

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 11 December 2018 at 5.32pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, K Elliott, B Luke, J Mackenzie, A Robinson, A Rufo, E White and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), K Liddell (Director Infrastructure and Property and Interim Director Strategy and Engagement), F Leatham (Interim Director People and Culture), A Murphy (Director City Wide Services), A Jones (Chief Financial Officer), E Kolatchew (Manager Legal), J Rigby (Manager Assets and Projects), M Bisson (Manager Regulatory, Planning and Assessment), K Hyland (Manager Major Events and Corporate Affairs), I Challis (Contracts Management Specialist), J Vescio (Executive Officer, Chief Executive Office and Interim Manager Corporate and Community Planning), M Murray (Policy Officer, Lord Mayor's Office), C Field (Executive Officer, Lord Mayor's Office), P Nelson (Project Consultant *Confidential Item 27*), D Fischetti (Media Officer), K Sullivan (Council Services/Minutes) and A Leach (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.

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 Robinson

The apology submitted on behalf of Councillor Dunn be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Church

Councillor Church declared a less than significant non-pecuniary interest in Item 130 - Cooks Hill, The Hill and Hamilton South Heritage Conservation Areas Boundary Adjustments - Endorsement of Amendment to Newcastle LEP 2012 stating that he lived in the suburb and would manage the conflict and remain in the Chamber.

Councillor White

Councillor White declared a significant pecuniary interest in Item 128 - Determination of PAYG Taxation for Councillors, stating that although it was not normal to declare when it was in relation to 'our own', it was a matter under which taxation law, superannuation law, of which she was a representative of both members and involved in during her employment. Councillor White stated she would manage the conflict by leaving the Chamber for discussion on the item.

Councillor Clausen

Councillor Clausen declared a less than significant non-pecuniary interest in Confidential Item 28 - Review of Business Improvement Associations stating that in his capacity as a Ward 3 Councillor he was a member of the New Lambton Chamber of Commerce. Councillor Clausen stated that being a member did not constitute a significant conflict of interest under the Code of Conduct and would remain in the Chamber for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 20 NOVEMBER 2018

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

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

Carried

MINUTES - ORDINARY COUNCIL MEETING 27 NOVEMBER 2018

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

The draft minutes of the 27 November 2018 Ordinary Council Meeting as circulated be taken as read and confirmed, subject to an amendment to Item 113 to remove the inclusion of Councillor Church in the listing for the division. Councillor Church was not present in the Chamber when the division was called due to his significant pecuniary interest.

Carried

LORD MAYORAL MINUTE

**ITEM-23 LMM 11/12/18 - CITY OF NEWCASTLE 'BUY LOCAL'
PROCUREMENT POLICY**

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Examines the benefits available to the City of Newcastle of purchasing goods, services and works from suppliers/contractors located within the Greater Newcastle region, including the benefits of local purchasing on generating local employment, building relationships with local suppliers, and fostering local innovation and emerging sectors;
- 2 Develops a draft Newcastle Buy Local Policy for Council's consideration, which includes an appropriate additional weighting(s) in the City's procurement processes for businesses operating in the Newcastle LGA, Greater Newcastle and the broader Hunter.

**Carried
unanimously**

ITEM-24 LMM 11/12/18 - RICHMOND VALE RAIL TRAIL WORKING PARTY

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that the Richmond Vale Rail Trail is a proposed 32-kilometre cycling and walking track along the former Richmond Vale rail line between Kurri Kurri and Hexham, along the former Chichester to Newcastle water pipeline between Shortland and Tarro, and through the Hunter Wetlands National Park;
- 2 Acknowledges the significant body of work already completed by the City of Newcastle, City of Cessnock and City of Lake Macquarie towards the realisation of the Richmond Vale Rail Trail;
- 3 Notes the Greater Newcastle Metropolitan Plan Strategy 12 'Enhance the Blue and Green Grid and the urban tree canopy' encourages the completion of the Richmond Vale Rail Trail as an opportunity to promote healthy lifestyles, extend recreation opportunities and contribute to expanding the Blue and Green Networks;
- 4 Establishes a Richmond Vale Rail Trail Working Party comprising Councillors, Council Officers and community members from City of Newcastle, City of Cessnock and City of Lake Macquarie, aimed at delivering what will be a truly iconic infrastructure project for the Greater Newcastle Metropolitan Area.

