



## THE CITY OF NEWCASTLE



### Councillors

In accordance with section 367 of the Local Government Act, 1993 notice is hereby given that an **EXTRAORDINARY MEETING** of the Council will be held as follows:

**DATE:** Tuesday 23 January 2018  
**TIME:** 5.30pm  
**VENUE:** Council Chambers  
2nd Floor  
City Hall  
290 King Street  
Newcastle NSW 2300

J Bath  
Chief Executive Officer

**City Administration Centre  
282 King Street  
NEWCASTLE NSW 2300**

18 January 2018

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**EXTRAORDINARY COUNCIL MEETING  
23 January 2018**

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***NOTE: ITEMS MAY NOT NECESSARILY BE DEALT WITH IN NUMERICAL ORDER***

**LORD MAYORAL MINUTE**

**ITEM-1                      LMM 23/01/18 - AUTONOMOUS VEHICLE TRIAL FOR  
NEWCASTLE EXPRESSION OF INTEREST**

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**MOTION**

**That Newcastle City Council:**

1. Reaffirms our commitment to ensuring that Newcastle becomes a smart, liveable and sustainable city;
2. Notes that key to this vision, is the continued implementation of the Newcastle Smart City Program, of which the delivery of Smart City Infrastructure is a key component;
3. Notes that the Parliamentary Secretary for Regional Roads, Maritime and Transport recently wrote to Council, encouraging the City of Newcastle to engage with the NSW Smart Innovation Centre regarding the trial of autonomous vehicle technology in the Newcastle Local Government Area (LGA);
4. Submits an Expression of Interest (EOI) for seed funding from Transport for NSW, via the NSW Smart Innovation Centre, to develop and co-deliver, with our partners, a connected or automated vehicle trial in the Newcastle LGA.

**Background:**

**Regional Automated Vehicle Trials**

Transport for NSW is seeking to provide seed funding and partner with industry, researchers, local councils and businesses to develop and co-deliver a number of connected and automated vehicle trials across regional NSW.

Trials will focus on mobility use cases and investigate the benefits and challenges involved in introducing emerging connected and automated vehicle technology to regional NSW. TfNSW advise that lessons collectively learned from these trials will help TfNSW identify and implement new, creative and better ways to deliver transport to the people of NSW.

It will also help industry develop technology, products and services that can be deployed to deliver improved mobility.

According to TfNSW, Involvement in a trial, whether a local start up, major technology provider, academic institution, local council or other interested party will provide opportunities to integrate your ideas with others to develop, test and deliver innovative transport technology directly to customers.

TfNSW will work with participants who can contribute innovative technology systems and ideas in their own right or in partnership with others.

## About the Smart Innovation Centre

The Smart Innovation Centre is NSW's hub for collaborative research and development of safe and efficient emerging transport technology.

### Key benefits:

- Facilitate collaboration between government, industry and the research sector to develop innovative transport technology in NSW.
- Accelerate research, testing and piloting of emerging transport technologies to support community and economic development objectives.
- Ensure there is a focus on efficient, productive, safe, sustainable and liveable smart transport in NSW.

### Tender details

Connected and automated vehicles are developing rapidly and appearing in the real world now. They hold the promise of a future where road fatalities become a thing of the past, our traffic flows smoothly and customers have access to seamless, affordable, flexible and personalised journeys.

Transport for NSW believe these exciting technologies and services offer significant potential to help us address current and future mobility challenges, achieve more sustainable outcomes for society and improve services to customers.

TfNSW will provide support navigating legislative and regulatory considerations in the development and delivery of trials.

TfNSW will be looking to enabling trials to start from the second half of 2018.

