

## CITY OF NEWCASTLE

**Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 12 December 2017 at 5.52pm.**

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### **PRESENT**

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

### **IN ATTENDANCE**

J Bath (Chief Executive Officer), A Baxter (Interim Director Corporate Services), K Liddell (Director Infrastructure), P Chrystal (Director Planning and Regulatory), M Blackburn-Smith (Manager Planning and Regulatory), E Kolatchew (Interim Manager Legal and Governance), J Gaynor (Manager Strategic Planning), F Leatham (Acting Manager Human Resources), D Sullivan (Learning and Organisational Development Manager), S Turkington (Acting Urban Planning Co-ordinator), K Hyland (Manager Communications and Engagement), B Johnson (Media Officer), M Murray (Policy Officer), K Sullivan (Council Services/Minutes) and J Redriff (Council Services/Webcasting).

### **APOLOGIES**

#### **MOTION**

Moved by Cr Luke, seconded by Cr Rufo

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

**Carried**

### **DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS**

#### **Councillor Dunn**

In relation to Confidential Item 16 - Summerhill Solar Farm - Design Construction and Operation Contract No 2018/132T, Councillor Dunn noted that he was a member of the Joint Regional Planning Panel (Panel) and that particular development was before the Panel. He stated that he did not partake in any decisions or discussions on the Panel regarding the matter when it came before the Panel and had absolved himself due to taking part in part in previous Council decisions on the matter. He did not consider there to be a conflict.

#### **Councillor Mackenzie**

In relation to Confidential Item 16 - Confidential Item 16 Summerhill Solar Farm - Design Construction and Operation Contract No 2018/132T, Councillor Mackenzie advised that he was a member of Joint Regional Panel and had excluded himself from the matter when it came before the Panel. He was of the view he could partake in discussion on the matter in the Chamber.

## **CONFIRMATION OF PREVIOUS MINUTES**

### **MINUTES - PUBLIC VOICE COMMITTEE 21 NOVEMBER 2017**

#### **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 28 NOVEMBER 2017**

#### **MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

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

**Carried**

**Councillor Luke requested he be recorded as having voted against the motion**

## **LORD MAYORAL MINUTE**

#### **PROCEDURAL MOTION**

Moved by Cr White, seconded by Cr Clausen

Council adjourn for a five minute recess to read the tabled Lord Mayoral Minutes.

**Carried**

Council reconvened at 6.05pm.

### **ITEM-23                      LMM 12/12/17 - DRAFT    GREATER    NEWCASTLE METROPOLITAN PLAN**

#### **MOTION**

Moved by Lord Mayor, Cr Nelmes

That:

- 1      Council notes the release of the draft Greater Newcastle Metropolitan Plan 2036, which complements the Hunter Regional Plan 2036 as a collaborative framework to outlining the outcomes and policies needed to develop integrated metropolitan city across Greater Newcastle.
- 2      Prepares a draft submission for endorsement at the February 2018 Ordinary Council meeting providing feedback on the draft Plan, noting that final submissions are due 28 February 2018.

**Carried  
unanimously**

**ITEM-24****LMM 12/12/17 - DISABILITY EMPLOYMENT STRATEGY****MOTION**

Moved by Lord Mayor, Cr Nelmes

That Newcastle City Council:

- 1 Affirms our strong belief that there is strength in diverse and inclusive workplaces, recognising that our workplaces are far stronger with a diverse range of viewpoints and perspectives;
- 2 Notes that Newcastle City Council has adopted a *Disability Inclusion Action Plan 2016 - 2019*, with a focus area of 'supporting access to meaningful employment' aimed at creating long term change for people living with disability, and that a key action item in the Action Plan is to develop employment opportunities for people with a disability, including opportunities at Newcastle City Council;
- 3 Notes that despite this, and the efforts of Council officers to date, the fact remains that with 18.3 per cent of all people in Australia reporting disability, and 5.9 per cent of Novocastrians needing assistance with their day-to-day lives, approximately only 1 per cent of Newcastle City Council identify as disabled;
- 4 Develops a Disability Employment Strategy specifically aimed at increasing diversity and inclusiveness at Newcastle City Council by exploring options available to employ more people with a disability.