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-124 CCL 11/12/18 - CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

MOTION

Moved by Cr Mackenzie, seconded by Cr Robinson

Council receives and notes City of Newcastle's Code of Conduct Statistics Complaints Report for the period 1 September 2017 to 31 August 2018 at **Attachment A**.

**Carried
unanimously**

ITEM-126 CCL 11/12/18 - ADOPTION OF EFFECTIVE COMMUNICATION BETWEEN COUNCILLORS AND STAFF POLICY

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That Council adopts the Effective Communication Between Councillors and Staff Policy at **Attachment A**.

**Carried
unanimously**

ITEM-129 CCL 11/12/18 - SANCTUARY ESTATE, FLETCHER - ADOPTION OF AMENDMENT TO NEWCASTLE LEP 2012

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

Council resolves to:

- i) Endorse the Planning Proposal (**Attachment A**) prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend Newcastle Local Environmental Plan 2012 (LEP).
- ii) Forward the Planning Proposal to the Department of Planning and Environment (DPE) requesting that a draft LEP be prepared and made.

For the Motion:

Lord Mayor, Cr Nelmes, and Councillors Byrne, Church, Clausen, Duncan, Elliott, Luke, Mackenzie, Robinson, Rufo, White and Winney-Baartz.

Against the Motion:

Nil.

Carried

ITEM-132**CCL 11/12/18 - TEMPORARY SUSPENSION OF ALCOHOL FREE ZONES FOR UPCOMING EVENTS 2019****MOTION**

Moved by Cr Mackenzie, seconded by Cr Robinson

- i) Council approves the temporary suspension of the Alcohol Free Zone (AFZ) for Nobbys Beach car parks 1 and 2, Horseshoe Beach car park and Wharf Road between Nobbys Road roundabout and the Pilot Station on Saturday 19 January 2019 from 6am to midnight, for the purpose of staging 'By The C' concert at Camp Shortland. This suspension is subject to the event organiser, Zaccaria Concerts & Touring, meeting all requirements of the NSW Police - Newcastle Local Area Command (NSW Police) and City of Newcastle.
- ii) Council approves the temporary suspension of the AFZ for Nobbys Beach car parks 1 and 2, Horseshoe Beach car park and Wharf Road between Nobbys Road roundabout and the Pilot Station on Friday 15 March 2019 from 6am to midnight, for the purpose of staging 'Foreshore Live' concert at Camp Shortland. This suspension is subject to the event organiser, Mothership Events, meeting all requirements of the NSW Police - Newcastle Local Area Command (NSW Police) and City of Newcastle.
- iii) Council approves the temporary suspension of the AFZ for Nobbys Beach car parks 1 and 2, Horseshoe Beach car park and Wharf Road between Nobbys Road roundabout and the Pilot Station on Saturday 16 March 2019 from 6am to midnight, for the purpose of staging 'Live at the Foreshore' concert at Camp Shortland. This suspension is subject to the event organiser, Mothership Events, meeting all requirements of the NSW Police - Newcastle Local Area Command (NSW Police) and City of Newcastle.
- iv) Council approves the temporary suspension of the AFZ in Keightley Lane, Newcastle on Thursday 25 April 2019 from 6am to 6pm for the purpose of allowing ANZAC Day Activities. This suspension is subject to the organiser Newcastle Diggers Club, meeting all requirements of the NSW Police - Newcastle Local Area Command (NSW Police) and City of Newcastle.

**Carried
unanimously**

ITEM-134**CCL11/12/18 - LAND ACQUISITION - PART 12 ALBERT STREET WICKHAM - ROUNDABOUT AND ASSOCIATED WORKS****MOTION**

Moved by Cr Byrne, seconded by Cr Mackenzie

That Council resolves to:

- i) Authorise the acquisition of part Lot 165 DP669083 as shown at **Attachment A** for an amount that is within 10% of the Valuation referred to in this report (**Attachment B**) on the terms outlined in this report.

- ii) Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the transaction.

**Carried
unanimously**

**ITEM-125 CCL 11/12/18 - ADOPTION OF THE REVISED PRIVACY
MANAGEMENT PLAN**

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

Council adopts the revised Privacy Management Plan at **Attachment A**.

