

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street Newcastle on Tuesday 25 October 2016 at 5.33pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors D Compton, T Crakanthorp, T Doyle, J Dunn, B Luke, M Osborne, S Posniak, A Robinson, A Rufo, L Tierney and S Waterhouse.

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 Glauser (Manager Finance), K Baartz (Manager Communications), N Baker (Chief of Staff), A Leach (Council Services/Minutes) and K Sullivan (Council Services/Webcasting).

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.

APOLOGIES

MOTION

Moved by Cr Osborne, seconded by Cr Posniak

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor T Doyle

Councillor Doyle declared a non-pecuniary less than significant interest in Item 91 CCL 25/10/16 - Land bounded by Mosbri Crescent and Kitchener Parade The Hill - endorsement of amendment to Newcastle Local Environmental Plan 2012 and Development Control Plan 2012 and said that she resided within the vicinity of the land.

Councillor T Crakanthorp

Councillor Crakanthorp declared a non-pecuniary less than significant interest in Item-91 CCL 25/10/16 - Land bounded by Mosbri Crescent and Kitchener Parade The Hill - endorsement of amendment to Newcastle Local Environmental Plan 2012 and Development Control Plan 2012 and said that a close friend and associate resided within the vicinity of the land.

Councillor S Posniak

Councillor Posniak declared a non-pecuniary less than significant interest in Item-91 CCL 25/10/16 - Land bounded by Mosbri Crescent and Kitchener Parade The Hill - endorsement of amendment to Newcastle Local Environmental Plan 2012 and Development Control Plan 2012 and said that a close friend and associate resided within the vicinity of the land.

Councillor N Nelmes

Councillor Nelmes declared a non-pecuniary less than significant interest in Item-91 CCL 25/10/16 - Land bounded by Mosbri Crescent and Kitchener Parade The Hill - endorsement of amendment to Newcastle Local Environmental Plan 2012 and Development Control Plan 2012 and said that a former Councillor and associate resided within the vicinity of the land.

Councillor B Luke

Councillor Luke declared a non-pecuniary less than significant conflict of interest in Item-86 CCL 25/10/16 - Adoption of 2015/16 Annual financial statements and said a family member had a contract to work with Council's auditor PriceWaterhouseCoopers next year. He further said that another family member worked for Pitcher and Partners who conduct council audits. Councillor Luke stated that if a decision was required in the future to appoint an auditor he would leave the Chamber for the discussion.

Councillor B Luke

Councillor Luke declared a non-pecuniary less than significant conflict of interest in Item-87 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.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES OF DEVELOPMENT APPLICATIONS COMMITTEE 20 SEPTEMBER 2016

MINUTES OF ORDINARY COUNCIL MEETING HELD 27 SEPTEMBER 2016

MINUTES OF EXTRAORDINARY COUNCIL MEETING 13 OCTOBER 2016

MOTION

Moved by Cr Crakanthorp, seconded by Cr Doyle

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

Carried

LORD MAYORAL MINUTE

ITEM-8 LMM 25/10/16 - THANKING COUNCILLOR CRAKANTHROP - END OF TERM ACKNOWLEDGMENT

MOTION

Moved by Cr Nelmes,

That Council:

Recognise and thank Councillor Tim Crakanthorp for his contribution to the City of Newcastle during his term from 2008 to 2016.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-86 CCL 25/10/16 - ADOPTION OF 2015/16 ANNUAL FINANCIAL STATEMENTS

MOTION

Moved by Cr Doyle, seconded by Cr Posniak

Council receives and adopts Council's Financial Statements and accompanying notes, in respect of the year ended 30 June 2016, together with the Auditor's Report (**Attachment A**).

Carried

ITEM-87 CCL 25/10/16 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Osborne, seconded by Cr Dunn

The report be received.

Carried

ITEM-88 CCL 25/10/16 - TABLING OF PECUNIARY INTEREST RETURNS

MOTION

Moved by Cr Osborne, seconded by Cr Rufo

Note the tabling of the register of pecuniary interest returns (for the period 1 July 2015 to 30 June 2016) by the Interim Chief Executive Officer in accordance with s. 450A of the *Local Government Act 1993* (NSW).

Carried

ITEM-89 CCL 25/10/16 - ADOPTION OF YOUNG STREET CARRINGTON RECONSTRUCTION PLANS

MOTION

Moved by Cr Luke, seconded by Cr Posniak

Council endorse design option number two for the Young Street Carrington local centre (**Attachment A** Final Plan).

Council endorse the provision of angle parking on one side of Young Street Carrington, between Victoria Street and the threshold north of Hargrave Street, in conjunction with on-road cycle lanes (**Attachment B**).

