

CITY OF NEWCASTLE

Ordinary Council Meeting 23 August 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 23 August 2016 at 5.34pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors D Clausen, D Compton (arrived 5.38pm), 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), F Giordano (Manager Legal and Governance), A Baxter (Manager Regulatory Services), J Gaynor (Manager Strategic Planning), F Leatham (Acting Director Infrastructure), A Glauser (Manager Finance), I Challis (Acting Manager Projects and Contracts), N Baker (Chief of Staff), K Baartz (Communications Manager), B Johnson (Media Officer), K Sullivan (Council Services/Webcasting) and A Leach (Council Services/Minutes).

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. Especially remembered was the late former University of Newcastle Chancellor Conjoint Professor Trevor Waring AM.

APOLOGIES

MOTION

Moved by Cr Luke, seconded by Cr Osborne

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor B Luke

Councillor Luke declared a non-pecuniary less than significant conflict of interest in Item 75 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 less than significant conflict of interest in Item 74 Adoption of Revised Investment Policy 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 further declared a non-pecuniary less than significant conflict of interest in Item 76 Financial Statements for the Year Ended 30 June 2016 to be referred to Council's Auditors and said that his son has a contract to commence work with PriceWaterhouseCoopers (PWC) and his daughter currently worked with a competitor of PWC. Councillor Luke said the conflict was less than significant as the report to Council was not to appoint an auditor and was only to receive the report.

Councillor Clausen

Councillor Clausen declared a less than significant non-pecuniary conflict of interest in Item 73 Endorsement of 2030 End of Term Report and said that the report mentioned his employer throughout. However, as the report was for statistical purposes and no decision making was required the conflict was considered less than significant.

CONFIRMATION OF PREVIOUS MINUTES

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Dunn

Council defer consideration of the minutes until after Confidential Item 34.

Carried

LORD MAYORAL MINUTE

LMM 23/08/16 - INNOVATIVE PROPOSALS POLICY

MOTION

Moved by Cr Nelmes, seconded by Cr Osborne

That Newcastle City Council

1. Develop a draft Innovative Proposals Policy for public exhibition; and
2. Develop a strategy to support local Small and Medium Enterprises (SMEs), startups, incubators, accelerators and attracting large international companies to base their headquarters in Newcastle by targeted approaches to the NSW Government Jobs of the Future Fund.

**Carried
Unanimously**

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Following a question from Councillor Compton regarding where the Innovative Proposals Policy fitted into requirements of the Local Government Act, the Interim Chief Executive Officer said he would take the question on notice.

REPORTS BY COUNCIL OFFICERS

**ITEM-73 CNL 23/08/16 - ENDORSEMENT OF 2030 END OF TERM
REPORT 2016**

MOTION

Moved by Cr Nelmes, seconded by Cr Osborne

Council endorses the Newcastle 2030 End of Term Report 2016.

**Carried
Unanimously**

ITEM-74 CCL 23/08/16 - ADOPTION OF REVISED INVESTMENT POLICY

MOTION

Moved by Cr Clausen, seconded by Cr Osborne

Council adopts the draft Investment Policy (Policy) in the form as at **Attachment A**.

For the Motion:

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

Against the Motion:

Councillors Compton, Luke, Robinson, Rufo and
Tierney.

Carried

**ITEM-75 CCL 23/08/16 - EXECUTIVE MONTHLY PERFORMANCE
REPORT**

MOTION

Moved by Cr Osborne, seconded by Cr Tierney

The report be received.

Carried

Following a question from Councillor Tierney regarding why the debt from the April storms had not yet been reimbursed to Council, the Director Corporate Services said he would take the question on notice.

ITEM-76 CCL 23/08/16 - FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2016 TO BE REFERRED TO COUNCIL'S AUDITORS

MOTION

Moved by Cr Doyle, seconded by Cr Clausen

- 1 That Council notes the preparation of its Financial Statements for the year ended 30 June 2016 are underway and upon completion they will be referred for audit in accordance with the requirements of s. 413 (1) of the Act.
- 2 Council authorises the Lord Mayor, a Councillor, the Interim Chief Executive Officer 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-77 CCL 23/08/16 - CITY EAST PARKING - TRIAL CHANGES TO ON AND OFF STREET PARKING OPERATIONS

MOTION

Moved by Cr Osborne, seconded by Cr Doyle

Council does not support the request from NewcastleNOW and invite NewcastleNOW and the City East Precinct Advisory Group to brief Council on the reasons for the request.

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

Against the Motion: Councillor Compton.

Carried

Councillor Luke left the Chamber at 6.37pm and returned at 6.39pm.

ITEM-78 CCL 23/08/16 - FOOD TRUCK TRIAL / POLICY ADOPTION

MOTION

Moved by Cr Osborne, seconded by Cr Posniak

It is recommended that Council adopt the draft Local Approvals Policy - Mobile Food Vending Vehicles (MFVV) in the form as attached at **Attachment A**.

Carried

ITEM-79 CCL 23/08/16 - CLIFF STREET, THE HILL - PERMANENT HALF CLOSURE, ONE WAY RESTRICTION AND PEDESTRIAN CROSSING AT HIGH STREET

MOTION

Moved by Cr Doyle, seconded by Cr Luke

Council approves the installation of a permanent half closure and westbound one way restrictions in Cliff Street The Hill, between The Terrace and High Street and the installation of a raised pedestrian crossing in High Street, south of Cliff Street.