AMENDMENT

Moved by Cr Elliott

Reference - Privacy Management Plan, Clause 25, Page 11 - *How Does Council provide access to, and ensure the accuracy of, personal information?* (amendment in bold)

Amend table in relation to Information Privacy Principles (IPP 8) and Health Privacy Principles (HPP 8) to read '*At the request of the individual to whom the information relates, CN **must** make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information is accurate, relevant, up to date and not misleading.*

The mover and seconder accepted Councillor Elliott's amendment into the motion.

The motion moved by Councillor Clausen and seconded by Councillor Mackenzie, as amended, was put to the meeting.

**Carried
unanimously**

**ITEM-127 CCL 11/12/18 - REPORT ON REVIEW OF ADVISORY
COMMITTEES AND ADOPTION OF ADVISORY COMMITTEE
CHARTERS**

MOTION

Moved by Lord Mayor, Cr Nelmes, seconded by Cr Winney-Baartz

- 1 That Council deal with the item in seriatim.
- 2 That Council:
 - a) establish the Infrastructure Advisory Committee with the Terms of Reference at **Attachment A** and appoint Councillor Dunn as the Chairperson, Councillor White as the Deputy Chairperson and Councillor Robinson as a committee member;

- b) establish the Strategy and Innovation Advisory Committee with the Terms of Reference at **Attachment B** and appoint Councillor Clausen as the Chairperson, Councillor Byrne as the Deputy Chairperson and Councillor Luke as a committee member;
- c) establish the Community and Culture Advisory Committee with the Terms of Reference at **Attachment C** and appoint Councillor Duncan as the Chairperson, Councillor Rufo as the Deputy Chairperson and Councillor Elliott as a committee member; and
- d) establish the Liveable Cities Advisory Committee with the Terms of Reference at **Attachment D** and appoint Councillor Mackenzie as the Chairperson, Councillor Winney-Baartz as the Deputy Chairperson and Councillor Church as a committee member;

with effect from 1 July 2019 until the day prior to the Ordinary Council election in 2020.

3 That Council continue, as standing committees, the:

- a) Guraki Aboriginal Advisory Committee with Terms of Reference at **Attachment E** and appoint Councillor White as the Co-Chairperson, Councillor Winney-Baartz as the Deputy Chairperson and Rufo as a committee member;
- b) the Disability Inclusion Advisory Committee, renamed to the Access Inclusion Advisory Committee, with Terms of Reference at **Attachment F** and appoint Councillor Bryne as the Co-Chairperson, Councillor Duncan as the Deputy Chairperson and Councillor Rufo as a committee member; and
- c) Youth Council with Terms of Reference at **Attachment G** and appoint Councillor Winney-Baartz as the Co-Chairperson, and Councillors Clausen and Robinson as committee members.

4 That Council continue, the:

- a) Asset Advisory Committee with current membership; and
- b) Audit and Risk Committee with current membership.

until the day prior to the Ordinary Council election in 2020.

5 That Council continue the Public Art Reference Group (working party) and appoint Councillor Duncan as the Chairperson, Councillor Mackenzie as the Deputy Chairperson and Councillor Winney-Baartz as a reference group member, with the Reference Group to be dissolved with effect from 30 June 2019.

- 6 That Council dissolve all other advisory or similar committees established by Council, including but not limited to advisory committees, working parties, reference groups, consultative groups, with effect from 30 June 2019.
- 7 That Council adopt the Guidelines for meeting practice - Advisory Committees at **Attachment H**.
- 8 That Council adopt the Standard Operating Procedures for Working Parties at **Attachment I**.

Carried

ITEM-128 CCL 11/12/18 - DETERMINATION OF PAYG TAXATION FOR COUNCILLORS

Councillor White left the Chamber for discussion on the item.

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Councillor fees be subject to income tax withholding in accordance with 446-5 of Schedule 1 of the *Taxation Administration Act 1953* from 1 January 2019.

Councillor Clausen gave notice of a substantive foreshadowed motion.

The motion moved by Councillor Clausen and seconded by Councillor Winney-Baartz was put to the meeting.

For the Motion:

Lord Mayor, Cr Nelmes, and Councillors Byrne, Clausen, Duncan, Mackenzie, Robinson and Winney-Baartz.

Against the Motion:

Councillors Church, Elliott, Luke and Rufo.

