

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 22 November 2016 at 5.35pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors D Clausen, D Compton (*arrived 5.42pm*), T Doyle, J Dunn, B Luke, M Osborne, S Posniak, A Robinson (*arrived 5.42pm*) 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), F Giordano (Manager Legal and Governance), A Glauser (Manager Finance), K Liddell (Manager Infrastructure Planning), J Gaynor (Manager Strategic Planning), P Nelson (Manager Commercial Property), K Hyland (Manager Communications and Engagement), K Baartz (Manager Communications), B Johnson (Media Officer), N Baker (Chief of Staff), K Sullivan (Council Services/Minutes) and J Redriff (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 Osborne

The apologies submitted on behalf of Rufo and Tierney be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor B Luke

Councillor Luke declared a non-pecuniary less than significant conflict of interest in Item-94 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 was to be received and he was not involved in any decision making processes.

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Councillor T Doyle

Councillor Doyle declared a non-pecuniary less than significant interest in Item 101 - 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 S Posniak

Councillor Posniak declared a non-pecuniary less than significant interest in Item 101 - 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 Clausen

Councillor Clausen declared a non-pecuniary less than significant interest in Item 101 - 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 N Nelmes

Councillor Nelmes declared a non-pecuniary less than significant interest in Item 101 - 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.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - BRIEFING COMMITTEE HELD 10 OCTOBER 2016

MINUTES - PUBLIC VOICE HELD 10 OCTOBER 2016

MINUTES - PUBLIC VOICE COMMITTEE 18 OCTOBER 2016

MINUTES - BRIEFING COMMITTEE HELD 18 OCTOBER 2016

MINUTES - ORDINARY COUNCIL MEETING HELD 25 OCTOBER 2016

MOTION

Moved by Cr Doyle, seconded by Cr Posniak

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

Carried

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LORD MAYORAL MINUTE

ITEM-9 LMM 22/11/16 - GREATER NEWCASTLE CITY DEAL

MOTION

Moved by Lord Mayor, Cr Nelmes

That Newcastle City Council

1. Collaborates with the NSW Government and the Federal Government to secure a City Deal.
2. Submits a formal application when the City Deal process is released.
3. Authorise the ICEO and Lord Mayor to execute required documentation.
4. Any agreement to come before Council for determination unless time constraints preclude that possibility.

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-94 CCL 22/11/16 - EXECUTIVE MONTHLY PERFORMANCE REPORT - OCTOBER 2016

MOTION

Moved by Cr Osborne, seconded by Cr Posniak

The report be received.

Carried

ITEM-95 CCL 22/11/16 - QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2016

MOTION

Moved by Cr Osborne, seconded by Cr Posniak

Council receives the September Quarterly Budget Review Statement (**Attachment A**) and adopts the revised budget as detailed therein.

Carried

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ITEM-97 CCL 22/11/16 - ADOPTION OF COUNCIL MEETING SCHEDULE FOR 2017

MOTION

Moved by Cr Osborne, seconded by Cr Doyle

That Council:

Adopts the following meeting schedule for 2017 with scheduled meetings to commence from 5.30pm:

(a) For the period February to November 2017:

Week 1 – Tuesday	No scheduled meetings
Week 2 – Tuesday	Councillor Workshops
Week 3 – Tuesday	Committee Meetings (as required): Public Voice Committee Briefings Committee Development Applications Committee
Week 4 – Tuesday	Ordinary Council Meeting
Week 5 – Tuesday	No scheduled meetings

(b) For December 2017:

Week 1 – Tuesday (5 December 2017)	Committee Meetings (as required): Public Voice Committee Briefings Committee Development Applications Committee
Week 2 – Tuesday (12 December 2017)	Ordinary Council Meeting
Week 3 – Tuesday (19 December 2017)	No scheduled meetings
Week 4 – Tuesday (26 December 2017)	No meetings - Christmas break

Carried

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ITEM-98 **CCL 22/11/16 - SAMDON STREET, HAMILTON - PROPOSED PEDESTRIAN REFUGES AND SPEED CUSHIONS BETWEEN DONALD AND BELFORD STREETS**

MOTION

Moved by Cr Osborne, seconded by Cr Doyle

That Council approve:

- 1 the pedestrian refuges in Samdon Street south of Cleary and Lindsay Street as well as in Lindsay Street east of Samdon Street, as shown in Attachment A, and
- 2 the speed cushions in Samdon Street between Donald Street and Tudor Street and kerb extensions in Samdon Street at the Tudor Street intersection as shown in Attachment A.

