



Minutes Briefing Committee

17 March 2015

MINUTES OF THE BRIEFING COMMITTEE

17 MARCH 2015 AT 5.32PM

PRESENT:

Lord Mayor, Councillor Nuatali Nelmes (Chair)
Councillor David Compton (arrived 5.55pm)
Councillor Therese Doyle (arrived 5.39pm)
Councillor Jason Dunn
Councillor Brad Luke
Councillor Michael Osborne
Councillor Stephanie Posniak
Councillor Andrea Rufo
Councillor Lisa Tierney

IN ATTENDANCE:

General Manager	Ken Gouldthorp
Director Corporate Services	Glen Cousins
Director Infrastructure	Frank Cordingley
Director Planning and Regulatory Manager Council and Legal Services	Peter Chrystal Frank Giordano
Manager Civil Works	Greg Essex

**MINUTES AND
WEBCASTING:**

Meetings Secretary	Amy Leach
Meetings Secretary	Kerry Sullivan

Chair, <<insert date TBC at Council>>

MINUTES OF THE BRIEFING COMMITTEE
TUESDAY 17 MARCH 2015 AT 5.32PM

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1 OPENING OF MEETING

1.1 The meeting was opened at 5.32pm.

2 MESSAGE OF ACKNOWLEDGEMENT

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

3 PRAYER

3.1 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.

4 APOLOGIES

4.1 MOTION

Moved by Cr Tierney, seconded by Cr Luke

The apology submitted on behalf of Councillors Crakanthorp and Waterhouse be received and accepted and leaves of absence granted.

Carried

5 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

5.1 Nil.

6 BRIEFING SESSIONS

ITEM-3 BC 17/03/15 - AIR QUALITY BRIEFING RE: COAL WAGON STUDY

REPORT BY: PLANNING AND REGULATORY
CONTACT: PETER CHRYSTAL / ANDREW BAXTER
TELEPHONE: 4974 2409 / 4974 2521

PURPOSE

On 9 December 2014 Council resolved to request a briefing from the Environment Protection Authority (EPA) on the results of a study into air quality contribution of coal wagons.

This briefing will provide an update on the status of investigations conducted, conclusions drawn and proposed further actions or investigations to be conducted by the EPA.

BACKGROUND

The following notice of motion by Cr Osborne and Cr Doyle was to lay on the table pending the completion of the study and the receiving of the briefing:

"Newcastle Council call upon the NSW Government to implement immediate policy solutions to address the contribution of coal haulage activities to the particulate pollution load in Newcastle. These policy solutions must include at a minimum:

- Regulating for the phasing in of best practice fugitive dust mitigation measures across all stages of coal mining and haulage, beginning with mandatory covers for and washing of coal wagons; and
- Incorporating National Air Quality standards into the Protection of the Environment Operation Act. The current advisory standards for PM2.5 should be made mandatory and the limits for both PM10 and PM2.5 should be statutory thresholds for refusal of a development application."

RECOMMENDATION

The briefing be received.

REFERENCES

ATTACHMENTS

Nil.

MINUTES OF THE BRIEFING COMMITTEE MEETING OF THE CITY OF NEWCASTLE
TUESDAY 17 MARCH AT 5.32PM

MOTION

Moved by Cr Posniak, seconded by Cr Compton

The briefing be received.

Carried

**ITEM-4 BR 17/03/15 - CONFIDENTIAL BRIEFING ON COUNCIL
PARTICIPATION IN RAIL TRUNCATION WORKS**

REPORT BY: INFRASTRUCTURE
**CONTACT: DIRECTOR INFRASTRUCTURE / MANAGER CIVIL
WORKS**

REASON FOR CONFIDENTIALITY

This report has been classified confidential in accordance with the provisions of the Local Government Act 1993 as follows:

Section 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

Section 10B(1)(a) and (b) the discussion of the item in a closed meeting:

- a - only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.

and

- b - the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUND FOR CLOSING PART OF THE MEETING

In respect to Section 10D(2) the grounds on which part of a meeting is to be closed for the discussion of the particular item must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. Accordingly an appropriate resolution to proceed is required first.

MOTION TO PROCEED

The discussion of the confidential report take place in a closed session, with the press and public excluded, for the following reasons:

- A The matter relates to Council participation in works related to the truncation of the heavy rail service to Newcastle and has been requested to be delivered in a confidential briefing to the elected Council.

Section 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed:

(ii) confer a commercial advantage on a competitor of the council

B The closed session involves

- only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
- the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

C It is contrary to the public interest to discuss the matter in an open meeting because the information provided by Council is sensitive commercial information which would provide a commercial advantage to any person seeking to bid on work of a nature currently performed by Council for which Council's bids have been accepted by the customer.

PURPOSE

To provide a briefing to Council on the matter which was the subject of a Notice of Motion to Council on 24 February 2015.

BACKGROUND

- 1 A Notice of Motion (NOM) submitted by Cr Doyle to the Ordinary Council meeting on 24 February 2015 requested that a briefing be given to Council on Council activities related to the truncation of the heavy rail into Newcastle.
- 2 This NOM was laid on the table by a procedural motion seeking a confidential briefing of Council prior to consideration of the NOM by Council.

RECOMMENDATION

The briefing be received.

REFERENCES

ATTACHMENTS

Attachment A: Action Item from Council Minutes

Attachment A

ACTION ITEM

Ordinary Council 24 February 2015

ITEM-6 NOM 24/02/15 - BRIEFING ON COUNCIL PARTICIPATION IN RAIL TRUNCATION WORKS

Cr Crakanthorp retired from the Chamber at 7.27pm.

MOTION

Moved by Cr Doyle, Seconded by Cr Osborne

That Council receive an open briefing at its next briefing session from council officers that clearly outlines:

The works that council staff are currently carrying out on behalf Transport for NSW, Roads and Maritime Services (RMS) or any other NSW State government agency that is associated with the truncation of the rail service into Newcastle. These would include works on rail crossings and road works and street signage associated with level crossings along the rail corridor from Hamilton to Newcastle Station.

How Council can act on its resolutions of 9 December 2014 in support of retaining a full rail service into Newcastle, that council “regards the intercity rail services to Newcastle Station as a key component of Newcastle public transport infrastructure, and crucial to the achievement of the State Government’s Long Term Transport Masterplan 2021”.

PROCEDURAL MOTION

Moved by Cr Posniak, seconded by Cr Nelmes

Item lay on the table pending a confidential briefing to Council.

Procedural motion carried

MOTION

Moved by Cr Tierney, seconded by Cr Posniak

Council move into confidential session for the reasons as printed in the business paper.
Carried

Council moved into confidential session at 6.11pm and reconvened at 6.50pm.

The General Manager reported to Council that the Director Infrastructure provided a confidential briefing to Council on the matter which was the subject of a Notice of Motion to Council on 24 February 2015 which was laid on the table until a confidential briefing was received.

7. The meeting concluded at 7.14pm.

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Council Chambers

2nd floor, City Hall, Newcastle 2300

Phone: 4974 2000

Email: mail@ncc.nsw.gov.au

