

## CITY OF NEWCASTLE

Ordinary Council Meeting 22 March 2016

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## CITY OF NEWCASTLE

**Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 22 March 2016 at 5.41pm.**

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### **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 and L Tierney.

### **IN ATTENDANCE**

F Cordingley (Interim Chief Executive Officer), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), P Chrystal (Director Planning and Regulatory), D North (Manager Waste Services), L Burcham (Cultural Director), K Hyland (Manager Communications and Engagement), J Gaynor (Manager Strategic Planning), A Glauser (Manager Finance), G Holland (Manager Human Resources), E Kolatchew (Acting Manager Legal and Governance), F Leatham (Acting Manager Infrastructure Services), G Sainsbury (Manager Projects and Contracts), N Baker (Chief of Staff to the Lord Mayor), K Baartz (Communications Manager), B Johnson (Media Officer), K Sullivan (Council Services/Meetings Management) 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**

#### **MOTION**

Moved by Cr Luke, seconded by Cr Osborne

The apologies submitted on behalf of Councillor Waterhouse be received and leave of absence granted.

**Carried**

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

#### **Councillor Luke**

Councillor Luke declared a less than significant non-pecuniary interest in Item 22 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 Clausen**

Councillor Clausen declared a less than significant non-pecuniary interest in Confidential Item 9 Richmond Vale Rail Trail - Environmental Impact Statement and Concept Design Contract No. 2016/067T and said he had fairly close working relationships with a number of the tendering organisations although not the recommended tenderer so would remain in the Chamber when the item was discussed.

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES OF EXTRAORDINARY COUNCIL MEETING 9 FEBRUARY 2016  
MINUTES PUBLIC VOICE COMMITTEE 16 FEBRUARY 2016  
MINUTES BRIEFING COMMITTEE 16 FEBRUARY 2016  
MINUTES ADJOURNED BRIEFING COMMITTEE 23 FEBRUARY 2016  
(RECONVENED FROM 16/02/16)  
MINUTES ORDINARY COUNCIL MEETING 23 FEBRUARY 2016**

**MOTION**

Moved by Cr Osborne, seconded by Cr Rufo

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

**Carried**

**REPORTS BY COUNCIL OFFICERS**

**ITEM-29                      CCL 22/03/16 - ADOPTION OF THE DRAFT DISABILITY  
ACCESS AND INCLUSION PLAN**

**PROCEDURAL MOTION**

Moved by Cr Luke, seconded by Cr Rufo

Council move Item 29 Adoption of the Draft Disability Access and Inclusion plan to the first item on the agenda.

**Carried**

**PROCEDURAL MOTION**

Moved by Cr Osborne, seconded by Cr Doyle

That Council deal with Notice of Motion Item 1 Publication of Connecting Newcastle in conjunction with Item 28 Connecting Newcastle.

**Defeated**

**MOTION**

Moved by Cr Doyle, seconded by Cr Osborne

- 1 Council adopt the Draft Disability Action Plan including a new action - strategy 6(e) Facilitate specialist training for identified technical staff for access auditing and compliance with relevant codes and standards.
- 2 That Council receives a report on establishing a Council Access Committee as a working group of Council, reporting direct to Council and comprising relevant council officers, three Councillors, three community representatives and representatives of relevant community and advocacy groups.

**Carried  
Unanimously**

**ITEM-20 CCL 22/03/16 - ELECTION OF DEPUTY LORD MAYOR**

**MOTION**

Moved by Cr Clausen, seconded by Cr Rufo

- 1 Council approves the term of the Deputy Lord Mayor to be for a period taking effect from 22 March 2016 and concluding on 9 September 2016 (being the day before the presently scheduled local government elections due to be held on 10 September 2016) or the day before such later date as the State Government determines as the revised local government election date.
- 2 Council approves the conduct of an election of a Deputy Lord Mayor by ordinary ballot voting in accordance with the election procedures set out in Parts 1 and 2 of Schedule 7 of the Local Government (General) Regulation 2005 (NSW) (Regulation) at an election to be conducted at the Ordinary Council Meeting to be held on 22 March 2016 (refer to Paragraphs 19 and 20).

