

CITY OF NEWCASTLE

Ordinary Council Meeting 22 September 2015

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CITY OF NEWCASTLE

Minutes of the Tuesday 22 September 2015 Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 22 September 2015 at 5.36pm.

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 and A Rufo.

IN ATTENDANCE

K Gouldthorp (General Manager), G Cousins (Director Corporate Services), F Cordingley (Director Infrastructure), P Chrystal (Director Planning and Regulatory), K Baartz (Communications), F Giordano (Manager Council & Legal Services), I Challis (Contracts Specialist), P McCarthy (Team Coordinator Strategic Planning), A Glauser (Manager Finance), A Leach (Council Services/Minutes) and J Redriff (Council Services/Webcasting).

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.

Especially remembered was former Newcastle Councillor Margaret Henry who passed away on the 9 September 2015.

The Lord Mayor said former Councillor Henry had served as an Australian Greens' Councillor on two terms of Council and as Deputy Mayor in 1996 and 2000 and was a community activist campaigning for five decades on Aboriginal rights, homelessness, disability services, refugee and migrant support, heritage conservation, public libraries and community arts. Council notes with thanks and admiration the unflagging work Margaret Henry performed on behalf of the Newcastle community and passes on its sincere condolences to Margaret's partner Keith Parsons and family and friends.

MESSAGE OF ACKNOWLEDGEMENT

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

APOLOGIES

MOTION

Moved by Cr Luke, seconded by Cr Osborne

The apologies submitted on behalf of Councillors Tierney and Waterhouse be received and leaves of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Cr Declan Clausen

Councillor Clausen declared a less than significant non-pecuniary interest in Item 83 CCL 22/09/15 - Adoption of Economic Development Strategy 2016-2019 and confidential Item 34 - CCL 22/09/15 - Newcastle City Council and Newcastle University partnership to promote international training opportunities as both reports referred to the University of Newcastle which was an organisation he is employed with as a professional staff member in a casual capacity.

Cr Brad Luke

Councillor Luke declared a less than significant non-pecuniary interest in Item 86 - 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.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - 28 JULY 2015 ORDINARY COUNCIL MEETING

MOTION

Moved by Cr Clausen, seconded by Cr Osborne

Council

- 1 Endorses the minutes as printed in the Business Papers provided 14 August 2015 with following amendments:
 - a Reference, Apologies
Deletion of the words 'and leave of absence granted.' From the apologies motion moved by Councillor Rufo, seconded by Councillor Luke as no such motion was moved.
 - b Reference, Item 55
Replacement of the word 'the' with 'an' between the words *Manager is'* and 'Official Spokesperson' in point 9.2.
 - c Reference, NOM Item 20
Insertion of the word 'Carried' at the end of Item 20 reflecting that motion was adopted by Council.
- 2 Council documentation reliant on these minutes be updated accordingly.

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

Against the Motion: Councillors Compton and Luke.

Carried

MINUTES - 25 AUGUST 2015 ORDINARY COUNCIL MEETING

MOTION

Moved by Cr Clausen, seconded by Cr Osborne

The amended minutes of the 25 August 2015 Ordinary Council meeting as tabled at the meeting be adopted.

Carried

LORD MAYORAL MINUTE

ITEM-7 LMM 22/09/15 - INTEGRATED TRANSPORT PLAN

MOTION

Moved by Lord Mayor Cr Nelmes

That Council:

1. Recommit support for a geographically focused Hunter Transport Authority to provide a governance structure that
 - a) allows the region to determine public transport outcomes and
 - b) investigates opportunities for further transport reform to support a focus on door-to-door customer journeys through greater focus on interchange and multi-modal integration.
2. Advocate for the NSW Government to utilise public and private sector expertise to develop and deliver Hunter transport services modeled on world's best practice, as has been achieved elsewhere including Sydney, Melbourne and the Gold Coast.
3. Call for the expansion of any proposed light rail project for Newcastle to connect the inner city with the University at Callaghan, the John Hunter Hospital, Hunter Stadium, the Newcastle Airport, beaches, and the proposed Glendale Interchange; and ensure any light rail network integrates with car parking, cycle-way, pedestrian, bus and heavy rail operations.
4. Work with the NSW Government and Transport for NSW to establish a Memorandum of Understanding with Council to acknowledge Council's role in land-use and transport planning and define how the parties will work together.

5. Collaborate with Transport for NSW to establish an integrated transport management plan including forward planning of the next stage of any light rail project, including community consultation on the proposed routes.

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

Against the Motion: Nil.