**Carried  
unanimously**

**ITEM-25****LMM 12/12/17 - CONFIDENTIAL - APPOINTMENT OF CHIEF EXECUTIVE OFFICER****PROCEDURAL MOTION**

Moved by Cr White, seconded by Cr Winney-Baartz

Council move into confidential session for the following reasons:

- a) the matter relates to section 10(2)(a) of the Act - personnel matters concerning particular individuals.
- b) The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
- c) Council is satisfied that discussion of the matter in an open meeting would on the balance be contrary to public interest; and
- d) The appointment of a Chief Executive Officer will be discussed during the closed session.

**Carried**

The press, gallery and Council staff were requested to leave the Chamber.

Council moved into confidential session at 6.25pm.

Council staff present during confidential session were the Interim Human Resources Manager, Interim Manager Legal and Governance, Learning and Organisational Development Manager and Council Services Staff (K Sullivan and J Redriff).

Mr Stephen Blackadder, Recruitment Consultant and Managing Director Blackadder Associates, was present for discussion on this item.

During confidential session:

- The confidential Lord Mayoral Minute - Appointment of Chief Executive Officer was distributed to Councillors.
- Councillors were given time to read the Lord Mayoral Minute.
- A procedural motion was moved by Councillors White and Winney-Baartz to vote on the recommendations seriatim and carried.
- Councillor Clausen declared a less than significant non-pecuniary interest in Lord Mayoral Minute Item 25 - Confidential - Appointment of Chief Executive Officer stating that his declaration was consistent with his previous declaration in respect to this matter. Councillor Clausen indicated that he had a previous employment relationship with a candidate and he further stated that he had sought legal advice on the matter and would remain in the Chamber for determination of the item.
- A procedural motion was moved by Councillors Clausen and White to reconvene open Council and carried.

Council reconvened at 6.50pm and the Lord Mayor stated that she would report on Council's resolution at the end of the meeting following confidential session.

## **REPORTS BY COUNCIL OFFICERS**

### **ITEM-134                    CCL 12/12/17 - TABLING OF PECUNIARY INTEREST RETURNS - PERIOD BETWEEN 1 AUGUST AND 31 OCTOBER 2017**

#### **MOTION**

Moved by Cr Mackenzie, seconded by Cr Dunn

Council to note the pecuniary interest returns as tabled by the Interim Chief Executive Officer received from designated persons between 1 August 2017 and 31 October 2017.

**Carried**

### **ITEM-136                    CCL 12/12/17 - CODE OF CONDUCT COMPLAINTS STATISTICS REPORT**

#### **MOTION**

Moved by Cr Robinson, seconded by Cr Winney-Baartz

Council receives and notes Council's Code of Conduct Statistics Complaints Report for the period 1 September 2016 to 31 August 2017 at **Attachment A**.

**Carried**

**ITEM-139**                    **CCL 12/12/17 - ADOPTION OF THE CODE OF CONDUCT AND ITS ASSOCIATED PROCEDURES AND THE CODE OF CONDUCT PANEL**

**MOTION**

Moved by Cr Robinson, seconded by Cr White

That Council adopts:

- (a) the Code of Conduct at **Attachment A**;
- (b) the Procedures for the administration of the Code of Conduct at **Attachment B**;  
and
- (c) the Conduct Review Panel at **Attachment C**.

**Carried**

**ITEM-143**                    **CCL 12/12/17 - REVIEW OF COMMUNITY GRANT AND SPONSORSHIP PROGRAM POLICIES - RELEASE FOR EXHIBITION**

**MOTION**

Moved by Cr Clausen, seconded by Cr Dunn

Council resolves to place the draft Events Sponsorship Program policy, the draft Economic Development Sponsorship policy and the draft Community Place Making Project policy on public exhibition to the end of February 2018.

**Carried**

**PROCEDURAL MOTION**

Moved by Cr Rufo, seconded by Cr Clausen

Item 145 - Rail Corridor Land - Adoption of Amendment to Newcastle Local Environmental Plan 2012, Development Control Plan 2012 and Planning Agreement be brought forward for discussion.