**Carried**

The Interim Chief Executive Officer (as the returning officer):

- Announced that nominations had been received for the position of Deputy Lord Mayor from Councillors Dunn and Rufo.
- Distributed ballot forms and called for a vote in favour of each nominee by ordinary ballot.
- Declared Councillor Dunn elected as Deputy Lord Mayor for a period from 22 March 2016 and concluding on 9 September 2016 (being the day before the presently scheduled local government elections due to be held on 10 September 2016) or the day before such later date as the State Government determines as the revised local government election date.

**ITEM-21 CCL 22/03/16 - MOTIONS AND ATTENDANCE AT THE NATIONAL GENERAL ASSEMBLY**

**MOTION**

Moved by Cr Posniak, seconded by Cr Robinson

- 1 Council determines the Councillors to attend the 2016 Australian Local Government Association's National General Assembly of Local Government.
- 2 Council nominates Councillor Clausen to attend.
- 4 Council nominates Councillor Clausen as Council's voting delegate.

**Carried**

**ITEM-22 CCL 22/03/16 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

**MOTION**

Moved by Cr Compton, seconded by Cr Crakanthorp

The Executive Monthly Performance Report be received.

**Carried**

The Lord Mayor requested Council note that the forecast budget surplus for 2015/16 was \$2.9 million and the underlying surplus was \$0.7 million and thanked the staff for their hard work in achieving this result.

**ITEM-23 CCL 22/03/16 - ENDORSEMENT OF SIX MONTHLY REVIEW OF 2013-2017 DELIVERY PROGRAM**

**MOTION**

Moved by Cr Compton, seconded by Cr Crakanthorp

The Six Monthly Review of Council's progress on the 2013-17 Delivery Program, as per **Attachment A** be received (Six Monthly Review).

**Carried**

**ITEM-24 CCL 22/03/16 - ASSET MANAGEMENT POLICY**

**MOTION**

Moved by Cr Doyle, seconded by Cr Osborne

Council place the revised Asset Management Policy (Version 3) as at **Attachment A** on public exhibition for 28 days and invite public submissions.

**Carried**

Councillor Luke foreshadowed the officer's recommendation in the report.

**ITEM-25 CCL 22/03/16 - PROPOSED WASTE MANAGEMENT FEES AND CHARGES 2016/2017**

**MOTION**

Moved by Cr Dunn, seconded by Cr Osborne

- 1 Council endorses the draft amended 2016/2017 commercial Schedule of Fees and Charges for Waste Management collection, disposal and associated services at **Attachment A** being placed on public exhibition for 28 days with the following change made to paragraph 4:

*External influences and legislative changes continue to have a direct financial impact on waste management activities. These drivers continue to significantly increase the cost of waste management. The landfill Waste Levy alone is expected to rise to \$135.10 per tonne (from \$133.10). These external drivers and annual Consumer Price Index increases form the basis for cost increases in the proposed Schedule of Fees and Charges.*

- 2 Council approve the adoption of the 2016/2017 commercial Schedule of Fees and Charges for Waste Management collection, disposal and associated services at **Attachment A** if no significant adverse submissions are received during the public exhibition period. However, if significant adverse submissions are received then a further report to Council seeking approval will be required subsequent to the end of the public exhibition period.

**For the Motion:**

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

**Against the Motion:**

Councillors Luke and Tierney.

**Carried**

**ITEM-26 CCL 22/03/16 - NEWCASTLE ART GALLERY FOUNDATION  
MEMORANDUM OF UNDERSTANDING**

**MOTION**

Moved by Cr Posniak, seconded by Cr Dunn

Council endorses the Memorandum of Understanding with the Newcastle Art Gallery as provided in **Attachment A** and delegates authority to the Interim Chief Executive Officer to sign the document on behalf of Newcastle City Council.