PROCEDURAL MOTION

Moved by Cr Doyle

The item lay on the table until the plans for the bike lane north of Victoria Street have been finalised pending resolution of the bike lane through discussion with the Engineers associated with Council's cycling plan.

Defeated

PROCEDURAL MOTION

Moved by Cr Osborne

The item lay on the table until Council receives feedback from local residents regarding the design.

Defeated

The motion moved by Councillors Luke and Posniak was put to the meeting.

Carried

Crs Doyle and Osborne requested their names be recorded as voting against the motion.

ITEM-90 CCL 25/10/16 - THE NEWCASTLE SAFE CITY PLAN 2017-2020

MOTION

Moved by Cr Osborne, seconded by Cr Doyle

Council resolves to:

- i) Place the draft *Newcastle Safe City Plan* as provided in **Attachment A** on public exhibition for a period of 4 weeks.
- ii) Receive a report back on the outcomes of the public exhibition.

Carried

ITEM-91 CCL 25/10/16 - LAND BOUNDED BY MOSBRI CRESCENT AND KITCHENER PARADE THE HILL - ENDORSEMENT OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012 AND DEVELOPMENT CONTROL PLAN 2012

MOTION

Moved by Cr Luke, seconded by Cr Waterhouse

1 Council resolves to:

- i) Endorse the attached Planning Proposal (**Attachment A**), prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, to amend Newcastle LEP 2012 to enable medium density residential development on the following land bounded by Mosbri Crescent and Kitchener Parade, The Hill:
 - a) SP6373, SP3058, Lots 10, 12, 13 DP 216346 and Lot 1 DP204077, Nos 1 - 17 Mosbri Crescent, and
 - b) Lot 8 DP216346, SP19610 and Lot 62 DP522440, Nos. 31, 37 and 41 Kitchener Parade, The Hill.
- ii) Forward the Planning Proposal to the Minister for Planning and Environment for Gateway determination pursuant to Section 56 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 59(1) of the *EP&A Act*.
- iv) Consult with the community and relevant government agencies as instructed by the gateway determination.
- v) Place the draft Section 6.14 - 11 Mosbri Crescent, The Hill to the Newcastle Development Control Plan 2012, as provided in **Attachment**

B, on public exhibition for a minimum period of 28 days, concurrently with the Planning Proposal.

- vi) Receive a report back on the Planning Proposal and draft Development Control Plan guidelines as per the requirements of Section 57 of the *EP&A Act*.

PROCEDURAL MOTION

Moved by Cr Osborne, seconded by Cr Doyle

Item lay on the table pending a Councillor workshop with Council officers.

For the Motion:

Lord Mayor Councillor Nelmes and Councillors Crakanthorp, Doyle, Dunn, Osborne and Posniak

Against the Motion:

Councillors Compton, Luke, Tierney, Robinson, Rufo and Waterhouse.

Carried

ITEM-92 CCL 25/10/16 - APPOINTMENT OF REPLACEMENT INTERIM CHIEF EXECUTIVE OFFICER

MOTION

Moved by Cr Dunn, seconded by Cr Doyle

PART A

Council:

- 1 Approves the appointment of Director Peter Chrystal as Interim Chief Executive Officer (ICEO) of Council, together with all delegations accorded to that role pursuant to the Instrument of Delegation to the CEO dated 8 December 2015, to succeed Mr Frank Cordingley in that role, with effect from Thursday, 27 October 2016 for a temporary period of up to 12 months.
- 2 Notes that, in accordance with the requirements of section 351(2) of the Local Government Act (the Act), Mr Cordingley's contract cannot be extended beyond the initial temporary period of 12 months; and
- 3 Approves the appointment of Director Peter Chrystal as ICEO on exactly the same terms and conditions (consistent with those of the DLG Standard Contract of Employment for General Managers of Local Councils in New South Wales) and on the same remuneration applicable to Mr Cordingley's contract of employment for the ICEO role, noting that, unless the term of appointment of internal Director - Peter Chrystal as ICEO subsequently needs to be the subject of an extension, that Peter Chrystal will ultimately return to his current substantive role as Director, Planning & Regulatory immediately after the expiration of his temporary contract of employment as ICEO.

- 4 Adopts the recommendation as at Paragraphs 1 - 3 as a short term measure to enable the establishment of an Interim CEO Recruitment Panel for the purposes of running a merit selection process for an Interim CEO, including exploring the external market. The purpose would be to appoint an Interim CEO for up to 12 months.
- 5 Appoints a recruitment panel tonight and that panel to meet no later than Friday 4 November 2016.

Councillor Luke gave notice of a foreshadowed motion that being the officer's recommendation with the insertion of Director Peter Chrystal's name in the square brackets.

