

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held via Audio visual platform Zoom on Tuesday 27 July 2021 at 6.07pm.

PRESENT

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

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), K Hyland (Acting Director Strategy and Engagement), F Leatham (Director People and Culture), J Rigby (Acting Director Infrastructure and Property), A Jones (Director City Wide Services), K Liddell (Director and Interim Chief Information Officer), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), S Moore (Manager Finance), L Morton (Art Gallery Director), A Knowles (Councillor Services/Minutes), K Sullivan (Councillor Services/Meeting Support), L Stanhope (Councillor Services/Meeting Support) and G Axelsson (Information Technology Support).

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.

ATTENDANCE VIA AUDIO VISUAL MEANS

PROCEDURAL MOTION

Moved by Cr Luke, seconded by Cr Mackenzie

That Council:

1. Notes the current Public Health Orders applicable to all of NSW;
2. Notes tonight's Ordinary Council meeting of 27 July 2021 is livestreamed on Council's website providing for access to members of the public; and
3. Notes the unprecedented public health risks facing the community and in the interests of public health and safety, permits all Councillors to attend the Ordinary Council meeting of 27 July 2021 by audio visual means.

**Carried
unanimously**

APOLOGIES

MOTION

Moved by Cr Luke, seconded by Cr Church

The apologies submitted on behalf of Councillor Dunn and Robinson 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 83 – Hunter and Central Coast Joint Regional Planning Panel Temporary Membership as he previously declared a conflict for the rezoning of 505 Minmi Road, Fletcher due to his involvement in the property industry and managed the conflict by leaving the meeting for discussion on the item.

Lord Mayor, Cr Nelmes

Lord Mayor, Cr Nelmes declared a non-pecuniary significant interest in Item 83 – Hunter and Central Coast Joint Regional Planning Panel Temporary Membership and managed the conflict by leaving the meeting for discussion on the item.

Lord Mayor, Cr Nelmes

Lord Mayor, Cr Nelmes declared a pecuniary interest in Item 79 – Frederick Street, Merewether – Proposed Raised Pedestrian Crossings as she had property in the neighbouring streets to that being proposed and managed the conflict by leaving the meeting for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES PUBLIC VOICE COMMITTEE MEETING 15 JUNE 2021

MINUTES BRIEFING COMMITTEE MEETING 15 JUNE 2021

MINUTES ORDINARY COUNCIL MEETING 29 JUNE 2021

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

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

Carried

LORD MAYORAL MINUTE

ITEM-18

LMM 27/07/21 - STRATEGIES TO AMELIORATE THOSE IN HOMELESSNESS IN NEWCASTLE

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

Part A: Strategies to ameliorate the conditions of those in homelessness:

1. Recognising the immediate needs of the increased number of people, and the changing demographics of people, experiencing homelessness, commits to:
 - a. Receiving a report back on partnering with NSW Government agencies, Hunter Community Alliance leaders, Soul Cafe and civil society to pilot *safe rough sleeping zones* for a minimum 24 months with regular assessments of the initiative. This would be a zone where Council staff, NSW Police, and service providers can suggest people park their cars, or sleep in tents, or under existing shelter, when emergency accommodation service providers are at capacity, and where wrap-around services could potentially attend to people.
 - b. The partnership would investigate:
 - i. Safe locations for rough sleeping zones suggested, such as Newcastle Showground, or local Neighborhood Centers;
 - ii. Framing and implementing safe and informed protocols for Council rangers and staff so that people sleeping rough are moved to safe housing, accommodation options, or a safe rough sleeping area;
 - iii. Establishing a locker system for people sleeping rough, in which they can store and protect limited personal belongings.
 - iv. The collection and reporting on homelessness and poverty data from private and charitable sector service providers in summer and winter.

Part B: Social and Affordable Housing Memorandum of Understanding:

- 1 Works with NSW Land and Housing Corporation (NSW Government) to develop a Memorandum of Understanding (MoU) to expedite the delivery of new and refurbished social and affordable housing, including the exploration of a *'Make Room Project'* in Newcastle.

Part C: Implementation of the Affordable Housing Contributions Scheme:

- 1 Notes that on 27 April 2021, Council supported a Lord Mayoral Minute, titled *Housing Affordability crisis in Newcastle*; and continues to pursue all the actions detailed in that Lord Mayoral Minute in response to the housing affordability crisis in Newcastle;
- 2 Recognises major funding for affordable housing is the responsibility of State and Federal Governments;

- 3 Recognises that City of Newcastle has within its control the development of an Affordable Housing Contributions Scheme which Council has described as the concept of a 15% Affordable Housing Mandate on privately developed land, whereby 15% of new dwellings or floor space on privately developed land is mandated as Affordable Housing in new housing developments, and considers this rate as a part of the development of the Affordable Housing Contributions Scheme.
- 4 Once again reiterates the urgency of the finalisation and implementation of the Affordable Housing Contributions Scheme and commits to this being implemented as soon as practicable.

