

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 26 July 2016 at 5.30pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors D Clausen D Compton, T Crakanthorp, T Doyle, J Dunn, B Luke, M Osborne, S Posniak, A Robinson, A Rufo (arrived 5.43pm), 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), A Baxter (Manager Regulatory Services), P Nelson (Manager Commercial Property), J Gaynor (Manager Strategic Planning), F Leatham (Acting Manager Infrastructure), G Sainsbury (Manager Projects and Contracts), K Baartz (Communications Manager), B Johnson (Media Officer), N Baker (Chief of Staff to the Lord Mayor), K Sullivan (Council Services/Webcasting) and A Leach (Council Services/Minutes).

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.

MESSAGE OF ACKNOWLEDGEMENT

The Lord Mayor read the message of acknowledgement to the Awabakal and Worimi peoples.

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Dunn

Councillor Dunn declared a non-pecuniary conflict of interest in Item 72 - Mayfield East Village Development and said that a relative and client of his owns a business nearby. Councillor Dunn indicated that he would leave the Chamber when the item was discussed.

Councillor Luke

Councillor Luke declared a non-pecuniary conflict of interest in Item 68 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 Luke also declared a non-pecuniary conflict of interest in Item 72 Mayfield East Village Development and said that a relative of his owned a nearby property. Councillor Luke indicated that he would leave the Chamber when the item was discussed.

CONFIRMATION OF PREVIOUS MINUTES

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Dunn

The minutes of the Public Voice Committee held 21 June 2016, minutes of the Ordinary Council meeting 24 May 2016 and Ordinary Council 26 June 2016 be discussed after Item 32 CNL 26/07/16 - Major Event Report.

For the Motion: The Lord Mayor, Councillor Nelmes and Councillors Clausen, Crakanthorp, Doyle, Dunn, Osborne and Posniak

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

Carried

LORD MAYORAL MINUTE

**ITEM-5 LMM 26/07/16 - AUSTRALIAN HOCKEY CHAMPIONSHIPS -
MASTERS 2017 AND 2018**

MOTION

Moved by Cr Nelmes

That Newcastle City Council

- 1) Supports Hockey Australia with direct costs associated with the event, to support both Newcastle Hockey Association and the Masters Committees, whilst also providing significant value to the City of Newcastle

- 2) Supports Hockey Australia towards operating costs in hosting these events of \$25,000 per annum in 2017 and 2018.

**Carried
Unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-67 **CCL 26/07/16 - TABLING OF PECUNIARY INTEREST RETURNS (COMMENCING EMPLOYEES) COMMENCED WITHIN 3 MONTHS**

MOTION

Moved by Cr Osborne, seconded by Cr Waterhouse

Council to note the pecuniary interest returns as tabled by the Interim Chief Executive Officer.

Carried

ITEM-68 **CCL 26/08/16 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

MOTION

Moved by Cr Nelmes, seconded by Cr Osborne
The report be received.

**Carried
Unanimously**

The Lord Mayor thanked and recognised staff for their hard work in recovering Council's Lehman Brothers investments and said the recovery of \$7.5 million was a great outcome for Newcastle City Council.

ITEM-69 **CCL 26/07/16 - EXHIBITION OF DRAFT COUNCIL STREET COOKS HILL INFRASTRUCTURE REHABILITATION DESIGN RESULTS**

MOTION

Moved by Cr Posniak, seconded by Cr Crakanthorp

Council endorses Option 1, the preferred design option, for Council Street Cooks Hill being Council Street one way (westbound from Darby Street to Bruce Street).

Carried

**ITEM-70 CCL 26/07/16 - WARRINGAH COUNCIL REQUEST FOR
SUPPORT REGARDING MOTION RELATED TO ILLEGAL
BUILDING WORKS**

MOTION

Moved by Cr Osborne, seconded by Cr Luke

It is recommended that Council supports Warringah Council's resolution and write to the Minister for Planning seeking support for a review of legislation regarding unauthorised building works.