Carried

REPORTS BY COUNCIL OFFICERS

Councillor Doyle gave notice of two late items of business.

ITEM-75 CCL 22/09/15 - FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015 TO BE REFERRED TO COUNCIL'S AUDITORS

MOTION

Moved by Cr Osborne, seconded by Cr Rufo

- 1 That Council notes the draft Financial Statements for the year ended 30 June 2015 have been completed and that the external audit of those Financial Statements has commenced in accordance with the requirements of s 413 (1) of the Act.
- 2 Council authorises the Lord Mayor, a Councillor, the General Manager and the Responsible Accounting Officer to sign the relevant statements in accordance with s 413 (2) of the Act at the conclusion of the external audit (**Attachments A and B**).

Carried

ITEM-76 CCL 22/09/15 - EXECUTIVE MONTHLY PERFORMANCE REPORT - AUGUST

MOTION

Moved by Cr Osborne, seconded by Cr Posniak

The report be received.

Carried

ITEM-77 CCL 22/09/15 - PUBLIC CONSULTATION FOR PUBLIC HOLIDAY - SHOW HOLIDAY 2016

MOTION

Moved by Cr Posniak, seconded by Cr Clausen

- A That Council endorses the Newcastle Show Holiday Community Engagement Strategy - Show Holiday 2016 (the Strategy) as outlined in (**Attachment A**) with an amendment to the tabled titled: "Timetable and budget" on page 6 to include: "Monday 19 October / Inform and Consult / Workers / Letter to Hunter Workers including information on the Survey to facilitate discussion with member groups / \$0; and conducts stakeholder consultation in line with the strategy and the guidelines for Local Public Holiday and Local Event Day Applications (the Guidelines) (**Attachment B**) received from NSW Industrial Relations in August 2014.
- B The submissions received by Council in December 2014 be included in the summary of the public response for the purposes of the application (but are not to be counted twice in the event that submissions are received again).

Carried

Crs Luke and Robinson requested their vote be recorded against

ITEM-78 CCL 22/09/15 - DRAFT PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

MOTION

Moved by Cr Nelmes, seconded by Cr Compton

Council endorses the placing of the draft Policy for the Payment of Expenses and Provision of Facilities to Councillors at Attachment A on public exhibition for a period of 28 days and report back to Council; after

- a) considering any submissions received within the time allowed for the receipt of submissions; and
- b) making any appropriate changes to the draft policy.

Carried

ITEM-79 CCL 22/09/15 - COUNCIL WARD BOUNDARY REVIEW

MOTION

Moved by Cr Osborne, seconded by Cr Doyle

That Council note the report and endorse the intent to continue to monitor elector numbers across the wards.

Carried

ITEM-80 CCL 22/09/15 - ADOPTION OF THE DRAFT FORESHORE PLAN OF MANAGEMENT

MOTION

Moved by Cr Nelmes, seconded by Cr Luke

- 1 a Council adopts The Draft Foreshore Plan of Management (**Attachment A**) as amended in line of the submissions received.
- b In accordance with Clause 40 of the Local Government Act 1993, Council places a notice in the paper in relation to the adoption of The Foreshore Draft Plan of Management.

Carried

The Lord Mayor requested the motion be recorded as unanimous

Councillor Dunn left the Chamber at 6.30pm and returned at 6.33pm.

ITEM-81 CCL 22/09/15 - ADOPTION OF NEWCASTLE COASTAL PLAN OF MANAGEMENT

MOTION

Moved by Cr Nelmes, seconded by Cr Luke

- 1 Council adopts the Newcastle Coastal Plan of Management as amended in line of the submissions received. (See **Attachment A** Newcastle Coastal Plan of Management (as amended)).
- 2 Council refers the amended Newcastle Coastal Plan of Management to the Department of Primary Industries - Lands for their referral to their Minister for adoption under the Crown Lands Act 1989.
- 3 In accordance with Clause 40 of the Local Government Act 1993, Council places a notice in the paper in relation to the adoption of the Newcastle Coastal Plan of Management.
- 4 Council supports the inclusion of Merewether Baths in the R 56681 Crown Lands for Public Recreation. Council notes the request by Lands to take on trusteeship of the Bogey Hole but not accept the offer at this time.

Carried

ITEM-82 CCL 22/09/15 - ENDORSEMENT OF EXHIBITION OF DRAFT SOCIAL STRATEGY 2016-2019

MOTION

Moved by Cr Osborne, seconded by Cr Luke

Council resolves to:

- a) Place the draft Social Strategy as provided in **Attachment A** on exhibition for 6 weeks.
- b) Receive a report back on the outcomes of the public exhibition.