PROCEDURAL MOTION

Moved by Cr Luke

Council vote for the motion in seriatim excluding Part C - 3 and that it be voted on separately.

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

PART 1

Part A: Strategies to ameliorate the conditions of those in homelessness:

- 1 Recognising the immediate needs of the increased number of people, and the changing demographics of people, experiencing homelessness, commits to:
 - a. Receiving a report back on partnering with NSW Government agencies, Hunter Community Alliance leaders, Soul Cafe and civil society to pilot *safe rough sleeping zones* for a minimum 24 months with regular assessments of the initiative. This would be a zone where Council staff, NSW Police, and service providers can suggest people park their cars, or sleep in tents, or under existing shelter, when emergency accommodation service providers are at capacity, and where wrap-around services could potentially attend to people.
 - b. The partnership would investigate:
 - i. Safe locations for rough sleeping zones suggested, such as Newcastle Showground, or local Neighborhood Centers;
 - ii. Framing and implementing safe and informed protocols for Council rangers and staff so that people sleeping rough are moved to safe housing, accommodation options, or a safe rough sleeping area;
 - iii. Establishing a locker system for people sleeping rough, in which they can store and protect limited personal belongings.
 - iv. The collection and reporting on homelessness and poverty data from private and charitable sector service providers in summer and winter.

Part B: Social and Affordable Housing Memorandum of Understanding:

- 1 Works with NSW Land and Housing Corporation (NSW Government) to develop a Memorandum of Understanding (MoU) to expedite the delivery of new and refurbished social and affordable housing, including the exploration of a 'Make Room Project' in Newcastle.

Part C: Implementation of the Affordable Housing Contributions Scheme:

- 1 Notes that on 27 April 2021, Council supported a Lord Mayoral Minute, titled *Housing Affordability crisis in Newcastle*; and continues to pursue all the actions detailed in that Lord Mayoral Minute in response to the housing affordability crisis in Newcastle;
- 2 Recognises major funding for affordable housing is the responsibility of State and Federal Governments;
- 3 Once again reiterates the urgency of the finalisation and implementation of the Affordable Housing Contributions Scheme and commits to this being implemented as soon as practicable.

**Carried
unanimously**

PART 2

Part C: Implementation of the Affordable Housing Contributions Scheme:

- 3 Recognises that City of Newcastle has within its control the development of an Affordable Housing Contributions Scheme which Council has described as the concept of a 15% Affordable Housing Mandate on privately developed land, whereby 15% of new dwellings or floor space on privately developed land is mandated as Affordable Housing in new housing developments, and considers this rate as a part of the development of the Affordable Housing Contributions Scheme.

Carried

ITEM-19 LMM 27/07/21 - INFRASTRUCTURE AUSTRALIA 2022 INFRASTRUCTURE PRIORITY LIST

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that Infrastructure Australia's *Infrastructure Priority List* provides evidence-based advice to support an informed discussion about Australia's investment priorities and that Infrastructure Australia Chief Executive Officer, Romilly Madew AO, has written to the City of Newcastle, seeking submissions for the next update of the Infrastructure Priority List, to be published in February 2022;

- 2 Recognises that City of Newcastle's previous advocacy to Infrastructure Australia led to Infrastructure Australia listing the 'Newcastle Airport Capacity Expansion' as a Priority Initiative in 2021, before the project was funded by the Federal Government earlier this year;
- 3 Prepares a submission of City of Newcastle's infrastructure priorities, including Catalyst Area Projects as outlined in *the Greater Newcastle Metropolitan Plan 2036*, seeking their inclusion in the Infrastructure Australia 2022 Infrastructure Priority List, and includes the following projects for consideration:
 - Coastal Management Planning and Erosion Management at Stockton Beach
 - Flood mitigation at Wallsend
 - John Hunter Hospital - Stage 2
 - Newcastle Art Gallery Expansion
 - Lower Hunter Freight Corridor
 - Greater Newcastle Light Rail Expansion
 - Hunter Park (Broadmeadow Sports and Entertainment Precinct)
 - Port of Newcastle Diversification
 - Newcastle Airport Expansion
 - University of Newcastle's Science, Technology, Engineering, Mathematics and Medicine (STEMM) facility
 - Affordable housing initiatives
 - Local Sporting Amenity Upgrades
 - Local Playground upgrades for Disability Inclusion
 - Ferry Terminal at Wickham
 - Active Transport (Walking & Cycling) Improvements