**Carried**

**ITEM-145**                    **CCL 12/12/17 - RAIL CORRIDOR LAND - ADOPTION OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012, DEVELOPMENT CONTROL PLAN 2012 AND PLANNING AGREEMENT**

**MOTION**

Moved by Lord Mayor, Cr Nelmes, seconded by Cr Dunn

**PART A**

Council resolves to:

- i) Endorse the attached planning proposal, pursuant to section 55 of the *Environmental Planning and Assessment Act 1979 NSW* (EP&A Act), in order to amend Newcastle Local Environmental Plan 2012 (LEP) and rezone land at:

<b>Title</b>	<b>Address</b>	<b>Status</b>
Lot 2 DP1226145	430 Hunter Street, Newcastle	Rail Corridor (Worth Place to Merewether Street)
Lot 1 DP1192409	1R Merewether Street, Newcastle	Road (Merewether Street)
Part Lot 3 DP1111305	6 Workshop Way, Newcastle	Land adjoining corridor (open space at rear of Newcastle Museum)
Lots 1 & 2 DP1226551	280 Hunter Street, Newcastle	Rail Corridor
Lot 3 & part Lot 4 DP 1226551	150 Scott Street, Newcastle	Rail Corridor
Lots 5 & 6 DP1226551	110 Scott Street, Newcastle	Rail Corridor and Newcastle Station and surrounds
SP21188	342 Hunter Street, Newcastle	Land adjoining corridor (Building)
Lot 1 DP1008183	336 Hunter Street, Newcastle	Land adjoining corridor (Building)

- 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 59(1) 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) Adopt the amendments to Section 6.01 Newcastle City Centre of Newcastle Development Control Plan (DCP) and provide public notice advising that this development control take effect on the business day following the date upon which the abovementioned amendment to the LEP is made.
- v) Endorse the Newcastle Urban Rail Transformation Program Planning Agreement.
- vi) Authorise the Interim Chief Executive Officer to execute the Planning Agreement.

## **PART B**

Council notes the NSW Government's commitment that land surrounding Civic Station will be used for educational and associated purposes, and that an option exists for the land to be acquired by the University of Newcastle to further consolidate their inner city campus precinct.

Should the University choose to not exercise this option, Council will seek to rezone this parcel to SP2 (Educational Establishment), and work with HDC/UrbanGrowth to ensure that the land is preserved for educational purposes.

Councillor Mackenzie gave notice of a foreshadowed motion.

*Council rejects the recommendation as printed on page 165 of the business paper and resolves:*

- 1 *Not to proceed with the amendment to Newcastle Local Environmental Plan 2012 – Rail Corridor Land, as outlined in the recommendation from council officers;*
- 2 *That Council Officers be requested to draft a new proposal, for the zoning of the relevant land in such a way that provision is made for sufficient land to be allocated and preserved within the rail corridor land from Worth Place to Watt Street to allow for a separated cycleway to be included immediately, and for rail, or some equivalent public transport, to be reinstated at some time in the future should that become required.*
- 3 *Council will confer with the State Government, Hunter Development Corporation and the Department of Planning and Environment, where relevant to ensure that the community's express wishes for urban revitalisation in Newcastle, including the open space, University expansion and affordable housing components, are implemented in the vicinity of the corridor lands while ensuring that essential transport corridors are preserved.*

The motion moved by Lord Mayor, Cr Nelmes and seconded by Councillor Dunn was put to the meeting.

**For the Motion:**

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

**Against the Motion:**

Councillor Mackenzie.

**Carried**

**ITEM-133**

**CCL 12/12/17 - ADOPTION OF 2018 MEETING CYCLE**

**MOTION**

Moved by Cr Clausen, seconded by Cr Winney-Baartz

- 1 That Council:

Adopts the following meeting cycle for 2018 with meetings to commence at 5.30pm:

(a) For the period February and March 2018, May to November 2018:

<b>Week 1 – Tuesday</b>	No scheduled meetings
<b>Week 2 – Tuesday</b>	Councillor Workshops
<b>Week 3 – Tuesday</b>	Committee Meetings (as required): <ul style="list-style-type: none"> <li>• Public Voice Committee</li> <li>• Briefings Committee</li> <li>• Development Applications Committee</li> </ul>
<b>Week 4 – Tuesday</b>	Ordinary Council Meeting
<b>Week 5 – Tuesday</b>	No scheduled meetings