Carried

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council

- 1 Notes that as a result of Federal and State taxation and local government legislation, elected councillors in NSW are not paid superannuation.
- 2 Notes research from the Association of Superannuation Funds of Australia (ASFA) that the average superannuation balance for women in 2016 was 40% less than that for men. Notes that requiring the compulsory payment of superannuation to mayors and councillors in NSW would help bridge the superannuation gender gap and assist in attracting more diversity in local government.

- 3 Notes that at its 2017 Annual Conference, Local Government NSW adopted the following motion: *"That Local Government NSW lobbies the NSW Government and Remuneration Tribunal to make it mandatory that councils make superannuation payments to mayors and councillors and that these payments must be in addition to the stipend paid to elected officials. The superannuation payments would be at the Superannuation Guarantee rate, as determined by the Commonwealth and which varies from time to time. Payments would be made to complying superannuation funds."* (2017 LGNSW Annual Conference, Motion No. 80).
- 4 Writes to the Federal and State Ministers and Shadow Ministers for Local Government in support of the Local Government NSW motion, requesting amendment to relevant State and Federal legislation requiring councillors to be paid compulsory superannuation, as has been the case since 1991 for all Australians.

Carried

Councillor White returned to the Chamber at the conclusion of the item.

**ITEM-130 CCL 11/12/18 - COOKS HILL, THE HILL AND HAMILTON
SOUTH HERITAGE CONSERVATION AREAS BOUNDARY
ADJUSTMENTS - ENDORSEMENT OF AMENDMENT TO
NEWCASTLE LEP 2012**

Councillor Church stated that he had reconsidered his declaration in relation to Item 130 - Cooks Hill, The Hill and Hamilton South Heritage Conservation Areas Boundary Adjustments - Endorsement of Amendment to Newcastle LEP 2012 and left the Chamber for discussion on the item.

MOTION

Moved by Cr Duncan, seconded by Cr Mackenzie

Council resolves to:

- i) Endorse the attached Planning Proposal (**Attachment A**), prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend the Newcastle Local Environmental Plan 2012 (LEP) to enable boundary adjustments to the existing Cooks Hill, Hamilton South Garden Suburb and the Hill Heritage Conservation Areas (HCA).
- ii) Forward the Planning Proposal to the Minister for Planning for Gateway determination pursuant to Section 3.34 of the EP&A Act.
- iii) Advise the Secretary of the Department of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 3.36(1) of the EP&A Act.
- iv) Consult with the community and relevant government agencies as instructed by the Gateway determination.

- v) Receive a report back on the Planning Proposal as per the requirements of Section 3.34 of the EP&A Act.

For the Motion: Lord Mayor, Cr Nelmes, and Councillors Byrne, Clausen, Duncan, Elliott, Mackenzie, Robinson, Rufo, White and Winney-Baartz.

Against the Motion: Councillor Luke.

Carried

Councillor Church returned to the Chamber at the conclusion of the item.

ITEM-131 CCL 11/12/18 - ADOPTION OF HAMILTON RESIDENTIAL PRECINCT HERITAGE CONSERVATION AREA - AMENDMENT TO NEWCASTLE LEP 2012

MOTION

Moved by Cr Duncan, seconded by Cr Byrne

Council resolves to:

- i) Endorse the Planning Proposal (**Attachment A**) prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend the Newcastle Local Environmental Plan 2012 (LEP) to create a Heritage Conservation Area (HCA) for the Hamilton Residential Precinct. Site location plan is attached (**Attachment B**).
- ii) Forward the Planning Proposal to the Department of Planning and Environment (DPE) requesting that a draft LEP be prepared and made pursuant to Section 3.36(1) of the EP&A Act.
- iii) Advise the Secretary of the DPE that City of Newcastle (CN) does not seek to exercise delegations for undertaking Section 3.36(1) of the EP&A Act.

For the Motion: Lord Mayor, Cr Nelmes, Councillors Byrne, Church, Clausen, Duncan, Elliott, Mackenzie, Robinson, Rufo, White and Winney-Baartz.

Against the Motion: Councillor Luke.

Carried

ITEM-133**CCL 11/12/18 - MANAGEMENT OF PARKING WITHIN THE LOCAL GOVERNMENT AREA****MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Byrne

Council authorises the Chief Executive Officer to establish and operate or remove parking schemes as provided under the Road Transport (General) Regulation 2013 within the Local Government Area.