**Carried
unanimously**

ITEM-19 LMM 27/07/21 - BRING BACK JOBKEEPER

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Supports the bi-partisan calls from the NSW Treasurer and NSW Leader of the Opposition for the urgent reintroduction of JobKeeper for businesses impacted by the continued pandemic, and the effects of the delta strain of COVID-19.
- 2 Acknowledges the well-publicised issues with the first version of JobKeeper and encourages the Federal Government to fix them whole also expanding eligibility to casuals, the University sector, local government and the childcare industry.
- 3 Writes to the Prime Minister, the Federal Treasurer, and their respective Shadow Ministers, along with the Federal Member for Newcastle, advising them of the City's position and advocacy.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-81 CCL 27/07/21 - INVESTMENT AND BORROWING POLICY ANNUAL REVIEW

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council:

- 1 Council adopts the draft Investment and Borrowing Policy (Policy) in the form as at **Attachment A** and in doing so terminates the previously approved Investment and Borrowing Policy.

**Carried
unanimously**

ITEM-82 CCL 27/07/21 - AUTHORISATION FOR SIGNING OF THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2021

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Notes the preparation of CN's Financial Statements for the year ended 30 June 2021 is underway and upon completion they will be referred to CN's Auditors, NSW Audit Office, in accordance with Section 413(1) of the Act.
- 2 Authorises the Lord Mayor, a Councillor, the Chief Executive Officer and the Responsible Accounting Officer to sign the Statements by Councillors and Management (**Attachments A and B**) in accordance with Section 413(2) of the Act at the conclusion of the external audit.

Carried

ITEM-77 CCL 27/07/21 - ADOPTION OF DRAFT COMMUNITY INFRASTRUCTURE INCENTIVE POLICY

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council:

- 1 Adopts the Community Infrastructure Incentives Policy at **Attachment A**.
- 2 Notes that, subject to adoption of the Policy, a Planning Proposal will be prepared to amend the Newcastle Local Environmental Plan 2012, along with amendments to the Newcastle Development Control Plan 2012 (NDCP 2012), to enable implementation of the Policy. The Planning Proposal will initially focus on supporting implementation of the Wickham Masterplan and is proposed to be submitted to Council in late 2021 for consideration to proceed to Gateway

Determination, including further public and stakeholder consultation as instructed by the Gateway Determination.

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

Against the Motion: Councillors Church, Elliott and Rufo.

Carried

ITEM-78 CCL 27/07/21 - NEWCASTLE ART GALLERY EXPANSION FUNDING OPTIONS

MOTION

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

That Council:

- 1 Endorses borrowing up to \$22.6 million by way of low-cost loan over 10 years (Option 2) as the preferred funding pathway for the expansion of the Newcastle Art Gallery.
- 2 Notes that a Loan Borrowing Report will be separately submitted seeking Council approval to borrow funds from NSW Treasury Corporation (T-Corp) incorporating a low-cost loan initiative subsidy in the amount of up to \$22.6 million, including a capital expenditure review in accordance with Office of Local Government guidelines.
- 3 Continues to seek Federal and State grant funding up until the time of borrowing loan funds from T-Corp to ensure all available grant funding options have been exhausted prior to commencing the project.

PROCEDURAL MOTION

Moved by Cr Elliott, seconded by Cr Church

That the item lay on the table until consultation with the community on whether they wish to enter into the proposed borrowing for the Art Gallery upgrade.

For the Procedural Motion: Councillors Church, Elliott, Luke, Mackenzie and Rufo.

Against the Procedural Motion: Lord Mayor, Cr Nelmes, Councillors Byrne, Clausen, Duncan, White and Winney-Baartz.

Defeated

The motion moved by Cr Nelmes, seconded by Cr Clausen was put to the meeting.

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

Against the Motion: Councillors Church, Elliott, Luke and Rufo.

Carried

ITEM-79 CCL 27/07/21 - FREDERICK STREET, MEREWETHER - PROPOSED RAISED PEDESTRIAN CROSSINGS

The Lord Mayor left the meeting for discussion on the item.

The Deputy Lord Mayor took the Chair.