(b) For April 2018

<b>Week 1 – Tuesday</b> <b>3 April 2018</b>	Councillor Workshop
<b>Week 2 – Tuesday</b> <b>10 April 2018</b>	Committee Meetings (as required): <ul style="list-style-type: none"> <li>• Public Voice Committee</li> <li>• Briefings Committee</li> <li>• Development Applications Committee</li> </ul>
<b>Week 3 – Tuesday</b> <b>17 April 2018</b>	No scheduled meeting - School Holidays
<b>Week 4 – Tuesday</b> <b>24 April 2017</b>	No scheduled meeting - ANZAC Day (following Day)
<b>Week 5 – Tuesday</b> <b>1 May 2018</b>	Ordinary Council Meeting

(c) For December 2018:

<b>Week 1 – Tuesday</b> (4 December 2018)	Committee Meetings (as required): <ul style="list-style-type: none"> <li>• Public Voice Committee</li> <li>• Briefings Committee</li> <li>• Development Applications Committee</li> </ul>
<b>Week 2 – Tuesday</b> (11 December 2018)	Ordinary Council Meeting
<b>Week 3 – Tuesday</b> (18 December 2018)	No scheduled meetings
<b>Week 4 – Tuesday</b> (25 December 2018)	No scheduled meetings

- 2 For the purposes of the Instruments of Delegation to the Lord Mayor and Chief Executive Officer, Council's 'Recess Period' commences at midnight on Tuesday 11 December 2018 and ceases at midnight Monday 11 February 2019.

**Carried**

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

**MOTION**

Moved by Cr Dunn, seconded by Cr 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.

Councillor Rufo gave notice of a foreshadowed motion.

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

**For the Motion:** Lord Mayor, Cr Nelmes, Councillors Byrne, Clausen, Duncan, Dunn, White and Winney-Baartz.

**Against the Motion:** Councillors Elliott, Luke, Mackenzie, Robinson and Rufo.

**Carried**

**ITEM-137 CCL 12/12/17 - ADOPTION OF THE OPEN AND TRANSPARENT GOVERNANCE STRATEGY**

The Interim Director Corporate Services distributed an all Councillor memo in respect to Item 137 - Adoption of the Open and Transparent Governance Strategy.

The memo drew Council's attention to minor corrections within Attachment A. The current reference to Advisory Committees was as follows:

*3.6 - "At the time of the development of this strategy Council has in place seven Strategic Advisory Committees set out in annexure C'.*

*'Appendix C - Advisory Committees (as at date of the adoption of this strategy)*

- 1. Asset Advisory Committee*
- 2. Guraki Aboriginal Advisory Committee*
- 3. Youth Council*
- 4. Floodplain Risk Management Committee*
- 5. Coastal Revitalisation Advisory Working Party*
- 6. Newcastle Cycling Working Party*
- 7. Environment Advisory Committee'*

The required amendments were:

*3.6 - 'At the time of the development of this strategy Council has in place nine Advisory Committees set out in appendix C'.*

*'Appendix C - Advisory Committees (as at date of the adoption of this strategy)*

- 1. Asset Advisory Committee*
- 2. Coastal Revitalisation Consultative Committee*
- 3. Disability Inclusion Advisory Committee*
- 4. Environmental Advisory Committee*
- 5. Guraki Aboriginal Advisory Committee*
- 6. Newcastle Cycling Advisory Committee*
- 7. Newcastle Floodplain Risk Management Advisory Committee*
- 8. Newcastle Youth Council Committee*
- 9. Smart and Innovative Cities Committee'*

## **MOTION**

Moved by Cr Clausen, seconded by Cr White

- A That Council adopts the Open and Transparent Governance Strategy at **Attachment A**.
- B That Council notes the submission from the President of the Hamilton Chamber of Commerce (Hamilton NOW BIA) regarding the need for improved transparency in the operation of BIA's and that the Chief Executive Officer conducts a review of best practice for BIA's and reports back to Council in March 2018 outlining recommended improvements for the delivery of Economic Development and the use of Special Rate Variations for commercial centres throughout the Local Government Area (LGA).

## **AMENDMENT**

Moved by Cr Mackenzie, seconded by Cr Elliott

That Council

- 1 Prepares a costed proposal to establish and appropriately resource a network of council-supported, community-based groups or committees who represent the interests of residents in the local communities, including restoring the status of groups such as the previous local Forums and Precinct Committees, and
- 2 Presents this proposal, including identified issues or opportunities, for consideration in a workshop with Councillors.