Expressions of Interest are due by **10am, 19 March 2018.**

**Source:** *Regional Automated Vehicle Trials - NSW eTendering* website - <https://tenders.nsw.gov.au/?event=public.rft.show&RFTUUIID=97A6DABD-0A21-9A9D-B06F60DEC74E51F2>

## ATTACHMENTS

**Attachment A** Correspondence to the Hon. Melinda Pavey MP, Minister for Roads, Maritime and Freight regarding autonomous vehicle trials in the Hunter

**Attachment B** Correspondence from Kevin Anderson MP, Parliamentary Secretary for Regional Roads, Maritime and Transport about trials of automated vehicles on NSW roads and the Smart Innovation Centre.

**Attachment A**



OFFICE OF THE LORD MAYOR  
COUNCILLOR NUATALI NELMES  
CITY HALL NEWCASTLE  
NSW 2300

28 August 2017

The Hon. Melinda Pavey MP  
Minister for Roads, Maritime and Freight  
GPO Box 5341  
SYDNEY NSW 2001

Dear Minister

I write to you regarding the government's planned trial of autonomous vehicle technology in New South Wales.

I understand that the New South Wales government has recently passed a Bill through the Parliament to allow for multiple autonomous vehicle testing sites.

I note that the Chairman of the NRMA, Mr Kyle Loades believes that the Hunter would be 'perfect' for driverless car trials and that "Newcastle and the Hunter region already have established strengths in transport innovation, education and technology, so the area is perfectly placed to successfully deliver an autonomous vehicle trial".

I ask that you please advise if the government is considering Newcastle as a testing location for autonomous vehicle technology.

Newcastle City Council is willing to work with the New South Wales Government to see the successful trial of autonomous vehicle technology in the Hunter.

I look forward to your response, in due course.

Yours sincerely

A handwritten signature in black ink, consisting of several loops and a horizontal line at the end.

Councillor Nuatali Nelmes  
**LORD MAYOR OF NEWCASTLE**



**Attachment B**



**Kevin Anderson MP**  
Parliamentary Secretary for Regional Roads, Maritime and Transport  
Member for Tamworth

Our Ref: 00389689

Councillor Nuatali Nelmes  
Lord Mayor of Newcastle  
City of Newcastle  
mail@ncc.nsw.gov.au

Dear Cr Nelmes,

Thank you for your correspondence to the Minister for Roads, Maritime and Freight about autonomous vehicle trials. The Minister has asked me to respond on her behalf.

As you are aware, the NSW Government recently introduced legislation which allows for trials of automated vehicles on NSW roads.

The NSW Government has established the Smart Innovation Centre to work with industry partners to accelerate the safety, mobility, productivity and efficiency benefits of the technology. Currently, the first trial of a driverless shuttle bus in NSW is being run at Sydney Olympic Park with industry partners, HMI Technologies, Telstra, NRMA, IAG and the Sydney Olympic Park Authority. This is the first of what we hope will be many trials of this important technology in the State.

The new legislative framework is broad in its application, and trials are not restricted by specific locations, to ensure trials are run in a range of locations. This will allow us to understand the infrastructure and customer needs across the State, including regional areas. The Smart Innovation Centre is able to work with a range of partners to develop trials and would be happy to work with relevant stakeholders to consider specific trials in Newcastle.

If you have any further questions, Mr Evan Walker, Director Smart Innovation Centre at Transport for NSW, would be pleased to take your call on 0418 147 548.

I hope this has been of assistance.

Yours sincerely,

A handwritten signature in black ink that reads 'Kevin Anderson'.

22/12/2017

Kevin Anderson MP  
Parliamentary Secretary

**NOTICES OF MOTION**

**ITEM-1                    NOM 23/1/18 - NOTICE OF MOTION TO RESCIND A  
COUNCIL RESOLUTION - ITEM 135 - CCL 12/12/17 -  
ADOPTION OF FEES FOR LORD MAYOR AND  
COUNCILLORS**

**COUNCILLORS:    K ELLIOTT, A RUFO AND J CHURCH**

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**PURPOSE**

*Councillors Elliott, Rufo and Church have submitted the following rescission motion in respect of Item 135 - CCL 12/12/17 - Adoption of Fees for Lord Mayor and Councillors for consideration at an Extraordinary meeting of the Council to be held 23 January 2018.*