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

- 1 Approve a raised crossing on Frederick Street at Coane Street, Merewether as generally shown at **Attachment A**.
- 2 Approve a raised crossing on Frederick Street at Berner Street, Merewether as generally shown at **Attachment B**.

**Carried
unanimously**

The Lord Mayor returned to the meeting at the conclusion of the item and resumed the Chair.

ITEM-80 CCL 27/07/21 - ACQUISITION OF PART 64 MACKIE AVENUE, NEW LAMBTON

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council

- 1 Resolves not to acquire the Property.
- 2 Advocates for Transport for NSW to transfer the land to City of Newcastle at no cost to ensure the footpath remains in public hands.

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

Against the Motion: Councillor Church.

Carried

ITEM-83**CCL 27/07/21 - HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING PANEL TEMPORARY MEMBERSHIP**

The Lord Mayor and Councillor Church left the meeting for discussion on the item.

The Deputy Lord Mayor took the Chair.

MOTION

Moved by Cr Byrne, seconded by Cr Mackenzie

That Council:

- 1 Appoints a second planning expert to replace the Director Governance as a temporary City of Newcastle (CN) representative to the Hunter and Central Coast Regional Planning Panel (HCCRPP) for one matter only, being consideration of the rezoning review following Council's decision to not endorse a Planning Proposal to rezone 505 Minmi Road, Fletcher.

**Carried
unanimously**

The Lord Mayor and Councillor Church returned to the meeting at the conclusion of the item.

The Lord Mayor resumed the Chair.

NOTICES OF MOTION**ITEM-17****NOM 27/07/21 - VANDALISM OF NEW LAMBTON PARKS****MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Clausen

That Council:

1. Expresses frustration and disappointment at the vandalism of local parks and sporting fields in New Lambton by a motor vehicle.
2. Notes the sizeable investment from Council and the New Lambton Football Club into Novocastrian and Alder Parks. Since 2010, City of Newcastle has invested more than \$1.6m into sporting facilities at Alder and Novocastrian Parks, and a further \$150,000 on a new playground at Novocastrian Park.
3. Notes previous efforts to prevent illegal vehicle access and vandalism, including the installation of large sandstone blocks along Birwood Street in 2020.
4. Notes that CN officers responded rapidly to recent vandalism, inspecting the park over the weekend and undertaking immediate repairs. The repairs will enable the park to reopen within a week.

5. Undertakes further works to prevent illegal vehicular access, by installing sandstone blocks to restrict vehicle access from Orchardtown Road.
6. Requests any witnesses to come forward via council directly or Crime Stoppers, to ensure those responsible for the damage of public property can be held accountable.

**Carried
unanimously**

**ITEM-18 NOM 27/07/21 - IMPROVING CONNECTIVITY BETWEEN
WICKHAM AND WICKHAM PARK**

MOTION

Moved by Cr Clausen, seconded by Cr White

That Council:

1. Notes City of Newcastle's intention to acquire the previous Bullock Island Rail Corridor from the NSW Government to provide connectivity between Wickham and Wickham Park. This was included as an action in the 2012 Local Environment Plan (LEP), Land Reservation Acquisition map (004FA). Notes that acquisition is likely to be a lengthy process.
2. Writes to Transport for NSW (TfNSW) and the Department of Planning, Industry and Environment (DPIE) seeking support to temporarily open a pathway across the Bullock Island Rail Corridor between Wickham and Wickham Park, and for ongoing acquisition negotiations to be prioritised.

**Carried
unanimously**

ITEM-19 NOM 27/07/21 - PROPERTY DEVELOPMENT

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

Council note that:

A Council note that:

- i. Councils in NSW have an important role in land use planning and development approval;
- ii. Councils assess local development and are able to grant approval, grant approval, with or without conditions, or refuse an application for development. Local planning controls regulate densities, height, external design and siting, building materials, open space provisions, and the level of developer contribution required to cover physical and/or community infrastructure costs arising from the proposed development;

- iii. in 2020 Environment Minister Matt Kean likened allowing property developers to be elected as local Councillor to “**putting Dracula in charge of the bloodbank**” due to the planning decisions taken by Councils;
- iv. in April 2019, the City of Newcastle endorsed measures to ensure openness, transparency, community participation and probity in local decision making, including by restricting active property developers and real estate agents from holding civic office, and ensuring a well-resourced Independent Commission Against Corruption.
- v. in June 2021 the NSW Legislative Council passed legislation banning property developers from running for local Council. Legislation restricting real estate agents from running for council is reportedly forthcoming; and
- vi. property developers and their close associates have an innate bias in planning decisions and allowing them to serve as local Councillors erodes the ability of Council to make independent decisions on planning matters.