**Defeated**

The motion moved by Councillor Clausen and seconded by Councillor White was put to the meeting.

**Carried**

**ITEM-138                    CCL 12/12/17 - ADOPTION OF INSTRUMENTS OF DELEGATION**

The Interim Director Corporate Services distributed an all Councillor memo in respect to Item 138 - Adoption of Instruments of Delegation.

Two minor administration corrections were identified regarding point 3(a) and point 4(c) within Attachment A.

- 1     The current wording of point 3a) was:  
*to act as the official spokesperson of the elected Council;*

The amended wording to be:  
*to act as an official spokesperson of Council (the Chief Executive Officer is also an official spokesperson of Council);*

- 2     The current wording of point 4c) was:  
*To negotiate and settle terms of a contract of employment with the Chief Executive officer including determining the appropriate remuneration, bonuses and incentives in accordance with relevant Council resolutions (as required), the Chief Executive Officer's Contract of Employment and relevant Council policies;*

The amended wording to be:  
*to negotiate and settle terms of a contract of employment with the Chief Executive Officer including determining the appropriate remuneration package in accordance with relevant Council resolutions (as required), the Chief Executive Officer's Contract of Employment and relevant Council policies;*

**MOTION**

Moved by Cr Clausen, seconded by Cr Dunn

- 1     That Council adopts
  - (a) Instrument of Delegation to the Lord Mayor at **Attachment A** with amendments as outlined in the Memos from the Interim Director Corporate Services both dated 12 December 2017.
  - (b) Instrument of Delegation to the Chief Executive Officer at **Attachment B**.
  - (c) Instrument of Delegation to the Development Applications Committee at **Attachment C** with the following addition:

*"1.3 Council Officers recommend approval of a development application that involves a variation to a development standard of an environmental planning instrument, where the extent of the proposed variation is assessed to be greater than 10%"*

- 2 For the purposes of the Instruments of Delegations, Council's Recess Period commences at midnight on Tuesday 12 December 2017 and ceases at midnight on Monday 12 February 2018.

**Carried**

**Councillor Luke requested he be recorded as voting against the motion**

**ITEM-140 CCL 12/12/17 - LOCAL AND NEIGHBOURHOOD CENTRES  
FACADE IMPROVEMENT SCHEME**

**MOTION**

Moved by Cr Dunn, seconded by Cr White

Endorse the establishment of a Local and Neighbourhood Centres Facade Improvement Scheme Grant Panel comprising at least the Lord Mayor (or nominee), one Ward Councillor (or nominee) and the Director Infrastructure (or nominee), to approve grants up to \$4,000 per property from a maximum budget of \$60,000 initially for the Carrington and Beresfield local centres. The \$60,000 budget is derived from the Local Centres Program budget. The scheme will be reviewed at the end of the first round of funding with a report to be provided back to stakeholders and Council.

**Carried  
unanimously**

**ITEM-141 CCL 12/12/17 - UNION STREET, MEREWETHER - PROPOSED  
KERB EXTENSIONS AND RAISED PEDESTRIAN CROSSING  
FRONTING THE JUNCTION PUBLIC SCHOOL**

**MOTION**

Moved by Cr Duncan, seconded by Cr White

Approve the proposed upgrade of the existing pedestrian crossing on Union Street, Merewether as shown at **Attachment A**.

**Carried  
unanimously**

**ITEM-142 CCL 12/12/17 - UNIVERSITY TO NEWCASTLE CITY CENTRE  
CYCLEWAY - MAUD STREET MID-BLOCK SIGNALS**

**MOTION**

Moved by Cr Clausen, seconded by Cr Dunn

- 1 Approve the installation of mid-block traffic signals on Maud Street, Waratah, between Prince Street and Vera Street, no exit from Vera Street at Maud Street and no right turn from Maud Street to Vera Street, as shown at **Attachment A**.
- 2 Write to the Australian Rail Track Corporation, requesting formal approval for shared use of the maintenance track in the rail corridor under Maud Street.

**Carried**

ITEM-144

**CCL 12/12/17 - ADOPTION OF SECTION 5.03 TREE AND VEGETATION MANAGEMENT OF NEWCASTLE DEVELOPMENT CONTROL PLAN 2017**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr White

That Council

- 1 Adopts the amendments to Section 5.03 Tree and Vegetation Management;
- 2 Receives a briefing on how the current Street Tree Masterplan requirement for community consultation where tree replacement occurs in “high profile and special areas” is currently fulfilled; and
- 3 Establishes a working committee comprising relevant council officers, councillors and community members to develop a draft process for effective community consultation before any decisions to remove significant local assets including significant trees, consistent with the Council’s Open and Transparent Governance Strategy.

