

## CITY OF NEWCASTLE

**Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 28 March 2017 at 5.30pm.**

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### **PRESENT**

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

### **IN ATTENDANCE**

P Chrystal (Interim Chief Executive Officer), G Cousins (Director Corporate Services), F Cordingley (Director Infrastructure), A Baxter (Acting Director Planning and Regulatory), L Burcham (Cultural Director), F Giordano (Manager Legal and Governance), J Gaynor (Manager Strategic Planning), P Nelson (Manager Commercial Property), P McCarthy (Strategic Planning), N Baker (Lord Mayor's Chief of Staff), K Hyland (Manager Communications and Engagement), K Baartz (Communications Manager), B Johnson (Media Officer), K Sullivan (Council Services/Minutes) and A Knowles (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**

Nil.

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

#### **Councillor B Luke**

Councillor Luke declared a non-pecuniary less than significant interest in Item 21 - Executive Monthly Performance Report as Council may invest with businesses he is associated with. Councillor Luke said the interest was less than significant as the report to Council was to be received and he was not involved in any decision making processes.

#### **Councillor Waterhouse**

Councillor Waterhouse declared a potential significant non-pecuniary interest in respect of Item 36 - Supercars Alternate Track Consultation, as previously declared. Councillor Waterhouse stated that the potential conflict arose due to residing in the vicinity of the proposed track and she would manage the conflict by leaving the Chamber when this matter was to be discussed.

### **Councillor Clausen**

Councillor Clausen declared a less than significant non-pecuniary interest in Items 24 - Exhibition of Open and Transparent Governance Strategy, 27 - Urban Water Policy and 29 - Ward 4 Capital Works. He stated that the items referenced his employer in passing and that he would remain in the Chamber.

## **CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - PUBLIC VOICE COMMITTEE 21 FEBRUARY 2017**

**MINUTES - BRIEFING COMMITTEE 21 FEBRUARY 2017**

**MINUTES - ORDINARY COUNCIL MEETING 28 FEBRUARY 2017**

### **MOTION**

Moved by Cr Osborne, seconded by Cr Clausen

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

**Carried**

## **LORD MAYORAL MINUTE**

### **ITEM-11 LMM 13/12/16 - INTERIM CHIEF EXECUTIVE OFFICER RECRUITMENT PANEL - SELECTION AND APPOINTMENT OF INTERIM CHIEF EXECUTIVE OFFICER**

The Lord Mayor brought forward Lord Mayoral Minute - Item 11 of 13 December 2016 - Interim Chief Executive Officer Recruitment Panel - Selection and Appointment of Interim Chief Executive Officer which had been laid on the table in conjunction with Item 5 of the Confidential Items - Report on the Outcome of Investigation into the Interim Chief Executive Officer Recruitment Process.

The Lord Mayor stated that as per an All Councillor memo distributed this week Council had not yet received the report. It was her understanding that the Interim Chief Executive Officer had asked for the report to be finalised by Friday 31 March 2017.

### **PROCEDURAL MOTION**

Moved by Lord Mayor, Cr Nelmes

The following matters lay on the table to be heard at an Extraordinary Council meeting to be held Friday 31 March 2017 at 6.00pm.

- Item 11 - LMM 13/12/16 - Interim Chief Executive Officer Recruitment Panel - Selection and Appointment of Interim Chief Executive Officer
- Confidential Item 5 - CON 28/3/17 - Outcome of Investigation into the Interim Chief Executive Officer Recruitment Process

**Carried**

## REPORTS BY COUNCIL OFFICERS

### ITEM-21                    CCL 28/03/17 - EXECUTIVE MONTHLY PERFORMANCE REPORT - FEBRUARY 2017

#### MOTION

Moved by Cr Osborne, seconded by Cr Doyle

The report be received.

**Carried**

### ITEM-25                    28/03/2017 - 2017 LOCAL GOVERNMENT ELECTION TO BE CONDUCTED BY THE NEW SOUTH WALES ELECTORAL COMMISSIONER

#### MOTION

Moved by Cr Doyle, seconded by Cr Posniak

- 1     The Council to receive the report.
- 2     The Council resolves to confirm that the New South Wales Electoral Commission (NSWEC) will administer and conduct the 2017 local government election to be held on Saturday, 9 September 2017, in respect of the Newcastle Local Government Area, as Council's electoral services provider, at an estimated cost of \$827,775 (ex GST) in accordance with the terms of the Contract for Administration of All Elections between Council and NSWEC (Contract No. 2015/455T) dated 5 June 2015 (Contract).
- 3     The Interim Chief Executive Officer, or his delegate, be authorised to execute all documentation required to undertake the terms of the Contract.
- 4     Council endorses a total budget of \$847,775 (excluding GST) which includes the amount of \$827,775 referenced in paragraph 1 above together with an additional amount of \$20,000 for the estimated costs associated with election information advertising and that the total amount be included in the 2017/18 operating budget.
- 5     The Interim Chief Executive Officer is to publish a copy of this resolution on the Council's website.