B the City of Newcastle Council opposes those working as, or close associates of, property developers, running to be elected to the City of Newcastle Council;

C the CEO be requested to:

- i. submit this motion in support of the adoption of a policy which prohibits property developers and their close associates, from holding office as local Councillors in NSW to LGNSW Conference for consideration;
- ii. write to the NSW Premier in support of the bill that was passed by the Legislative Council and is currently before the Legislative Assembly which prohibits property developers from holding office as local Councillors in NSW; and
- iii. write to the Minister for Local Government in support of the bill that was passed by the Legislative Council and is currently before the Legislative Assembly which prohibits property developers from holding office as local Councillors in NSW.

For the Motion:

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

Against the Motion:

Councillors Church, Elliott, Luke and Rufo.

Carried

ITEM-20**NOM 27/07/21 - DEVELOPMENT NOTIFICATION FOR BOARDING HOUSE RESIDENTS****MOTION**

Moved by Cr Duncan, seconded by Cr Mackenzie

That Council:

- 1 Writes to Boarding House operators in the Newcastle Local Government Area advising them of a new notification process to ensure their tenants are reasonably notified of a Development Application (DA) relating to the Boarding House, including:
 - a. The operator to advise boarders that a DA has been lodged that proposes modification to the property and/or development.
 - b. A copy of the DA application to be placed in a common area (or similar) of the Boarding House.
 - c. The operator to notify boarders when the DA has been determined, including the outcome.
- 2 That this process be incorporated into CN's procedures for DAs relating to Boarding Houses, and will be included with the CN Applicant acknowledgment letter sent when a DA is submitted, consistent with details above.

**Carried
unanimously**

ITEM-21**NOM 27/07/21 - BEST PRACTICE EMPLOYMENT CONDITIONS FOR CONSTRUCTION WORKERS UNDERTAKING CITY OF NEWCASTLE PROJECTS****MOTION**

Moved by Cr Byrne, seconded by Cr Clausen

That City of Newcastle:

1. Notes that ensuring the best employment conditions and work health and safety standards are achieved is often as a result of the collective power of trade unionism, and the ability for workers' to take collective action and negotiate their terms of employment through Enterprise Agreements (EAs).
2. Notes that EAs have the assurance that terms of the employment agreement put workers in a position that is "Better Off Overall" against the relevant Award, and that the Fair Work Commission will not approve the EA unless the "Better Off Overall" test is satisfied.
3. Ensures that all major construction projects for Council are undertaken by organisations with current Enterprise Agreements registered with the Fair Work Commission.

4. Amends the City of Newcastle (CN) Procurement Policy to ensure that, where possible, to achieve stable industrial relations on Council projects, and ensure compliance by subcontractors/employers with their legal obligations, including to their employees, CN will, as far as practicable and relevant in terms of Council Projects, procure services for major construction projects from contractors with EAs in place, noting that this policy already contains clauses for ethical procurement and assurances that current procurement and tendering processes protect the work health and safety of all CN staff, contractors, and the general public, while ensuring value for money for ratepayers.

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

Against the Motion: Councillors Church and Luke.

Carried

ITEM-22 NOM 27/07/21 - HUNTER HYDROGEN TECHNOLOGY CLUSTER

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That City of Newcastle

- Notes the commitment of CN under the Newcastle Climate Action Plan 2021-25 to “advocate for the creation of renewable hydrogen and ammonia export hubs, a regional bioenergy hub and green metal and mineral processing in Newcastle and the Hunter.”
- Request a briefing from NewH2 - Hunter Hydrogen Technology Cluster on opportunities for CN to support and accelerate the emerging hydrogen economy locally.
- Receive a report regarding options for the City of Newcastle to support a hydrogen industry locally, including but not limited to developing and maintain supporting infrastructure, connecting local businesses with industry, and early adoption of hydrogen technologies for specialised uses within Council operations.

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

Against the Motion: Nil.