Carried

**ITEM-71 CCL 26/07/16 - TEMPORARY SUSPENSION OF ALCOHOL
FREE ZONE FOR UPCOMING EVENTS**

MOTION

Moved by Cr Osborne, seconded by Cr Luke

- 1 i) Council approve the temporary suspension of the AFZ for Gregson Park, Hamilton, on Saturday 17 September 2016 from 5pm to 10pm, for the purpose of Newcastle China Week Festival 'Noodle night market'. This suspension is subject to the event organiser, Hamilton Chamber of Commerce and The Confucius Institute, meeting all requirements of the NSW Police - Newcastle Local Area Command (LAC) and Council.
- ii) Council approve the temporary suspension of the AFZ for Beaumont, Cleary, James, Lindsay and Denison Streets, Hamilton, on Sunday 25 September 2016 from 10am to 6pm, for the purpose of Newcastle China Week 'Pop up Chinatown' Festival. This suspension is subject to the event organiser, Hamilton Chamber of Commerce and The Confucius Institute, meeting all requirements of the LAC and Council.
- iii) Council approve the temporary suspension of the AFZ for Laman Street between Darby and Dawson Streets, Cooks Hill, on Friday 4 November 2016 from 6pm to 11pm for the purpose of 'John Olsen: The City's Son' exhibition opening event. This suspension is subject to the event organiser, Newcastle Art Gallery, meeting all requirements of the LAC and Council.
- iv) Council approve the temporary suspension of the AFZ for Nobbys Beach car parks 1 and 2, Horseshoe Beach car park and Wharf Road between Nobbys Road roundabout and the Pilot Station on Saturday 5 November 2016 from 6am to midnight, for the purpose of staging This That music festival at Camp Shortland. This suspension is subject to the event organiser, Mothership Events, meeting all requirements of the LAC and Council.

- v) Council approve the temporary suspension of the AFZ for Nobbys Beach car parks 1 and 2, Horseshoe Beach car park and Wharf Road between Nobbys Road roundabout and the Pilot Station on Sunday 6 November 2016 from 6am to midnight, for the purpose of staging Live at The Foreshore music festival at Camp Shortland. This suspension is subject to the event organiser, Mothership Events, meeting all requirements of the LAC and Council.

Carried

Councillor Clausen thanked Council staff for working collaboratively with the community to bring such a great variety of exciting events to the City.

**ITEM-72 CCL 26/07/16 - MAYFIELD EAST VILLAGE DEVELOPMENT -
PROPOSED AMENDMENTS TO INTERSECTION AND
PARKING RESTRICTION**

Councillors Dunn and Luke left the Chamber at 5.47pm.

MOTION

Moved by Cr Posniak, seconded by Cr Osborne

That Council approve trial filtered traffic signals at the intersection of Maitland Road and Havelock Street/Corona Streets for a period of 3 months.

PROCEDURAL MOTION

Moved by Cr Tierney, seconded by Cr Doyle

That Item 72 CCL 26/07/16 - Mayfield East Village Development - proposed amendments to intersection and parking restriction lay on the table pending further advice from the Roads and Maritime Services regarding a traffic study that might lead to a solution.

Councillor Clausen requested the mover include in the procedural motion that the matter be brought to an Extraordinary Council Meeting on the 16 August 2016 prior to the Development Applications Committee meeting.

The mover indicated that she would accept Councillor Clausen's addition to the procedural motion.

PROCEDURAL MOTION

Moved by Cr Tierney, seconded by Cr Doyle

That Item 72 CCL 26/07/16 - Mayfield East Village Development - proposed amendments to intersection and parking restriction lay on the table pending further advice from the Roads and Maritime Services that might lead to a solution and that the matter be brought to an Extraordinary Council Meeting on the 16 August 2016 prior to the Development Applications Committee meeting.

Withdrawn

The Lord Mayor requested Councillor Tierney withdraw her procedural motion to allow debate to continue in the Chamber.

Councillor Tierney withdrew her procedural motion and indicated that she would move it once debate had concluded.

Councillor Doyle suggested that Council lay the item on the table until a Public Voice could be heard until the Newcastle City Traffic Committee and affected businesses could discuss traffic and parking issues.

Following a comment from the Lord Mayor that paragraph 4 of the Memo to All Councillors circulated 26 July 2016 was critical she asked the mover and seconder of the motion before the Chair to accept the following change to the motion.

That Council:

- 1) *In principle approve the proposed Maitland Road/Havelock Street/Corona Street intersection upgrade involving provision of right turning lanes on Maitland Road.*
- 2) *However, Council strongly recommends that RMS support a trial of filtered traffic signals at the intersection of Maitland Road and Havelock/Corona Streets for a period of 3 months.*

The mover and seconder did not accept the change to the motion.

The Lord Mayor gave notice of her proposed amended motion as a foreshadowed motion.

Councillor Tierney moved a procedural motion.

PROCEDURAL MOTION

Moved by Cr Tierney, seconded by Cr Rufo

That Item 72 CCL 26/07/16 - Mayfield East Village Development - proposed amendments to intersection and parking restriction to lay on the table pending further advice from the Roads and Maritime Services regarding filtered traffic signals options.