Carried

ITEM-83 CCL 22/09/15 - ADOPTION OF ECONOMIC DEVELOPMENT STRATEGY 2016-2019

MOTION

Moved by Lord Mayor Cr Nelmes, seconded by Cr Doyle

Adopt the Economic Development Strategy 2016-2019 as provided in **Attachment A**.

Carried

ITEM-84 CCL 22/09/15 - CLAUSE 6.4 LAND IN ZONE R4 HIGH DENSITY RESIDENTIAL - ENDORSEMENT OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

MOTION

Moved by Cr Clausen, seconded by Cr Osborne

1 Council resolves to:

- a) Endorse the attached Planning Proposal (**Attachment A**), pursuant to Section 55 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, in order to amend Clause 6.4 of Newcastle Local Environmental Plan 2012 to enable greater development flexibility in areas zoned R4 High Density Residential.
- b) Forward the Planning Proposal to the Minister for Planning and Environment for gateway determination pursuant to Section 56 of the *EP&A Act*.
- c) Advise the Director-General of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 59(1) of the *EP&A Act*.

- d) Receive a report back on the Planning Proposal if a written objection is received during consultation with the community otherwise forward the Planning Proposal to the Secretary of the Department of Planning and Environment requesting that the proposed amendments to Newcastle LEP 2012 be made.

For the Motion:

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

Against the Motion:

Nil.

Carried

ITEM-85 CCL 22/09/15 - SUPPLEMENTARY REPORT - LOCAL GOVERNMENT BOUNDARY AREA ADJUSTMENT ADOPTION OF AMENDMENT TO NEWCASTLE LEP 2012

MOTION

Moved by Lord Mayor Cr Nelmes, seconded by Cr Compton

1 Council resolves to:

- a) Endorse the attached Planning Proposal (**Attachment B**) PP_2014_NEWCA_009_00 to amend Newcastle Local Environmental Plan 2012, in order to enable the LEP maps to be amended to reflect the change of the Local Government Area Boundary.
- b) Forward Planning Proposal PP_2014_NEWCA_009_00 to the Department of Planning and Environment requesting that a draft Local Environmental Plan be prepared and made pursuant to Section 59(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act).
- c) Advise the Secretary of the Department of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 59(1) of the EP&A Act.

For the Motion:

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

Against the Motion:

Nil.

Carried

ITEM-86 CCL 22/09/15 - YOUTH WEEK GRANTS POLICY

MOTION

Moved by Cr Clausen, seconded by Cr Osborne

- 1 Council releases an amended draft Youth Week Grant Policy for public comment for a period of 28 days. The amendments be:

Replace:

Clause 7.14 d) Council will not fund applications for: activities of any group, organisation, person or party directly involved in the political process and whose objectives include the acquisition and exercise of political power or the promotion of political aims and opinions

with:

Clause 7.14 d) Council will not fund applications for: activities coordinated by any registered political party, or for the benefit of any political candidate.

- 2 Following the public comment period, comments will be summarised and reported to Council for adoption.

Carried

The Lord Mayor requested the motion be recorded as unanimous

CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Rufo, seconded by Cr Luke

Council resolved into go into confidential session at 6.50pm.

Carried

Members of the public and Council staff not involved in confidential session left the meeting.

The General Manager, senior staff and officers left the Council Chambers at the request of the Lord Mayor at the conclusion of the discussion on Item 34 CON 22/09/15 - Newcastle City Council and Newcastle University Partnership to Promote International Training Opportunities.

Council staff remaining for Item 35 CON 22/09/15 - General Manager Performance Review Panel were the Manager Council and Legal Services and Council Services Minutes Secretary. The Review Panel Facilitator Mr Matthew McArthur, CEO McArthur, joined the confidential session for Item 35 CON 22/09/15 - General Manager Performance Review Panel.

Council reconvened into open session at 7.52pm.

Members of the public were invited back into the meeting and the Directors joined the meeting.

In the General Manager's absence the Lord Mayor reported back on the items resolved by Council during confidential session as follows:

ITEM-29 CON 22/09/15 - COURT MATTER

- 1 Council receives the report.
- 2 This confidential report relating to the matters specified in s10A(2)(a), (e), and (g) of the Local Government Act 1993 be treated as confidential and remain confidential until Council determines otherwise.