For the Motion:

Lord Mayor, Cr Nelmes, Councillors Byrne, Clausen, Duncan, Mackenzie, Robinson, White and Winney-Baartz.

Against the Motion:

Councillors Church, Elliott, Luke and Rufo.

Carried

NOTICES OF MOTION**ITEM-34****NOM 11/12/18 - MINIMISING DISRUPTION****MOTION**

Moved by Cr Clausen, seconded by Cr Byrne

That Council

- 1 Notes the continued unprecedented construction boom underway in the City of Newcastle, including the City's own record capital program.
- 2 Notes the temporary inconvenience this can cause Novocastrians, especially due to road works.
- 3 Notes the reforms being introduced by the re-elected Andrews Victorian Government, and considers opportunities to replicate and build on these reforms for road construction works within the City of Newcastle local government area, especially for works being undertaken by the City, or for traffic management plans being endorsed by the City's traffic committee.

**Carried
unanimously**

ITEM-35**NOM 11/12/18 - HEALTH BURDEN OF COAL-FIRED
ELECTRICITY GENERATION IN NSW****MOTION**

Moved by Cr Mackenzie, seconded by Cr Byrne

That Council:

- 1 Notes the publication of the report, "The Health Burden of Fine Particle Pollution from Electricity Generation in NSW", written by leading epidemiologist Dr Ben Ewald, investigating the serious health damage caused by NSW's five coal-fired power stations.
- 2 Notes specifically the findings of the report that in the Lower Hunter each year, the five coal-fired power stations cause 51 premature deaths (equivalent 477 years lost); 37 low birthweight babies (less than 2500g); and 63 new cases of type 2 diabetes.
- 3 Notes that the Environmental Pollution licences for Eraring, Mount Piper and Vales Point power stations are now under review by the NSW EPA (EPLs 761, 13007, 1429 respectively). The reviews will conclude and new licences will be issued by 6 January, 1 January and 24 December respectively.
- 4 Makes a submission to the review of the EPLs for Eraring, Mount Piper and Vales Point at the earliest, and definitely by mid-December, including requesting the NSW Government to set pollution limits consistent with world's best practice, including but not limited to stack emission limits to SO₂, NO_x and mercury, and to require the installation of Selective Catalytic Reduction (SCR) and Flue Gas Desulfurisation (FGD) technology. These controls are standard practice in most countries.
- 5 Writes to the Environment Minister Gabrielle Upton and the Shadow Environment Minister Penny Sharpe noting the ongoing success of the Newcastle Local Air Quality Monitoring Network and seeking the following commitments:
 - a) an expansion of the Office of Environment and Heritage Air Pollution Monitoring (APM) Network to include 2 or 3 additional Air Monitoring Stations in the vicinity of each power station;
 - b) the location of the new Air Monitoring Stations be determined in collaboration with the affected communities; and
 - c) the APM data be readily available to the community at a standard consistent with the Newcastle Local Air Quality Monitoring Network.

PROCEDURAL MOTION

Moved by Cr Church

The matter lay on the table to consider a report on staff on the implications of adopting this resolution.

The Lord Mayor sought comment from the Chief Executive Officer on the procedural motion.

Following the Chief Executive Officer's response, Councillor Church withdrew the procedural motion.

The motion moved by Councillor Mackenzie and seconded by Councillor Byrne was put to the meeting.

For the Motion: Lord Mayor, Cr Nelmes, and Councillors Byrne, Clausen, Duncan, Mackenzie, Luke, Robinson, Rufo, White and Winney-Baartz.

Against the Motion: Councillors Church and Elliott.

Carried

ITEM-36 NOM 11/12/18 - PARIS CLIMATE AGREEMENT

In seconding the motion, Councillor Clausen added a Part B.