*The following Notice of Motion was received on 21 December 2017 from the abovenamed Councillors.*

**MOTION**

That the resolution arising from Item 135 - CCL 12/12/17 - Adoption of Fees for Lord Mayor and Councillors at the 12 December 2017 Ordinary Meeting resolving that Council approves the fees payable to the Lord Mayor and Councillors to be the maximum fee payable to the Lord Mayor and Councillors as set down in the Local Government Remuneration Tribunals annual report with increases applied from 1 July each year be rescinded, and the resolution of 27 June 2017, relating to the same subject, remain in operation.

**BACKGROUND**

In accordance with local government legislation, Council considers the Local Government Remuneration Tribunal's annual review of councillor allowances and adopts the fees to be paid to the Mayor and Councillors for each financial year. This was undertaken for the 2017/18 financial year on 27 June 2017 at which time it was resolved that there would be no increase from 2016/17. It was further resolved that the amount allowed for an increase within the budget be reallocated to expedite the Wallsend Public Domain Plan.

The zero percent increase in Councillors fees was promoted by the Labor team in the lead up to the September election as was the intent to continue to implement the Wallsend Public Domain Plan.

On 12 December 2017, after the elections, Council reconsidered its 2017/18 Councillor fees and resolved to give the Mayor a 24% increase, and Councillors a 16% increase from 1 January 2018. This was despite the fact that in accordance with the June resolution, any additional budgeted funds for Councillor fees had been

reallocated and therefore funds would need to be taken from other community projects to pay for this large increase.

We therefore submit a Motion to rescind the resolution of 12 December 2017 giving effect to the Councillor pay increase as:

- It is puzzling to go to the polls with a zero percent increase in Councillor fees and then increase them by 16% for the second half of the financial year after the election.
- It is inappropriate to increase fees to the Lord Mayor by 24% and Councillors by 16% when Council is continuing to burden ratepayers with consecutive 8% Special Rate Variation increases, supposedly to address its financial challenges.
- As any additional budget allocation for 2017 Lord Mayor/Councillor fees has already been reallocated in accordance with the June resolution, the increase could only be paid by reallocating funds back from the Wallsend Public Domain Plan and (given the size of the increase) other community projects.

## **ATTACHMENTS**

- Attachment A:** Signed Rescission Motion from Councillors Elliott, Rufo and Church dated 21 December 2017
- Attachment B:** Council resolution of 12 December 2017 - 135 - CCL 12/12/17 - Adoption of Fees for Lord Mayor and Councillors
- Attachment C:** Council resolution of 27 June 2017 - Item 66 - CCL 27/06/17 - Annual Fees for Lord Mayor And Councillors 2017/18

## Attachment A

21 December, 2017

### Rescission Motion

#### Background

In accordance with local government legislation, Council considers the Local Government Remuneration Tribunal's annual review of councillor allowances and adopts the fees to be paid to the Mayor and Councillors for each financial year. This was undertaken for the 2017/18 financial year on 27 June 2017 at which time it was resolved that there would be no increase from 2016/17. It was further resolved that the amount allowed for an increase within the budget be reallocated to expedite the Wallsend Public Domain Plan.

The zero percent increase in Councillors fees was promoted by the Labor team in the lead up to the September election as was the intent to continue to implement the Wallsend Public Domain Plan.

On 12 December, after the elections, Council reconsidered its 2017/18 Councillor fees and resolved to give the Mayor a 24% increase, and Councillors a 16% increase from 1 January 2018. This was despite the fact that in accordance with the June resolution, any additional budgeted funds for Councillor fees had been reallocated and therefore funds would need to be taken from other community projects to pay for this large increase.