Carried

ITEM-100 **CCL 22/11/16 - UNNAMED LANEWAY, ISLINGTON - PROPOSED ONE WAY TRAFFIC FLOW IN LANEWAY EAST OF IVY STREET**

MOTION

Moved by Cr Osborne, seconded by Cr Waterhouse

Council approve the change of two-way traffic flow to one-way traffic flow in an eastbound direction in the unnamed laneway off Fern Street east of Ivy Street, Islington.

Carried

ITEM-103 **CCL 22/11/16 - EXHIBITION OF DRAFT AMENDMENT TO NEWCASTLE DEVELOPMENT CONTROL PLAN 2012 - SECTION 7.09 OUTDOOR ADVERTISING AND SIGNAGE**

MOTION

Moved by Cr Osborne, seconded by Cr Doyle

Council resolves to place draft amendments to Section 7.09 Advertising and Signage and Section 9.00 Glossary of Newcastle Development Control Plan 2012, as provided in **Attachment A**, on public exhibition for a period of four weeks.

For the Motion:

Lord Mayor Cr Nelmes, Councillors Clausen, Compton, Doyle, Dunn, Luke, Osborne, Posniak, Robinson and Waterhouse.

Against the Motion:

Nil.

Carried

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ITEM-93 CCL 22/11/16 - 2015/16 ANNUAL REPORT

The Director Corporate Services tabled a memo regarding the Mayoral and Councillor Expenses Regulation CI 217(1)(A1) which corrected a table on page 73 of the Annual Report containing typographical errors.

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

MOTION

Moved by Cr Posniak, seconded by Cr Osborne

That Council receives Newcastle City Council's 2015/16 Annual Report in respect of the year ended 30 June 2016, and as per the amendment tabled at the Council meeting 22 November 2016, and notes that it will be submitted to the NSW Minister for Local Government by 30 November 2016.

Carried

Council acknowledged and congratulated Council staff involved in the preparation of the Annual Report.

ITEM-96 CCL 22/11/16 - APPLICATION TO THE MINISTER NOT TO FILL THE CASUAL VACANCY IN THE OFFICE OF A WARD 2 COUNCILLOR

MOTION

Moved by Cr Posniak, seconded by Cr Osborne

1 That Council:

Lodge an application with the Minister for Local Government (Minister) in accordance with s. 294(2)(a) of the Local Government Act, 1993 that the Minister order that the casual vacancy in the office of the Ward 2 Councillor not be filled; and

2 Delegates authority to the Interim Chief Executive Officer to prepare and sign the s. 294(2)(a) application on behalf of Council and to lodge the application with the Minister.

**Carried
unanimously**

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ITEM-99 CCL 22/11/16 - ADOPTION OF NEWCASTLE COASTAL ZONE MANAGEMENT PLAN

Council acknowledged and congratulated the Council staff and consultants involved in the preparation of the Newcastle Coastal Zone Management Plan.

MOTION

Moved by Cr Osborne, seconded by Cr Clausen

- A Council adopts the Newcastle Coastal Zone Management Plan (**Attachment A**) and endorses the Newcastle Coastal Zone Hazard Study (**Attachment B**) and Newcastle Coastal Zone Management Study (**Attachment C**).
- B A workshop be held on the Plan of Management and grant opportunities for coastal sites.

**Carried
unanimously**

ITEM-101 CCL 22/11/16 - SUPPLEMENTARY REPORT - MOSBRI CR AND KITCHENER PDE THE HILL - ENDORSEMENT OF AMENDMENT TO NEWCASTLE LEP 2012 AND DCP 2012

MOTION

Moved by Cr Luke, seconded by Cr Waterhouse

Council resolves to:

- i) Endorse the attached Planning Proposal (**Attachment A of CCL 25/10/16**), 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.

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- v) Place the draft Section 6.14 - 11 Mosbri Crescent, The Hill to the Newcastle Development Control Plan 2012, as provided in **Attachment B of CCL 25/10/16**, 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*.