Councillor Osborne requested the mover and seconder include a Part B to the motion thanking the ICEO for their service to Council and to the City of Newcastle. The mover and seconder accepted the addition to the motion. The motion became:

PART A

Council:

- 1 Approves the appointment of Director Peter Chrystal as Interim Chief Executive Officer (ICEO) of Council, together with all delegations accorded to that role pursuant to the Instrument of Delegation to the CEO dated 8 December 2015, to succeed Mr Frank Cordingley in that role, with effect from Thursday, 27 October 2016 for a temporary period of up to 12 months.
- 2 Notes that, in accordance with the requirements of section 351(2) of the Local Government Act (the Act), Mr Cordingley's contract cannot be extended beyond the initial temporary period of 12 months; and
- 3 Approves the appointment of Director Peter Chrystal as ICEO on exactly the same terms and conditions (consistent with those of the DLG Standard Contract of Employment for General Managers of Local Councils in New South Wales) and on the same remuneration applicable to Mr Cordingley's contract of employment for the ICEO role, noting that, unless the term of appointment of internal Director - Peter Chrystal as ICEO subsequently needs to be the subject of an extension, that Peter Chrystal will ultimately return to his current substantive role as Director, Planning & Regulatory immediately after the expiration of his temporary contract of employment as ICEO.
- 4 Adopts the recommendation as at Paragraphs 1 - 3 as a short term measure to enable the establishment of an Interim CEO Recruitment Panel for the purposes of running a merit selection process for an Interim CEO, including exploring the external market. The purpose would be to appoint an Interim CEO for up to 12 months.
- 5 Appoints a recruitment panel tonight and that panel to meet no later than Friday 4 November 2016.

PART B

Council thanks the Interim Chief Executive Officer, Mr Frank Cordingley, for his service to Council and to the City of Newcastle.

PROCEDURAL MOTION

Moved by Cr Waterhouse, seconded by Cr Luke

Vote parts A and B in seriatim.

Carried

MOTION

Moved by Cr Dunn, seconded by Cr Doyle

PART A

Council:

- 1 Approves the appointment of Director Chrystal as Interim Chief Executive Officer (ICEO) of Council, together with all delegations accorded to that role pursuant to the Instrument of Delegation to the CEO dated 8 December 2015, to succeed Mr Frank Cordingley in that role, with effect from Thursday, 27 October 2016 for a temporary period of up to 12 months.
- 2 Notes that, in accordance with the requirements of section 351(2) of the Local Government Act (the Act), Mr Cordingley's contract cannot be extended beyond the initial temporary period of 12 months;
- 3 Approves the appointment of Director Peter Chrystal as ICEO on exactly the same terms and conditions (consistent with those of the DLG Standard Contract of Employment for General Managers of Local Councils in New South Wales) and on the same remuneration applicable to Mr Cordingley's contract of employment for the ICEO role, noting that, unless the term of appointment of internal Director - Peter Chrystal as ICEO subsequently needs to be the subject of an extension, that Peter Chrystal will ultimately return to his current substantive role as Director, Planning and Regulatory, immediately after the expiration of his temporary contract of employment as ICEO.
- 4 Adopts the recommendation as at Paragraphs 1 - 3 as a short term measure to enable the establishment of an Interim CEO Recruitment Panel for the purposes of running a merit selection process for an Interim CEO, including exploring the external market. The purpose would be to appoint an Interim CEO for up to 12 months; and
- 5 Appoints an ICEO Recruitment Panel tonight and that Panel is to meet no later than Friday 4 November 2016.

CITY OF NEWCASTLE

Ordinary Council Meeting 25 October 2016

Page 9

For the Motion: Lord Mayor, Councillor Nelmes and Councillors Crakanthorp, Doyle, Dunn, Osborne, Posniak

Against the Motion: Councillors Compton, Luke, Robinson, Rufo, Tierney and Waterhouse.

Carried

The Lord Mayor exercised her casting vote and declared the motion carried

MOTION

Moved by Cr Dunn, seconded by Cr Doyle

Part B

Council thank the Interim Chief Executive Officer, Mr Frank Cordingley for his service to Council and to the City of Newcastle.

Carried

Councillor Doyle nominated the Lord Mayor, Councillor Nelmes and Councillors Osborne and Compton to make up the recruitment panel.

Councillor Compton declined the nominations due to work commitments.

Councillor Luke nominated Councillor Rufo who accepted the nomination.

MOTION

Moved by Cr Dunn, seconded by Cr Doyle

PART C

Council appoints the Lord Mayor, Councillor Nelmes and Councillors Osborne and Rufo as the three members of the ICEO Recruitment Panel.

Carried

The meeting concluded at 6.39pm