**PROCEDURAL MOTION**

Moved by Cr Clausen, seconded by Cr Luke

Council vote on Parts 1 to 3 seriatim.

**Carried**

**PART 1**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr White

That Council adopts the amendments to Section 5.03 Tree and Vegetation Management.

**For the Motion:**

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

**Against the Motion:**

Nil.

**Carried**

## **PART 2**

### **MOTION**

Moved by Cr Mackenzie, seconded by Cr White

That Council receives a briefing on how the current Street Tree Masterplan requirement for community consultation where tree replacement occurs in “high profile and special areas” is currently fulfilled.

The Lord Mayor proposed that Parts 2 and 3 combine to read as follows:

- 2 *That Council receives a workshop on how the current Street Tree Masterplan requirement for community consultation where tree replacement occurs in “high profile and special areas” is currently fulfilled and processes for effective community consultation before any decisions to remove significant local assets including significant trees, consistent with the Council’s Open and Transparent Governance Strategy.*

Councillors Mackenzie and White accepted the Lord Mayor's proposal as Part 2.

The Lord Mayor stated that the amendment to Part 2 would result in Part 3 becoming redundant and that Part 3 would need to be withdrawn.

Part two of the motion, as amended, was put to the meeting.

**Carried**

Councillors Mackenzie and White withdrew part three of the motion.

## **NOTICES OF MOTION**

### **ITEM-36**

### **NOM 12/12/17 - MAYFIELD ROAD PEDESTRIAN REFUGES**

### **MOTION**

Moved by Cr White, seconded by Cr Winney-Baartz

That:

- 1 Council notes the significant new development and increased density in Mayfield, and Council’s transportation hierarchy which prioritises safe and active transport for local journeys.
- 2 Council works with RMS, the Mayfield BIA and community groups to undertake an assessment of the following intersections along Maitland Road in Mayfield to determine what pedestrian features if any exist, the suitability of those features for each of the intersections and potential improvements for these intersections to ensure pedestrian safety and movement across the intersection:

- a. Baker Street
- b. Elizabeth Street
- c. Woodstock Street
- d. Edmund Street
- e. Gamack Street
- f. Wind eyes Street
- g. Tourle Street

- 3 Council report back to councillors on their findings and any potential issues and/or improvements identified out of the assessment

**Carried**

**ITEM-37                      NOM 12/12/17 - REVIEW OF SPECIAL LICENCE CONDITIONS  
IN NEWCASTLE CBD**

In moving the motion, Councillor Mackenzie advised he would move the recommendation as outlined in the Directors Comment as contained in the Business Papers.

**ORIGINAL MOTION - CR MACKENZIE**

That Council prepare a submission to the review of licence conditions in Newcastle's CBD being undertaken by the NSW Independent Liquor & Gaming Authority, for approval by the Lord Mayor and Interim CEO, which:

- Supports the retention of the special licence conditions as part of the suite of measures to reduce rates of alcohol-related violence in the city;
- Supports an ongoing role for Council in the delivery of strategic alcohol management initiatives, including the special licence conditions, as a strategic priority in the achievement of a vibrant and safe night-time economy; and
- Demonstrates Council's commitment to a thriving and safe night time economy in Newcastle, with reference to Councils plans, strategies and policies to this objective, including: Newcastle After Dark: Safe and Vibrant Night Time Economy Plan (2017-2021); Newcastle Council's Safe City Plan (2017-2020); Safe Newcastle: Alcohol Management Strategy (2010-2013); and the safety and security elements of the Newcastle Development Control Plan.

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

Council delegates authority to the Interim Chief Executive Officer, in consultation with the Lord Mayor, to lodge a submission to the NSW Independent Liquor and Gaming Authority's Review of licence conditions for Newcastle CBD venues; and that Council's submission reference:

- a. Support for appropriate evidence based special license conditions as part of the suite of measures to reduce rates of alcohol-related violence in the city.