For the Motion: Lord Mayor Cr Nelmes, Councillors Compton, Clausen, Dunn, Luke, Posniak, Robinson and Waterhouse.

Against the Motion: Councillors Doyle and Osborne.

Carried

ITEM-102 CCL 22/11/16 - STREETS SAFE NIGHT-TIME OUTREACH PROGRAM

MOTION

Moved by Cr Osborne, seconded by Cr Doyle

That Council:

- i) Notes the Streetsafe Pilot Project Evaluation contained at (**Attachment A**);
- ii) Notes the continuation of the official Streetsafe Project for a further 12 month period commencing in November 2016;
- iii) Notes and supports the extension of the service to Hamilton; and
- iv) Thanks the organisers for the good work they do for the City.

Carried

ITEM-104 CCL 22/11/16 - 26 EDITH STREET WARATAH (WRIGHTSON RESERVE) AND RD 20435 - ENDORSEMENT OF PROPOSED AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

MOTION

Moved by Cr Clausen, seconded by Cr Posniak

1 Council resolves to:

- i) Endorse the attached Planning Proposal (**Attachment A**), pursuant to Section 55 of the *Environmental Planning and Assessment (EP&A) Act 1979*, in order to amend Newcastle Local Environmental Plan 2012 for land at 26 Edith Street, Waratah and RD 20435, as follows:

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- a) Amend the Land Zoning Map to rezone Wrightson Reserve from RE1 Public Recreation to SP2 Health Services Facility and rezone RD 20435 from RE1 Public Recreation to R2 Low Density Residential;
 - b) Amend the Height of Buildings Map for RD 20435 to include a maximum building height of 8.5 metres;
 - c) Amend the Floor Space Ratio (FSR) Map for RD 20435 to include a maximum permissible FSR of 0.75;
 - d) Amend the Minimum Lot Size Map to remove the minimum lot size for Wrightson Reserve and reduce the minimum lot size of 40 hectares to 450m² for RD 20435; and
 - e) Include the subject land within Part 2 – Land classified or reclassified, as operational land – interests changed within Schedule 4 Classification and reclassification of public land, as follows:
 - Column 1 to read “*Waratah*”
 - Column 2 to read “Lot 374, DP 755247”
 - Column 3 to read “Nil”
- ii) Forward the Planning Proposal to the Minister for Planning and Environment for Gateway Determination pursuant to Section 56 of the *EP&A Act 1979*.
 - iii) Advise the Secretary of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 59(1) of the *EP&A Act 1979*.
 - iv) Consult with the community and relevant government agencies as instructed by the Gateway Determination, noting that section 29 of the Local Government Act 1993 requires a public hearing to be held in respect of the reclassification of the land.
 - v) Receive a report back on the Planning Proposal following completion of the required consultation.
- 2 That Council receives a report on any proceeds from possible future land sales from this site to be invested into public open space, infrastructure and community and recreation land in Waratah and Waratah West.

Councillor Luke moved the Officer's recommendation as an amendment.

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AMENDMENT

Moved by Cr Luke, seconded by Cr Compton

Council resolves to:

- i) Endorse the attached Planning Proposal (**Attachment A**), pursuant to Section 55 of the *Environmental Planning and Assessment (EP&A) Act 1979*, in order to amend Newcastle Local Environmental Plan 2012 for land at 26 Edith Street, Waratah and RD 20435, as follows:
 - a) Amend the Land Zoning Map to rezone Wrightson Reserve from RE1 Public Recreation to SP2 Health Services Facility and rezone RD 20435 from RE1 Public Recreation to R2 Low Density Residential;
 - b) Amend the Height of Buildings Map for RD 20435 to include a maximum building height of 8.5 metres;
 - c) Amend the Floor Space Ratio (FSR) Map for RD 20435 to include a maximum permissible FSR of 0.75;
 - d) Amend the Minimum Lot Size Map to remove the minimum lot size for Wrightson Reserve and reduce the minimum lot size of 40 hectares to 450m² for RD 20435; and
 - e) Include the subject land within Part 2 – Land classified or reclassified, as operational land – interests changed within Schedule 4 Classification and reclassification of public land, as follows:
 - Column 1 to read “*Waratah*”
 - Column 2 to read “Lot 374, DP 755247”
 - Column 3 to read “Nil”
- ii) Forward the Planning Proposal to the Minister for Planning and Environment for Gateway Determination pursuant to Section 56 of the *EP&A Act 1979*.
- iii) Advise the Secretary of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 59(1) of the *EP&A Act 1979*.
- iv) Consult with the community and relevant government agencies as instructed by the Gateway Determination, noting that section 29 of the Local Government Act 1993 requires a public hearing to be held in respect of the reclassification of the land.
- v) Receive a report back on the Planning Proposal following completion of the required consultation.