We therefore submit a Motion to Rescind the Resolution of 12 December, 2017 giving effect to the Councillor pay increase as:

- It is puzzling to go to the polls with a zero percent increase in Councillor fees and then increase them by 16% for the second half of the financial year after the election.
- It is inappropriate to increase fees to the Lord Mayor by 24%, and Councillors by 16%, when Council is continuing to burden ratepayers with consecutive 8% Special Rate Variation increases, supposedly to address it's financial challenges.
- As any additional budget allocation for 2017/18 Lord Mayor/Councillor fees has already been reallocated in accordance with the June resolution, the increase could only be paid by reallocating funds back from the Wallsend Public Domain Plan and (given the size of the increase) other community projects

#### Motion

**That the resolution arising from *Item -135 CCL12/12/17 – Adoption of fees for Lord Mayor and Councillors at the 12 December 2017 Ordinary Meeting* resolving that Council approves the fees payable to the Lord Mayor and**

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**Councillors to be the maximum fee payable to the Lord Mayor and Councillors as set down in the Local Government Remuneration Tribunals annual report with increases applied from 1 July each year be rescinded, and the Resolution of 27 June, 2017, relating to the same subject, remain in operation.**

Signed

 21/12/17

Cr Kath Elliott

 21/12/17.

Cr Andrea Rufo

Cr John Church

 21/12/17

Cr Allan Robinson

**Attachment B**

**ACTION ITEM**

**ITEM 135 - CCL 12/12/17 - ADOPTION OF FEES FOR LORD MAYOR AND COUNCILLORS**

**RESOLVED:** (Councillors Dunn/Byrne)

Council approves the fees payable to the Lord Mayor and Councillors to be the maximum fee payable to the Lord Mayor and Councillors as set down in the Local Government Remuneration Tribunal's annual report with increases applied from 1 July each year.

**Attachment C**

**ACTION ITEM**

**ITEM 66 - CCL 27/06/17 - ANNUAL FEES FOR LORD MAYOR AND COUNCILLORS 2017/18**

**RESOLVED:** (Lord Mayor, Cr Nelmes/Cr Clausen)

- 1 Council approves:
  - a An increase of 0% to the annual fees payable to the Lord Mayor in accordance with s.249(1) of the Local Government Act 1993
  - b An increase of 0% to the annual fees payable to Councillors in accordance with s.248(1) of the Act
- 2 Council resolves to reallocate the budgeted 2.5% increase towards expediting the delivery of the Wallsend Public Domain Plan including the replacement of Tyrrell, Boscawen and Nelson Street Bridges.
- 3 Council writes to the Premier, Minister for Local Government, Leader of the Opposition, Shadow Minister for Local Government and Local Government NSW requesting amendment of Division 5 of the *Local Government Act* to remove the pecuniary conflict of interest whereby Councillors are required to vote on their own allowances.

**SUBJECT:           REPORT ON NOTICE OF MOTION - TO RESCIND A  
COUNCIL RESOLUTION - ITEM 135 - CCL 12/12/17 -  
ADOPTION OF FEES FOR THE LORD MAYOR AND  
COUNCILLORS**

**REPORT BY:       EXECUTIVE MANAGEMENT  
CONTACT:         CHIEF EXECUTIVE OFFICER**

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### **CHIEF EXECUTIVE OFFICER'S COMMENT**

This report is being presented to Council to provide a full background to Item 135 - CCL 12/12/17 - Adoption of fees for the Lord Mayor and Councillors.

The issue of payment of Councillor fees was dealt with in 2017 at the Ordinary Council meeting held on 27 June 2017. Historically an annual report has been presented to the elected Council by staff in June with the report containing 'blanks' in the recommendation section, requiring Councillors to both set and approve their own fees within a range determined by the Local Government Remuneration Tribunal (Tribunal). The range for Newcastle City Council determined by the Tribunal in 2017 was:

Councillors	\$17,540 - \$30,500
Lord Mayor	\$32,270 - \$95,000

In June, Councillors resolved to not apply an increase to their fees and to:

- i) reallocate the 2.5% budgeted increase towards the delivery of the Wallsend Public Domain Plan; and
- ii) write to the Premier, Minister for Local Government, Leader of the Opposition, Shadow Minister for Local Government and Local Government NSW requesting amendment of Division 5 of the *Local Government Act* to remove the pecuniary conflict of interest whereby Councillors are required to vote on their own allowances.