Carried

NOTICES OF MOTION

NOM 23/08/16 - PORT PRIDE

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

1. Council note the winning entry of the Smart Seeds young professionals innovation challenge was 'Port Plus' a proposal for three innovative flagships to build the status of Newcastle's working harbour. One component of this winning entry was a proposal to 'Tag the Tugs,' to have tug boats operating on the harbour painted by local artists and be given distinct personalities.
2. Council's Public Art Advisory Committee investigate opportunities to work with the Port of Newcastle, Port Authority of New South Wales, Svitzer and Transport for Newcastle for public art to be embedded in the working harbour, including consideration of artwork on tugs and ferries.

**Carried
Unanimously**

ITEM-15 NOM 23/08/16 - BRIEFING ON REVIEW OF ENVIRONMENTAL FACTORS FROM TRANSPORT NSW RE NEWCASTLE LIGHT RAIL

MOTION

Moved by Cr Posniak, seconded by Cr Dunn

- a) Council again request that Transport for NSW provide a briefing on the Review of Environmental Factors final report from Transport NSW regarding the Newcastle light rail proposal and the assertions it makes about the Council's proposal for mixed running and the effect on same; and
- b) That the Council prepare a report on how to mitigate the impacts of light rail down Hunter Street while ensuring our urban renewal goals (Hunter St and NURS) masterplans are realised.

- c) Council publish prominently on its website, with relevant explanatory notes, the comparative analysis of the three route alignment options that appeared as Appendix B to Council's submission to Transport for NSW's Review of Environmental Factors.

Carried

CONFIDENTIAL REPORTS

ITEM-33 CON 23/08/16 - CONTRACTUAL CONDITIONS OF SENIOR STAFF

PROCEDURAL MOTION

Moved by Cr Osborne, seconded by Cr Doyle

Item CON 23/08/16 - Contractual Conditions of Senior Staff be discussed in open session.

Councillor Dunn left the Chamber at 7.22pm and returned at 7.23pm.

Following advice from the Manager Legal and Governance regarding discussing personnel matters in open Council, Councillor Osborne withdrew his procedural motion.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Rufo

Council enter into Confidential Session for discussion on Confidential Items 33 and 34 for the reasons outlined in the business papers.

Carried

PROCEDURAL MOTION

Moved by Cr Osborne, seconded by Cr Posniak

Council discuss Item 34 CON 23/08/16 - Heavy patching (flexible pavement) - Contract no. 2016/495T prior to Item 33 CON 23/08/16 - Contractual conditions of senior staff.

Carried

Council moved into confidential session at 7.21pm and reconvened at 7.50pm.

ITEM-34 CON 23/08/16 - HEAVY PATCHING (FLEXIBLE PAVEMENT) - CONTRACT NO. 2016/495T

MOTION

Moved by Cr Osborne, seconded by Cr Clausen

- 1 Council accept the tenders of Ian Rich Asphalt Pty Ltd, Accurate Asphalt & Road Repairs Pty Ltd and ANA Industries Pty Ltd for Heavy Patching (Flexible

Pavement) for Contract No. 2016/495T with payments to be made in accordance with the tendered 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.

**Carried
Unanimously**

**ITEM-33 CON 23/08/16 - CONTRACTUAL CONDITIONS OF SENIOR
STAFF**

The Lord Mayor requested that all staff retire except for the Interim Chief Executive Officer and the Meetings Secretaries.

Council staff retired from the Chamber.

The Director Corporate Services, Director Planning and Regulatory and Acting Director Infrastructure returned at its conclusion at 7.51pm.

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

1. Council notes the contractual conditions of senior staff of Newcastle City Council;
2. Council notes that the recruitment of a permanent Chief Executive Officer has been temporarily suspended by the Interim Chief Executive Officer due to the NSW Government's City of Hunter Coast merger proposal;
3. Councillors be provided with Local Government NSW's benchmarking remuneration report as was provided to the interim Chief Executive Officer in March 2016 at a workshop in September including KPIs review dates and resource plans; and
4. This confidential report relating to the matters specified in s. 10A(2)(a) of the Act be treated as confidential and remain confidential until Council determines otherwise.

Carried

CONFIRMATION OF PREVIOUS MINUTES

**RECORD OF PROCEEDINGS HELD IN LIEU OF EXTRAORDINARY COUNCIL MEETING DUE TO LACK OF A QUORUM
MINUTES OF PUBLIC VOICE COMMITTEE HELD 19 JULY 2016
MINUTES BRIEFING COMMITTEE 19 JULY 2016
MINUTES OF ORDINARY COUNCIL MEETING 26 JULY 2016**

MOTION

Moved by Cr Nelmes, seconded by Cr Clausen

The record of proceedings for 4, 5, 7 and 14 July 2016 and the draft minutes of the Adjourned Extraordinary Council meeting of 19 July 2016, Public Voice Committee held 19 July 2016, Briefing Committee 19 July 2016, Ordinary Council meeting 26 July 2016 as circulated, be taken as read and confirmed.

**Carried
Unanimously**

Following a comment from Councillor Clausen regarding the recording of confidential items within the minutes the Interim Chief Executive Officer said the motions of confidential items would, from this point on, include the mover and seconder.

The meeting concluded at 7.57pm.