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The amendment moved by Councillors Luke and Compton was put to the meeting.

For the Motion: Councillors Compton, Luke, Robinson and Waterhouse.

Against the Motion: Lord Mayor Cr Nelmes, Councillors Clausen, Doyle, Dunn, Posniak and Osborne.

Defeated

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

For the Motion: The Lord Mayor, Cr Nelmes, Councillors Clausen, Compton, Posniak and Waterhouse.

Against the Motion: Councillors Doyle, Dunn, Luke, Osborne and Robinson.

Carried

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

NOTICES OF MOTION

ITEM-16 NOM 22/11/16 - SUPERCARS CONSULTATION

Councillor Waterhouse declared a non-pecuniary and non-significant interest in Notice of Motion 16 - Supercars Consultation stating that her residence was in close proximity to the event. Councillor Waterhouse left the Chamber for the determination of the item.

Councillors Doyle and Osborne tabled an alternate motion at the meeting.

ORIGINAL MOTION

Moved by Cr Doyle, seconded by Cr Osborne

That Council conducts a series of consultation and information sessions with residents of Newcastle East regarding the Supercars event that is to happen in Newcastle during 2017.

These consultation and information meetings should cover:

- 1 Council's role in the event
- 2 The proposed route
- 3 Vehicle access including emergency vehicles
- 4 Governance of noise control and abatement measures
- 5 Agency responsibilities
- 6 Long term road safety management
- 7 Benefits to local community and Council from this event
- 8 Potential environmental effects on heritage buildings

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ALTERNATE MOTION

Moved by Cr Doyle, seconded by Cr Osborne

That Council, in collaboration with Destination NSW and Supercars Australia, conducts a series of consultation and information sessions with residents of Newcastle East regarding the Supercars event that is to happen in Newcastle during 2017.

These consultation and information meetings should cover:

- 1 Council's role in the event,
- 2 The proposed route,
- 3 Vehicle access, including emergency vehicles,
- 4 Governance of noise control and abatement measures,
- 5 Agency responsibilities
- 6 Long term road safety management
- 7 Benefits to local community and Council from this event,
- 8 Potential environmental effects on heritage buildings.
- 9 Potential effects on parkland.

Council Officers to provide an update and briefing to Council at the Briefings meeting in February 2017.

The alternate motion moved by Councillors Doyle and Osborne was put to the meeting.

**Carried
unanimously**

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

ITEM-17 NOM 22/11/2016 - LISTENING TO THE COMMUNITY

MOTION

Moved by Cr Osborne, seconded by Cr Doyle

Council hear from resident Naomi Isaacs and a representative from the Tighes Hill Community Group regarding DA 2016/00820.

Council initiate the process to amend its Public Voice Policy (1999) so that the criteria for public voice applications relating to development applications be to give the local community a fair hearing in circumstances that do not unduly delay the development assessment process.

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AMENDMENT

Moved by Cr Clausen

Council hear from resident Naomi Isaacs and a representative from the Tighes Hill Community Group and the proponent regarding DA2016/00820. This public voice is to be held immediately before the Development Applications Committee on 6 December 2016.

Council notes the resolution of 28 June 2016 regarding Open and Collaborative Leadership includes revising its Public Voice Policy (1999) so that the criteria for public voice applications relating to development applications be to give the local community a fair hearing in circumstances that do not unduly delay the development assessment process.

Councillors Osborne and Doyle accepted the amendment into the motion.

The motion, as amended, was put to the meeting.

Carried

Councillor Clausen tabled a petition from Donna Rehbien of Georgetown on behalf of residents in numerous suburbs requesting Council to provide an off-leash area for Waratah Park and presented the petition to the Interim Chief Executive Officer.

The meeting concluded at 8.08pm.