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

That City of Newcastle

- A
- 1 Notes the UNEP's 2018 Emissions Gap Report found that Australia is currently not on track to meet our unconditional Paris Climate Agreement carbon emissions reduction targets by 2030. The report instead found that "There has been no improvement in Australia's climate policy since 2017 and emission levels for 2030 are projected to be well above the [Nationally Determined Contribution] target."
 - 2 Commits formally to the principles and targets of the Paris Climate Agreement.
 - 3 Develops a pathway to achieve the greenhouse gas (GHG) emissions reductions necessary to align with the principles of the Paris Climate Agreement and a 1.5 degree Celsius outcome, as the foundation for the update and review of the Newcastle 2020 Carbon and Water Management Action Plan in 2019-2020.
- B That Council notes the planned upcoming visit of independent Climate Councillor and ANU Climate Change Institute Professor Will Steffen to Newcastle in early 2019 and offers to provide in-kind support for this visit including use of a room at City Hall for a public lecture and roundtable stakeholder discussions.

Carried

CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

Council resolve into confidential session for the reasons outlined in the business papers.

For the Procedural Motion: Lord Mayor, Cr Nelmes, and Councillors Byrne, Church, Clausen, Duncan, Elliott, Mackenzie, Robinson, Rufo, White and Winney-Baartz.

Against the Procedural Motion: Councillor Luke.

Carried

Council resolved into confidential session at 7.09pm.

During confidential session:

- All staff except for the Interim Director People and Culture, Manager Legal and Meeting Secretaries left the Chamber at 7.23pm for Confidential Item 26 - Chief Executive Officer Performance Review
- Stephen Blackadder, Blackadder Associates, was present during Confidential Item 26 - Chief Executive Officer Performance Review to answer questions of Councillors
- The Interim Director People and Culture distributed Confidential Item 26 - Chief Executive Officer Performance Review to Councillors and collected the report at the conclusion of the item
- The Chief Executive Officer, Directors and remaining staff returned to the Chamber at the conclusion of Confidential Item 26 - Chief Executive Officer Performance Review
- Paul Nelson, Project Consultant, was present for Confidential Item 27 - Office Accommodation to provide a briefing to Councillors
- Confidential Item 27 - Office Accommodation was distributed to Councillors and staff and collected at the conclusion of the item
- A procedural motion was moved by Councillors Luke and Mackenzie and carried to read Confidential Item 27 - Office Accommodation and receive the briefing
- Simon Murphy, IAP Team Leader, AECOM, Matthew Endacott, Senior Urban Renewal and Engagement Consultant, AECOM, and Greg Waters, Practice Leader, Centium Group were present for Item 28 - Review of Business Improvement Association Model to provide a briefing to Councillors
- Confidential Item 28 - Review of Business Improvement Association Model was distributed to Councillors and collected at the conclusion of the item
- A procedural motion was moved by Councillors Clausen and Duncan and carried to read Item 28 - Review of Business Improvement Association Model and receive the briefing

- The Lord Mayor declared a non-pecuniary less than significant interest in Confidential Item 28 - Review of Business Improvement Association Model stating that one of the presenters was known to her having worked with Council on the Vanguard Conference, Urban Growth revitalising Newcastle and small bars in the past
- The Lord Mayor noted the time at 9.16pm and called for a motion to extend the meeting past 9.30pm
- A procedural motion was moved by Councillors Winney-Baartz and Mackenzie and carried to extend the meeting to conclude when business was finalised

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Mackenzie

Council move back into open Council.

Carried

Council resolved into open Council at 11.06pm.

At this stage of the meeting the Lord Mayor stated that Councillor Elliott had left the meeting and not returned her copy of Confidential Item 28 - Review of Business Improvement Association Model and when asked to return it by the Manager of Legal she had declined. The Lord Mayor requested these actions be recorded in the minutes.

The Chief Executive Officer reported the outcomes of confidential Items 24, 25, 27 and 28.

The Lord Mayor reported the outcome of confidential Item 26.

ITEM-24 CON 11/12/18 - MINOR CIVIL WORKS IN ROAD RESERVES CONTRACT 2019/088T

MOTION

Moved by Cr Mackenzie, seconded by Cr Robinson

- 1 For Contract No. 2019/088T - Minor Civil Works in Road Reserves, Council accept the tenders of:
 - i All Kerbs and Concrete Pty Ltd;
 - ii Eire Constructions Pty Ltd;
 - iii Ian Rich Asphalt Pty Ltd;
 - iv Mr Diggitt Pty Ltd;
 - v Accurate Asphalt & Road Repairs Pty Ltd;
 - vi Lawcon Constructions Pty Ltd;
 - vii Hunter Wide Civil Pty Ltd;
 - viii Knock Contractors Pty Ltd; and
 - ix Bolla Contracting Pty Ltd.