Resolved in confidential session

**ITEM-30 CON 22/09/15 - TENDER FOR CLARENDON HOTEL AIR
CONDITIONING UPGRADE - CONTRACT NO 2016/030T**

- 1 Council accept the tender of Kelly Investments Pty Ltd trading as JK Air Conditioning in the amount of \$162,360.00 GST exclusive for the Clarendon Hotel Air Conditioning Upgrade Works for Contract No. 2016/030T.
- 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.

Resolved in confidential session

**ITEM-31 CON 22/09/15 - CATHEDRAL PARK RETAINING WALL
STABILISATION - CONTRACT NO. 2015/385T**

- 1 Council accept the tender of Quality Management and Constructions Pty Ltd in the amount of \$568,000 (excluding GST) for the Cathedral Park Retaining Wall Stabilisation for Contract No. 2015/385T.
- 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.

Resolved in confidential session

ITEM-32 CON 22/09/15 - TENDER FOR HAULAGE OF VIRGIN EXCAVATED NATURAL MATERIAL - CONTRACT 2016/047T

- 1 Council accept the tender of Gleeson Civil Engineering Pty for the haulage of Virgin Excavated Natural Material for Contract No. 2016/047T with payments to be made by Council at the tendered unit rates.
- 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.

Resolved in confidential session

ITEM-33 CON 22/09/15 - TENDER FOR DESIGN DOCUMENTATION SERVICES FOR BATHERS WAY CONTRACT 2015/401T

- 1 Council accept the tender of Terras Landscape Architects for Design and Documentation Services - Coastal Revitalisation for Contract No. 2015/401T.
- 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.

ITEM-34 CON 22/09/15 - NEWCASTLE CITY COUNCIL AND NEWCASTLE UNIVERSITY PARTNERSHIP TO PROMOTE INTERNATIONAL TRAINING OPPORTUNITIES

- 1 Council authorises the General Manager to provide letters of support promoting Newcastle as an international training venue in partnership with the University of Newcastle and relevant training authorities.
- 2 Council endorses the Lord Mayor to accompany the Vice Chancellor of the University of Newcastle to France to further international training opportunities with relevant organisations.
- 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.
- 4 Furthermore, noting the extenuating circumstance and the Lord Mayor's attendance at the Ordinary Meeting and timeframe for attendance, that Council endorse travel by business class.

Resolved in confidential session

ITEM-35 CON 22/09/15 - GENERAL MANAGER PERFORMANCE REVIEW PANEL REPORT

- 1. Performance Review Report**
That this Performance Review Report be accepted by Council.
- 2. No discretionary Increase to the General Manager's total remuneration package**
As the final assessment/rating of the General Manager falls short of the salary increase scale contained in 23.2 of Council's Performance Review Policy, no discretionary increase be awarded this year.
- 3. New Performance Agreement**
That the Review Panel, Facilitator and General Manager be delegated responsibility to develop and submit to Council for adoption, a Performance Agreement for 2015/16 by the Council Meeting scheduled on 27th October 2015.
- 4. Performance Review Policy Review**
The Performance Review Panel undertake a review of Council's Performance Review Policy and make recommendations to Council at its meeting on the 27th October 2015, on how to improve the process.
- 5. Review of the General Manager's and Lord Mayor's Delegations**
The Panel be given until the 27 October 2015 to further review the Lord Mayor's and General Manager's delegations and submit recommended changes to Council at the Ordinary Council Meeting 27 October 2015 and the Panel also be able to consult internal and external expert advice.
- 6. Confidentiality**
The confidential report relating to the matters specified in s10A(2)(a) of the *Local Government Act 1993* be treated as confidential and remain confidential until Council determines otherwise.

Resolved in confidential session

LATE ITEMS OF BUSINESS

The Lord Mayor called for a procedural motion to hear Cr Doyle's two late items of business.

PROCEDURAL MOTION

Moved by Cr Doyle, seconded by Cr Osborne

Council resolve to consider the late item of business Message of condolence to former Councillor Margaret Henry's family.

Carried

MOTION

Moved by Cr Doyle, seconded by Cr Crakanthorp

Council expresses its condolences at the death of Margaret Henry and sends the message of condolence read by the Lord Mayor at the commencement of the meeting to her partner Keith Parsons, daughter Catherine Henry and other immediate family members.

Carried

PROCEDURAL MOTION

Moved by Cr Doyle, seconded by Cr Osborne

Council resolve to consider the late item of business "Council reiterates its support for the retention of intercity rail service to Newcastle station."

The Lord Mayor ruled that the matter was not of great urgency and the item was not considered at the meeting.

The meeting concluded at 8.10pm.