESENTATION**

#### **Graham Barrie - 50 Years of Service to Newcastle City**

Council resolved on 24 January 2017 to award a Service Medal commemorating 50 years of service with Newcastle City Council to Graham Barrie having joined the Printing office in January 1965 as a 15 year old apprentice.

The Lord Mayor presented the Service Medal to Mr Barrie and Councillors officially thanked him for his dedication and incredibly long record of employment with Council.

### **APOLOGIES**

#### **MOTION**

Moved by Cr Osborne, seconded by Cr Clausen

The apology submitted on behalf of Councillor Luke be received.

**Carried**

Councillor Rufo enquired whether Councillor Luke was an apology or leave of absence.

The Lord Mayor stated Councillor Luke was an apology.

Councillor Rufo stated that he was of the understanding Councillor Luke had requested a leave of absence in writing to the Lord Mayor and Acting Interim Chief Executive Officer.

The Lord Mayor indicated that Councillor Rufo would need to move the item be recommitted.

**MOTION**

Moved by Cr Rufo, seconded by Cr Waterhouse

The apologies be recommitted.

**Carried**

**MOTION**

Moved by Cr Rufo, seconded by Cr Waterhouse

Councillor Luke be granted leave of absence.

**Carried**

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

The Lord Mayor called for declarations of pecuniary and non-pecuniary interests. There being none the Lord Mayor moved for confirmation of the minutes.

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - BRIEFING COMMITTEE HELD 6 DECEMBER 2016**

**MINUTES - PUBLIC VOICE COMMITTEE 6 DECEMBER 2016**

**MINUTES - ORDINARY COUNCIL MEETING HELD 24 JANUARY 2017**

**MOTION**

Moved by Cr Doyle, seconded by Cr Osborne

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

**Carried**

**REPORTS BY COUNCIL OFFICERS**

**ITEM-2**

**CCL 14/02/16 - EXECUTIVE MONTHLY PERFORMANCE REPORT - DECEMBER 2016**

**MOTION**

Moved by Cr Clausen, seconded by Cr Osborne

The report be received.

**Carried**

**ITEM-3****CCL 14/02/17 - DEED OF INDEMNITY FOR NEW COMPANY SECRETARY OF NEWCASTLE AIRPORT PTY LTD****MOTION**

Moved by Cr Waterhouse, seconded by Cr Tierney

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

- (i) the affixation of Council's seal to the Deed of Indemnity to be entered into between Newcastle City Council, Port Stephens Council and Ms Anne Peters; and
- (ii) each of the Lord Mayor and any one other Councillor, or any two Councillors (other than the Lord Mayor), witnessing the affixation of Council's seal to the Deed of Indemnity;

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

**Carried  
Unanimously**

**ITEM-4****CCL 14/02/17 - NEWCASTLE EAST BUILDING HEIGHTS - ADOPTION OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012**

The Acting Director Planning and Regulatory tabled a memo recommending that Item 4 - Newcastle East Building Height's - Adoption of Amendment to Newcastle Local Environmental Plan, be deferred to the Ordinary Council meeting of 28 February 2017 to address planning issues associated with new ownership of the GPT / UrbanGrowth NSW lands. The issues of concern related to possible anomalies with recommended building heights and the new owner being afforded procedural fairness to fully consider the amendments.

**PROCEDURAL MOTION**

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

The item lay on the table for consideration at the next scheduled Ordinary Council Meeting to be held on 28 February 2017 to enable planning issues to be resolved.

**Carried**

**CONFIDENTIAL REPORTS****PROCEDURAL MOTION**

Moved by Cr Waterhouse, seconded by Cr Tierney

Council proceed into confidential session for discussion on Confidential Items 1 for the reasons outlined in the business papers.

**Carried**

Council resolved to enter into confidential session at 5.52pm.

The Director Corporate Services left the Chamber for discussion on Confidential Property Matter - Sale of AA Company House at 195 Denison Street, Hamilton.

During confidential session Councillor Compton declared a significant pecuniary interest in Item 1 - Confidential Property Matter - Sale of AA Company House at 195 Denison Street, Hamilton and left the Chamber for determination of the item. He stated that he had been interested in purchasing the property for a family member and would absent himself from Chamber for determination of the item.

**PROCEDURAL MOTION**

Moved by Cr Osborne, seconded by Cr Rufo

Council move into open session.

**Carried**

Councillor Compton and the Director Corporate Services returned to the Chamber following confidential session.

Council resumed at 5.55pm and the Acting Interim Chief Executive Officer reported on the outcome of confidential session.

**ITEM-1                      CON 14/02/17 - CONFIDENTIAL PROPERTY MATTER - SALE OF AA COMPANY HOUSE AT 195 DENISON STREET, HAMILTON**

**MOTION**

Moved by Cr Waterhouse, seconded by Cr Posniak

- 1 To authorise the sale of 195 Denison Street Hamilton following the Expression of Interest process for an amount that is within 90% of the valuation referred to in this report.
- 2 If sale of 195 Denison Street Hamilton is not satisfactorily achieved under point 1, the property be sold by public auction to the highest bidder with Council requiring that the purchaser complies with the terms of the revised Conservation Management Plan 2015. Council will enforce this requirement by registering on title a public positive covenant under Section 88E of the Conveyancing Act.
- 3 To direct the reinvestment of net proceeds of sale from either point 1 or point 2 in Council heritage projects as follows:
  - i) \$20,000 to be allocated to an interpretation and building plaquing program for Hamilton which highlights the history of the Australian Agricultural Company; and
  - ii) all remaining funds are to be allocated to the Cathedral Park revitalisation project.

- 4 To delegate authority to the Interim Chief Executive Officer to execute all relevant documentation to effect the transaction.
- 5 Confidentiality is to remain on the item until contracts have been settled.
- 6 This confidential report relating to the matters specified in s10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until Council determines otherwise.

**Carried**

Councillor Osborne requested his name be recorded as having voted against the motion.

**The meeting concluded at 5.58pm.**