- 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-25 CON 11/12/18 - COTTAGE CREEK BRIDGE REPLACEMENT -
CONTRACT NO. 2018/372T**

MOTION

Moved by Cr Robinson, seconded by Cr Clausen

- 1 Council does not accept any of the tenders for the Cottage Creek Bridge Replacement for Contract No. 2018/372T and calls fresh tenders for the replacement of the Cottage Creek Bridge decking only.
- 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-27 CON 11/12/18 - OFFICE ACCOMMODATION

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

- A 1 Council resolve to sell 282 King Street, Newcastle for a sum no less than the latest valuation plus 19%, plus GST, and transfer proceeds from the sale of the asset to City of Newcastle's Land and Property Reserve.
- 2 Council grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation between Council and a Purchaser.
- 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 the Chief Executive Officer determines otherwise.
- B Council recognises the importance to local heritage that the City Administration Centre (CAC) provides to the City of Newcastle, that a sale is supported on the basis of adaptive reuse of the building and proceeds be reinvested for the benefit of the City.

For the Motion:

Lord Mayor, Cr Nelmes, and Councillors Byrne, Clausen, Duncan, Luke, White and Winney-Baartz.

Against the Motion:

Councillors Church, Elliott, Mackenzie, Robinson and Rufo.

Carried

ITEM-28

CON 11/12/18 - REVIEW OF BUSINESS IMPROVEMENT ASSOCIATIONS

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Receives the AECOM report 'Review of Business Improvement Associations (BIA) in Newcastle' at **Attachment A**.
- 2 Notes that the AECOM report was released publicly in full on 10 December 2018.
- 3 Receives the confidential (redacted) investigation report of Centium at **Attachment B**.
- 4 Terminates:
 - i) the Funding and Service Deed between Newcastle City Council and Newcastle Business Improvement Association dated 23 August 2011 with effect from 31 December 2018;
 - ii) the Funding and Service Deed between Newcastle City Council and Hamilton Business Improvement Association dated 1 September 2011 with effect from 30 June 2019;
 - iii) the Funding and Service Deed between Newcastle City Council and Mayfield Business Improvement Association 1 September 2011 with effect from 30 June 2019; and
 - iv) the Funding and Service Deed between Newcastle City Council and Wallsend Business Improvement Association dated 1 September 2011 with effect from 30 June 2019.
- 5 Enters into new legal agreements with each of the BIAs and New Lambton Village by no later than 1 July 2019 with the new agreements to provide for a percentage of the special rates levied to be payable to the BIAs in return for specific services to promote, beautify and develop the relevant benefit areas (or for another purpose as resolved by Council from time to time).
- 6 Calls for tenders for additional specific services to promote, beautify and develop the relevant benefit areas (or for another purpose as resolved by Council from time to time) or directly expends the balance of the special rates levied not otherwise provided to the BIAs.

- 7 Receives a report by no later than 30 June 2019 proposing a new model for BIAs in accordance with option 3 detailed within the AECOM at **Attachment A** including a determination on the percentage of the special rates to be provided to the BIAs and/or the subject of a tender/direct expenditure by City of Newcastle.
- 8 This confidential report relating to the matters specified in s. 10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential (except for the AECOM Report at **Attachment A** which has been made publicly available) until such time as the Chief Executive Officer (CEO) determines otherwise.

For the Motion:

Lord Mayor, Cr Nelmes, and Councillors Byrne, Clausen, Duncan, Mackenzie, White and Winney-Bartz.

Against the Motion:

Councillors Church, Elliott, Luke, Robinson and Rufo.

Carried

ITEM-26

CON 11/12/18 - CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

- 1 Council receives the 2018 Chief Executive Officer annual performance review report 'Performance Review Chief Executive Officer 2018' submitted by Blackadder Associates Pty Ltd (**Attachment A**).
- 2 Council endorses the increase of 2.5% from the CEO performance review.
- 3 Council acknowledges the increase to the CEO's total remuneration package will be effective from the CEO's 12 month anniversary date of 13 December 2018.
- 4 This confidential report relates to the matters specified in section 10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until Council determines otherwise.

**Carried
unanimously**

The meeting concluded at 11.15pm.