**AMENDMENT**

Moved by Cr Tierney, seconded by Cr Luke

Council endorses the Memorandum of Understanding with the Newcastle Art Gallery as provided in Attachment A with amendment as per below and delegates authority to the Interim Chief Executive Officer to sign the document on behalf of Newcastle City Council.

- Paragraph 14 delete the words "intended to be" so that paragraph 14 of the memorandum of Understanding reads as; "The Gallery is the sole beneficiary of the Foundations work"
- Paragraph 17 change to "it is acknowledged that the operation of the Art Gallery is the responsibility of the Council, the strategic direction and operations of all Council owned cultural facilities will be included in Councils Strategic and Operational Plan following consultation with all significant stake holders including the Foundation
- Paragraph 21 delete and renumber remaining paragraphs.

**Amendment defeated**

**For the Motion:**

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

**Against the Motion:**

Councillors Luke and Tierney.

**Motion carried**

**ITEM-27                    CCL 22/03/16 - REGIONAL COLLABORATION - NOMINATION  
FOR REPRESENTATIVE ON THE PUBLIC LIBRARIES  
CENTRAL EAST ZONE COMMITTEE**

**MOTION**

Moved by Cr Osborne, seconded by Cr Posniak

That Council notes the Lord Mayor's appointment of Councillor Clausen as Council's representative on the Public Libraries Central East Zone Committee.

**Carried**

**ITEM-28                    CCL 22/03/16 - CITY REVITALISATION UPDATE**

**MOTION**

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

Council endorse the Connecting Newcastle document as at **Attachment 1**.

**Carried**

Councillor Luke retired from the Chamber at 6.49pm and returned at 6.50pm.

**FORESHADOWED MOTION**

Moved by Cr Doyle, seconded by Cr Osborne

**Part A**

That Council

1. Notes the the Connecting Newcastle document as at **Attachment 1**; and
2. Notes that Connecting Newcastle is nor a plan or a policy endorsed by Council.

**Part B**

That

1. Council expresses its concern at the release and publication of *Connecting Newcastle* as if it were a plan or document adopted by Council, when this document has never been presented, in its current form, to Council.
2. Before any formal adoption by Council of this document, or some variant of it, council officers present a report to the next Ordinary Council meeting that clearly outlines:

- a. Reasons for inclusion of UrbanGrowth's *Harbour Entertainment City* as Council's favoured option before the results of UrbanGrowth's consultation have been formally presented to Council;
- b. Evidence-based justification for the transfer of the bus layover from Newcastle Station to the West End;
- c. The safety considerations of a mixed running route for the tram, particularly with respect to the centre-line electrical supply poles;
- d. The effects that the mixed running route described in the document would have on tram service reliability, frequency and running times;
- e. Traffic management measures that would need to be in place to make this system work;
- f. The possible rerouting and timetable changes for buses that currently run along Hunter St, Scott St;
- g. The advice given by Council's traffic officers on the viability of the tram route and mixed running described in this document.

**PROCEDURAL MOTION**

Moved by Cr Tierney, seconded by Cr Luke

Lay the item on the table until Council receives a workshop on the items raised in Councillor Doyle's foreshadowed motion.

**Procedural motion defeated**

The motion moved by the Lord Mayor and Councillor Robinson was put to the meeting.

**For the Motion:**

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

**Against the Motion:**

Councillors Doyle, Luke, Osborne and Tierney.