On 13 June 2017, Council's Executive Management Team met to review reports for the 27 June 2017 meeting, including a report for Councillor fees for the year 2017/18. At this meeting the Interim Chief Executive Officer expressed disappointment that Council staff had chosen not to recommend a fee, and that this practice should not be repeated for future reports.

In early October 2017, Council's Interim Chief Executive Officer spoke with an employee of Port Stephens Council (PSC) about the setting of Councillor fees. The employee indicated that the approach at PSC was for Councillor fees to be set at the commencement of each Council term for the term of council with Council staff recommending a fee. Furthermore, that past practice had been for Council to pay the maximum fees determined by the Tribunal.

On 20 October 2017, the Interim Chief Executive Officer discussed NCC’s approach with the Interim Manager Legal and Governance and Interim Manager Finance. It was agreed that fees could be set for the term within the range set by the Tribunal and based on Council’s meeting cycle reporting timeframes, the Interim Manager Legal and Governance nominated the December 2017 Ordinary Council meeting to put a Councillor fee report to the new Council. The listing of the report was approved by the Interim Director Corporate Services.

The Interim Director Corporate Services, Interim Manager Legal and Governance and Interim Manager Finance met with the Interim Chief Executive Officer on 22 November 2017 to discuss the report for the elected Council. The Interim Chief Executive Officer nominated that the report recommend the maximum fee payable as determined by the Tribunal, noting such action was consistent with local Councils Lake Macquarie, Maitland and Port Stephens. The following table summarises the fees payable:

**Fees paid to Councillors and Mayors as at 12 December 2017  
(following the increase applied to Newcastle City Council)**

<b>Council</b>	<b>Councillor/Member Annual Fee</b>	<b>Mayor/Chairperson Additional Fee</b>
<b>Newcastle City</b>	\$ 30,500	\$ 95,000
<b>Lake Macquarie City</b>	\$ 28,950	\$ 84,330
<b>Maitland City</b>	\$ 19,310	\$ 42,120
<b>Port Stephens</b>	\$ 19,310	\$ 42,120

**Fees paid to Councillors and Mayors as at 1 July 2017**

<b>Council</b>	<b>Councillor/Member Annual Fee</b>	<b>Mayor/Chairperson Additional Fee</b>
<b>Lake Macquarie City</b>	\$ 28,950	\$ 84,330
<b>Newcastle City</b>	\$ 26,213	\$ 76,397
<b>Maitland City</b>	\$ 19,310	\$ 42,120
<b>Port Stephens</b>	\$ 19,310	\$ 42,120

In accordance with normal process, the report was reviewed by Council’s full Executive Management Team prior to forwarding to Councillors.

**CONFIDENTIAL REPORTS**

**ITEM-1                      CON 23/01/18 - STAGES 2 AND 3 OF AEROSPACE EAST  
CARPARK AT NEWCASTLE AIRPORT**

**REPORT BY:                EXECUTIVE MANAGEMENT  
CONTACT:                 CHIEF EXECUTIVE OFFICER / INTERIM MANAGER LEGAL  
AND GOVERNANCE**

**REASON FOR CONFIDENTIALITY**

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

- Section 10A(2)(d) of the Act provides that Council can close a meeting to consider commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.
- Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:
  - (a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
  - (b) occur if the Council 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) of the Act, 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 tenders for Stages 2 and 3 of the Aerospace East Carpark at Newcastle Airport.
- B     It is contrary to the public interest to discuss tenders in an open meeting because the information provided to Council by tenderers is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information by tenderers.

This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.

- C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.