Carried

NOTICES OF MOTION

NOM 26/07/16 - ZONING OF RAIL CORRIDOR FOR PUBLIC USE

Councillors Dunn and Luke returned to the Chamber at 6.24pm.

Councillors Doyle and Osborne tabled an alternate motion at the meeting.

ORIGINAL MOTION

Moved by Cr Doyle, seconded by Cr Osborne

That:

1. Council prepare a planning proposal for gateway determination to zone the entire railway corridor land as "Special Purposes Transport Infrastructure".
2. The "Special Purposes Transport Infrastructure" zoning include allowances for open space, active transport modes (pedestrian and cycleways), and developments such as "pop-up" installations and cafes that will not compromise the future use of the entire length of the corridor for public transport services.
3. Council convey to the state government its view that:
 - a. The "Special Purposes Transport Infrastructure" zoning must remain until such time as the NSW Government develops comprehensive, evidence-based plans for both public transport and active transport in the Lower Hunter based on achieving Council's current transport targets, and these plans conclusively demonstrate that the corridor land is not needed for transport purposes.
 - b. Only a Council comprising representatives elected by the citizens of Newcastle should have the right to determine any rezoning of Newcastle's rail corridor land.

ALTERNATE MOTION

Moved by Cr Doyle, seconded by Cr Osborne

1. Newcastle City Council determines to retain the current zoning of the Rail Corridor as Special Purpose 2 (SP2)
2. Council convey to the State Government:
 - a. Its intention that such zoning remain until the NSW Government develops a comprehensive, evidence based plan for public transport and active transport in the Lower Hunter consistent with achieving Council's current transport targets, and such plans conclusively establish that the corridor land is not needed for transport purposes, and
 - b. Its view that only a Council comprising elected representatives, elected by the citizens of Newcastle, should have the right to determine any rezoning of Newcastle's rail corridor land.

3. In the interim, Council consult with relevant State Government agencies to explore appropriate temporary uses of the corridor land.

For the Motion:

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

Against the Motion:

Councillors Compton, Luke, Robinson, Rufo, Tierney and Waterhouse.

Carried

CONFIDENTIAL REPORTS

Council resolved into confidential session at 6.39pm and resumed into open Council at 7.05pm.

PROCEDURAL MOTION

Moved by Cr Rufo, seconded by Cr Osborne

Council proceed into confidential session for discussion on Confidential Items 28-32 for the reasons outlined in the business papers.

Carried

**ITEM-28 CON 26/07/16 - MEREWETHER SEAWALL REHABILITATION -
CONTRACT NO. 2016/519T**

MOTION

Moved by Cr Compton, seconded by Cr Waterhouse

- 1 Council accepts the tender of Bridge and Civil Pty Ltd in the amount of \$872,200 (excluding GST) for the Merewether Seawall Rehabilitation Contract No. 2016/519T.
- 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
Unanimously**

**ITEM-29 CON 26/07/16 - SUPPLY OF WASTE BIN ENCLOSURES -
CONTRACT NO 2016/285T**

MOTION

Moved by Cr Compton, seconded by Cr Clausen

- 1 Council accepts the tender of Source Separation Systems Pty Ltd for the amount of \$182,649.98 (excluding GST) for the supply of 80 waste bin enclosures, Contract No. 2016/285T.
- 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
Unanimously**

**ITEM-30 CON 26/07/16 - STORMWATER DRAINAGE CONSTRUCTION
CARRINGTON - CONTRACT NO. 2016/284T**

MOTION

Moved by Cr Compton, seconded by Cr Osborne

- 1 Council accepts the tender of Michilis Pty Ltd in the amount of \$386,780.73 (excluding GST) for the Stormwater Drainage Construction Carrington Contract No. 2016/284T.
- 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
Unanimously**

**ITEM-31 CON 26/07/16 - COMPULSORY ACQUISITION OF CROWN
LAND FOR ROAD PURPOSES (PART LOT DP 1029006)**

MOTION

Moved by Cr Luke, seconded by Cr Osborne

- 1 Council resolves to approve the compulsory acquisition of Part Lot 2 DP 1029006 (excluding the public car park at the Newcastle Ocean Baths) known as 'Shortland Esplanade', Newcastle East for road purposes, in accordance with section 29(4) of the *Land Acquisition (Just Terms Compensation) Act 1991*.
- 2 Council resolves to make an application to the Minister for approval to acquire Part Lot 2 DP 1029006 (excluding the public car park at the Newcastle Ocean Baths) known as 'Shortland Esplanade', Newcastle East in accordance with the authority conferred on Council pursuant to section 178(2) of the *Roads Act 1993*.
- 3 Council resolves to request the Minister for Local Government to approve a reduction in the notification period from 90 days to 30 days in accordance with s. 13(2) of the *Land Acquisition (Just Terms Compensation) Act 1991*.
- 4 Council delegates authority to the Interim Chief Executive Officer to execute all relevant documentation to effect the compulsory acquisition transaction.
- 5 This confidential report relating to the matters specified in s.10A(2)(g) of the *Local Government Act 1993* be treated as confidential and remain confidential until Council determines otherwise.