- b. Support for an ongoing role for Council in the delivery of strategic alcohol management initiatives for the achievement of a vibrant and safe night-time economy.
- c. Outlines Council's on-going commitment to a thriving and safe night time economy in Newcastle.

**Carried  
unanimously**

**ITEM-38                      NOM 12/12/17 - OUTDOOR FITNESS EQUIPMENT STRATEGY**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Newcastle City Council:

- 1 Recognises the significant benefits attributed to the provision of community recreational spaces and facilities and their contribution to community well-being, in accordance with the City of Newcastle Parkland and Recreation Strategy;
- 2 Notes that a key initiative, identified in the *Parkland and Recreation Strategy* is the continued provision of fitness equipment to cater for population changes and community demand across Newcastle;
- 3 Develops an outdoor fitness equipment strategy, to build upon outdoor fitness options available to people in Newcastle, by providing outdoor fitness trails and outdoor gym equipment, at parks and public recreation areas in key strategic growth locations within each of the four Wards of the Newcastle LGA.

**Carried  
unanimously**

**CONFIDENTIAL REPORTS**

**PROCEDURAL MOTION**

Moved by Cr Duncan, seconded by Cr Byrne

Council resolve into confidential session for the reasons outlined in the Business Papers.

**Carried**

Council moved into confidential session at 8.44pm.

During confidential session:

- The Interim Director Corporate Services distributed an all Councillor memo that contained a revised recommendation in respect to Confidential Item 16 - Summerhill Solar Farm - Design Construction and Operation Contract No 2018/132T.
- In moving the motion on Confidential Item 16 - Summerhill Solar Farm - Design Construction and Operation Contract No 2018/132T, Councillor Clausen stated he was moving the revised recommendation as circulated.

- A division was called on Confidential Item 16 Summerhill Solar Farm - Design Construction and Operation Contract No 2018/132T.
- A procedural motion was moved by Councillors Duncan and Byrne to reconvene open Council and carried.

Council reconvened at 9.35pm and the Interim Chief Executive Officer reported the resolution of confidential session with regard to Item 16 - Summerhill Solar Farm - Design Construction and Operation Contract No 2018/132T.

The Lord Mayor reported on the resolution of confidential session Confidential Lord Mayoral Minute Item 25 - Appointment of Chief Executive Officer.

## **ITEM-16                      CON 12/12/17 - SUMMERHILL SOLAR FARM TENDER**

### **MOTION**

Moved by Cr Clausen, seconded by Cr Dunn

Council

- 1     The tender of the EMC and Lendlease Joint Venture for the Summerhill Solar Farm - Design and Construction Contract No. 2018/132T subject to external funding and includes the operation and maintenance of the facility for a 3 year initial term;
- 2     Approves up to 80% of the project costs of the Summerhill Solar Farm project be funded via new borrowings from Clean Energy Finance Corporation (CEFC) Local Government fund to undertake the project design and construction;
- 3     Delegates authority to the Interim Chief Executive Officer to review and execute the Clean Energy Finance Corporation (CEFC) Local Government Fund Borrowing Contract subject to a detailed assessment of the financial impact of the project satisfying Council's Long Term Financial Plan; and
- 4     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.

### **For the Motion:**

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

### **Against the Motion:**

Councillors Elliott and Luke.

**Carried**

**ITEM-25**

**LMM 12/12/17 - CONFIDENTIAL - APPOINTMENT OF CHIEF EXECUTIVE OFFICER**

**MOTION**

Moved by Cr White, seconded by Cr Winney-Baartz

Council receive the Chief Executive Officer Recruitment Panel report at **attachment A**.

**Carried  
unanimously**

**MOTION**

Moved by Cr Robinson, seconded by Cr Winney-Baartz

Council offer the position to the recommended candidate as set out in the Chief Executive Officer Recruitment Panel report at **attachment A** and authorise the Lord Mayor to negotiate and enter into a contract of employment based on the standard contract of employment issued by the Office of Local Government.

**Carried  
unanimously**

**MOTION**

Moved by Cr Duncan, seconded by Cr Mackenzie

The recommended candidate's name to remain confidential until the position is accepted by the recommended candidate and the Lord Mayor announces the appointment of the Chief Executive Officer. All other information presented and discussed in closed session to remain confidential.

**Carried  
unanimously**

**The meeting concluded at 8.54pm.**