**Carried**

**ITEM-30**

**CCL 22/03/16 - SUBMISSION ON DRAFT HUNTER REGIONAL PLAN**

**MOTION**

Moved by Cr Crakanthorp, seconded by Cr Dunn

- 1 Council endorse the proposed submission (**Attachment A**) to be lodged by Council with the NSW Department of Planning and Environment on the draft Hunter Regional Plan and draft Plan for Growing Hunter City by 31 March 2016.
- 2 That Council include on page 11 of the submission (at page 125 of the business paper) under Point 2.10 - Other Matters - Heritage, the following additional paragraph to Part B:



Council resolved on 8 December 2015 to provide "In-Principle" support for the inclusion of the Coal River Precinct on the National Heritage List (NHL). It has also committed funds towards a project to prepare a heritage master plan that presents the Coal River Precinct in a way that aligns with related Council activities including the City Centre Revitalisation Program, the Aboriginal Heritage Management Plan, the review of the Destination Management Plan, the Bathers Way program and the Walking Trails project. This is an important area for Newcastle and the Hunter Region and the Hunter Regional Growth Plan and Plan for Growing Hunter City should reference this Coal River Precinct in a specific direction and action relating to identifying, protecting and managing items and areas of significance across the Hunter.

3 That Council include the following changes to the submission:

**Page 4 - Part A - of Point 1.4 Grow Australia's next major city**

- Change Part A from "***could be*** referred to as Metro Newcastle" to "***should be*** referred to as Metro Newcastle"
- **Page 4 - Part B** - "it acknowledges the geographical area of Metro Newcastle" add the words "**Southern Port Stephens to Northern Lake Macquarie**"

**Part 1.2 C Operation and Delivery of the Plan**

- Consideration should be given to the establishment of a Greater Newcastle Commission similar to the Sydney Commission - change "***Hunter***" to "***Metro Newcastle area***".

**Carried**

**ITEM-31 CCL 22/03/16 - ADOPTION OF GURAKI ABORIGINAL ADVISORY COMMITTEE CHARTER**

**MOTION**

Moved by Cr Doyle, seconded by Cr Clausen

Council adopts the revised Guraki Aboriginal Advisory Committee Charter in the form as attached at (**Attachment A**) and add Terms of Reference.4.1.2 "and to matters of cultural and heritage significance to Aboriginal and Torres Strait Islander Peoples".

**Carried**

**ITEM-32 CCL 22/03/16 - YOUTH COUNCIL ANNUAL REPORT**

**MOTION**

Moved by Cr Clausen, seconded by Cr Doyle

Council receives the Newcastle Youth Council Annual Report for 2014/2015.

**Carried**

**NOTICES OF MOTION**

**ITEM-1                      NOM 22/03/16 - PUBLICATION OF CONNECTING NEWCASTLE**

The Lord Mayor referred to Clause 46.1.7 of the Code of Meeting Practice and stated that the Notice of Motion was unnecessary in that it proposed a course of action or policy already resolved by the Meeting and ruled the Notice of Motion out of order.

**CONFIDENTIAL REPORTS**

**MOTION**

Moved by Cr Rufo, seconded by Cr Posniak

Council proceed into confidential session for discussion on Confidential Items 9 and 10 for the reasons outlined in the business papers.

**Carried**

Council moved into confidential session at 7.20pm and reconvened into open session at 7.28pm and the Interim Chief Executive Officer announced the detail of the resolutions approved in confidential session

**ITEM-9                      CON 22/03/16 - RICHMOND VALE RAIL TRAIL - ENVIRONMENTAL IMPACT STATEMENT AND CONCEPT DESIGN CONTRACT NO. 2016/067T**

**MOTION**

- 1 Council accepts the tender of GHD Pty Ltd in the amount of \$399,801 (excluding GST) for the Richmond Vale Rail Trail EIS and concept design Contract No. 2016/067T.
- 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-10                    CON 22/03/16 - AQUATIC FACILITIES CONDITION  
ASSESSMENT CONTRACT NO. 2016/136T**

**MOTION**

- 1     Council rejects all tenders for the Aquatic Facilities Condition Report for Contract No. 2016/136T as the tenders do not have the expertise or capacity to fully address all aspects of the scope of work.
- 2     Council authorises the Interim Chief Executive Officer to enter into negotiations with specialist service providers with a view to execute a contract to undertake the Aquatic Facilities Condition Report.
- 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**

**The meeting concluded at 7.31pm**