Carried

ITEM-32 CON 26/07/16 - MAJOR EVENT REPORT

MOTION

Moved by Cr Nelmes, seconded by Cr Luke

A Council work with Destination NSW to bring the Virgin Australia Supercar Championships to the City of Newcastle.

B

- 1 Council endorses entering a five (5) year (+ 5 year) Rights Fee Agreement with Destination NSW (DNSW) to conduct the Grand Finale Round of the Virgin Australia Supercar Championships (VASC) on a road circuit in Newcastle from 2017, and delegates authority to the Interim Chief Executive Officer to execute any and all necessary documents.
- 2 Council develop an Memorandum of Understanding (MoU) with DNSW and VASC and delegate authority to the Interim Chief Executive Officer and the Lord Mayor to execute this MOU and advise Council.
- 3 Further advice be provided to Council when details on track layout, community consultation plans and other related matters are known.
- 4 This confidential report relating to the matters specified in s10A(2)(c) of the Local Government Act 1993 be treated as confidential and remain confidential until Council determines otherwise.

Carried

Councillors Doyle and Osborne requested their names be recorded against

CONFIRMATION OF PREVIOUS MINUTES

MINUTES ORDINARY COUNCIL MEETING HELD 24 MAY 2016

MINUTES OF THE PUBLIC VOICE COMMITTEE MEETING 21 JUNE 2016

MINUTES OF ORDINARY COUNCIL MEETING HELD 28 JUNE 2016

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

The minutes of the Ordinary Council meeting held 24 May 2016 be confirmed subject to the following statement being removed from page 19 of the business paper as this does not accurately represent the discussion.

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

Councillor Luke foreshadowed the officer's recommendation.

PROCEDURAL MOTION

Moved by Cr Osborne

The minutes of the Public Voice Committee meeting 21 June 2016 and Ordinary Council meeting 28 June 2016 be confirmed with Councillor Osborne's declaration of pecuniary/non-pecuniary interest for the 28 June 2016 on page 25 changed to read "Councillor Osborne declared although there was not a direct link between obtaining legal advice and his employment with Port Stephens Council he indicated he would leave the Chamber when Item 9 NOM Legal Action Council Amalgamation was discussed" and the confirmation of the Ordinary Council meeting 24 May 2016 on page 58 of the business paper reflect that the minutes of the Ordinary Council meeting held 24 May 2016 be confirmed subject to the following statement being removed from page 19 of the agenda as this does not accurately represent the discussion.

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

The mover and seconder indicated they would accept Councillor Osborne's change to his declaration regarding Item-9 NOM Legal Action Council Amalgamation in the motion before the Chair.

Councillor Osborne withdrew his procedural motion.

PROCEDURAL MOTION

Moved by Cr Osborne, seconded by Cr Luke

That the minutes of the Ordinary Council meetings 24 May and 28 June 2016 lie on the table and the substantive comments for all Councillors for Item 50 CCL 24/05/16 - Council submission on Newcastle Light Rail Review of Environmental Factors be included and Councillors Osborne's declaration statement be included word for word and both sets of minutes come back to the next meeting of Council.

Defeated

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

The minutes of the Public Voice Committee meeting 21 June 2016 and Ordinary Council meeting 28 June 2016 be confirmed with Councillor Osborne's declaration of pecuniary/non-pecuniary interest for the 28 June 2016 on page 25 be amended to read "Councillor Osborne declared although there was not a direct link between obtaining legal advice and his employment with Port Stephens Council he indicated he would leave the Chamber when Item 9 NOM Legal Action Council Amalgamation was discussed" and the confirmation of the draft minutes of Ordinary Council meeting 24 May 2016 (on page 58 of the business paper) subject to the following statement being removed from page 19 of the agenda as this does not accurately reflect the discussion.

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

For the Motion:

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

Against the Motion:

Councillors Compton, Luke, Robinson, Rufo, Tierney, Waterhouse

Carried

The meeting concluded at 7.41pm.