**Carried**

### ITEM-26                    CCL 28/03/17 - STOCKTON BEACH HOLIDAY PARK EXTENSION OF CONTRACT

Council noted that the Director Corporate Services tabled a memo to all Councillors regarding Item 26 - Stockton Beach Holiday Park Extension of Contract, which corrected dates in paragraphs 1, 8 and 14. The year had been incorrectly referenced as 2017 instead of 2018 on these three occasions in the report.

The amended information was included in the motion moved by Councillors Doyle and Posniak.

**MOTION**

Moved by Cr Doyle, seconded by Cr Posniak

- 1 To authorise, without inviting tenders, a short term contract to extend the current management services of Australian Tourist Park Management (ATPM) at Stockton Beach Holiday Park (SBHP) for a period of seven months to 30 June 2018, on the basis of the following extenuating circumstances:
  - i) The Newcastle 500 Supercars event coincides with the termination date of the current contract and the peak summer tourism season commences immediately after the termination date of the current contract. SBHP is heavily booked throughout this period.
  - ii) Undertaking a tender process in the lead up to the events outlined in (i) above poses an unacceptable commercial and reputational risk to Council should Council change service providers during this period. A change in service providers will result in changes in staff and management systems, which presents an increased risk of service disruption, and booking continuity and integrity issues.
  - iii) The proposed short term extension of tenure for the current service providers is not considered to propose any significant commercial or reputational risk and is expected to result in a superior outcome for both the SBHP patrons and the wider community.
- 2 That Council Officers invite tenders to provide management services at SBHP to take effect at the expiry of the short term contract referred to above.

**Carried**

**ITEM-29 CCL 28/03/17 - WARD 4 CAPITAL WORKS**

**MOTION**

Moved by Cr Osborne, seconded by Cr Dunn

The report be received.

**Carried**

**ITEM-32 CCL 28/03/17 - YOUTH COUNCIL ANNUAL REPORT**

**MOTION**

Moved by Cr Clausen, seconded by Cr Doyle

Council receives the Newcastle Youth Council Annual Report for 2015/2016.

**Carried**





**ITEM-30**

**CCL 28/03/17 - COUNCIL SUPPORT OF GROWING SUSTAINABLE ARTS AND CULTURAL ORGANISATIONS IN NEWCASTLE**

Council Officers were thanked for their efforts and contribution in preparing the report.

**MOTION**

Moved by Cr Clausen, seconded by Cr Doyle

Adopt the *Council Support of Growing Sustainable Arts and Cultural Organisations in Newcastle Policy* as provided in **Attachment A** and applied to the Draft Guidelines: *Support of Growing Sustainable Arts and Cultural Organisations in Newcastle Policy* as provided in **Attachment B** with the following amendments:

- Reference - *Definitions* - Clause 2.4 of the draft policy be amended so that the review panel is the Public Art Advisory Committee
- Reference - *Financial Impact* - amend the budget so the maximum is \$70,000 (cash and in-kind) per year per organisation, pending satisfaction of EOI criteria outlined in the policy.

Councillor Doyle requested that the subject title be amended to *Council Support for Arts and Cultural Organisations in Newcastle Policy*.

Councillor Clausen accepted Councillor Doyle's proposed amendment to the subject title.

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

*Adopt the Council Support for Arts and Cultural Organisations in Newcastle Policy as provided in **Attachment A** and applied to the Draft Guidelines: Support of Arts and Cultural Organisations in Newcastle Policy as provided in **Attachment B** with the following amendments:*

- Reference - *Definitions* - Clause 2.4 of the draft policy be amended so that the review panel is the Public Art Advisory Committee
- Reference - *Financial Impact* - amend the budget so the maximum is \$70,000 (cash and in-kind) per year per organisation, pending satisfaction of EOI criteria outlined in the policy.

**Carried**





**ITEM-36                      CCL 28/03/17 - SUPERCARS ALTERNATE TRACK  
CONSULTATION**

Councillor Waterhouse left the Chamber prior to the commencement of Council for discussion on this item.

**MOTION**

Moved by Cr Clausen, seconded by Cr Dunn

The report be received.

**Carried  
Unanimously**

Councillor Waterhouse returned to the Chamber at the conclusion of this item.

**CONFIDENTIAL REPORTS**

**ITEM-4                      CON 28/03/17 - CONFIDENTIAL PROPERTY MATTER - LOT 11  
DP13333 (SALE 22 SEAVIEW STREET KOTARA)**

**PROCEDURAL MOTION**

Moved by Cr Osborne, seconded by Cr Posniak

Council proceed into confidential session for discussion on Confidential Item 4 for the reasons outlined in the business papers.

**Carried**

Council moved into confidential session at 6.25pm.

Council resumed at 6.30pm and the Interim Chief Executive Officer reported on the outcome of confidential session.

**MOTION**

Moved by Cr Clausen, seconded by Cr Luke

- 1 (i) Council resolves to dispose of land and buildings located at 22 Seaview Street Kotara (Lot 11 DP 13333) through an open market sale process at no less than 90% of the assessed value.
- (ii) The Interim Chief Executive Officer is delegated authority to execute all relevant documentation to effect the sale transaction.
- (iii) Net proceeds of the sale are to be credited to the Land and Property Reserve.

- 2 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 until Council determines otherwise.

**Carried**

**The meeting concluded at 6.32pm**