Carried

ITEM-23**NOM 27/07/21 - PROTECTING OUR URBAN FOREST THROUGH AN AERIAL BUNDLED CABLING PROGRAM****MOTION**

Moved by Cr Mackenzie, seconded by Cr Byrne

That City of Newcastle

- Notes the contribution of Newcastle's street tree population to the city's urban forest, an intergenerational resources that provides multiple community benefits, and the need to improve practices and capacity to ensure these benefits.
- Notes the responsibility of Council for the holistic management of urban forest assets owned or controlled by the City of Newcastle, as outlined in the Newcastle Urban Forest Policy.
- Notes the briefing received by Ausgrid on 15th June on current practice for street tree maintenance and management under aerial powerlines.
- Notes CN's commitment to achieving the best outcome for the City's urban forest by working with Ausgrid to identify key sites where Ausgrid's essential service lines and CN's significant tree stands intersect.
- Notes the need for the development of an Aerial Bundled Cabling (ABC) Program by CN and Ausgrid for the city which identifies priorities and systematically plans for the conversion to bundled cabling or application of other engineering solutions.
- Engage with the Australian Energy Regulator to advocate for funding including State and Federal funding to enable the development of engineering solutions including an ABC Program, and for capital works investment and funding opportunities to enable Ausgrid to implement the identified forward ABC and Works Program for the City of Newcastle.

**Carried
unanimously**

ITEM-24**NOM 27/07/21 - LOVE LAMBTON 150 YEARS - CELEBRATING LOCAL COMMUNITY HERITAGE MILESTONES****MOTION**

Moved by Cr Rufo, seconded by Cr Elliott

That the Council:

- Notes that the strategic priorities and themes in City of Newcastle's Heritage Strategy include "promoting our heritage" with an objective to increase the local community's understanding and participation to conserve, enhance and celebrate Newcastle's heritage places and cultural heritage by CN collaborating with stakeholders in activities which promote the economic, social and environmental benefits of heritage to the city.

- Notes the success of the Love Lambton 150 Years event.
- Acknowledges the volunteer Organising Committee's tireless efforts in ensuring the success of the Love Lambton event
- Notes the personal thanks & gratitude of the Chairman for the Organising Committee of Love Lambton 150 Years Celebrations, Councillor Andrea Rufo OAM to his fellow Committee Members for their contribution to the Love Lambton 150 Years Celebration and publicly acknowledge the Committee members for their ideas, valuable time invested, dedication and professionalism:
 - Claire Williams - President of The Newcastle Theatre Company
 - Mark Brooker - Founder and Publisher of The Local
 - Ann MacKenzie – Representing the Lambton Residents Group
 - Brian Lizotte - Owner of Lizottes
 - Deb Manuel – Representing Piggott's Pharmacy

In addition, the recognition of –

- Dana Pichaloff and Deb Austin - Double Digits Marketing
- Ali Cook of 5 Senses Markets.

For their dedication, professionalism and guidance.

- Notes that the event's success was in part due to the financial support of City of Newcastle, which provided critical seed funding.
- Notes that CN staff resources are limited in their capacity to deliver additional events. Any financial support of City of Newcastle will assist in engaging specialist event providers to plan and deliver these milestone events. With the assistance of the working party/organising committee.
- Notes that City of Newcastle staff played an important supporting role in both advising the committee as well as supporting the Love Lambton event itself.
- Notes that such municipality anniversaries benefit from the inclusion of City of Newcastle staff and encourages staff to make themselves available for future such celebrations.
- Notes the importance for Council to collaborate with the community in activities that celebrate and increase awareness of Newcastle's heritage including heritage groups, collection and education institutions, and the wider community.

- Notes that any working party/organising committee to include:
 - Representatives from the Community (Including Local Historians)
 - Representatives from the Local Business Community
 - An Event organiser
 And where requested:
 - Local Ward Councillors
 - CN Staff

- Notes that other municipalities who may seek support for heritage celebrations in the foreseeable future include:
 - Adamstown - 8 January 1886
 - Carrington- 30 March 1887
 - Hamilton - 11 December 1871
 - Merewether - 20 August 1885
 - New Lambton - 9 January 1889
 - Stockton - 14 October 1889
 - Wallsend - 27 February 1874

- Ensures that City of Newcastle annually promotes the existence of its grants programs so that community groups can be informed of the City's willingness to financially support community events similar to Love Lambton.

AMENDMENT

Moved by Cr Byrne, seconded by Cr Clausen

1 Amending bullet point 5 from

- Notes that the event's success was in part due to the financial support of City of Newcastle, which provided critical seed funding.
to

- Notes that the event's success was in part due to the financial support of City of Newcastle, which provided critical seed funding, while also noting that this critical seed funding was only able to be provided following the successful allocation of the \$10,000 during the December Quarterly Budget Review process, **which both Cr Andrea Rufo, and Cr John Church voted against.**

2 Include additional bullet point, following bullet point 5:

- Thanks Councillor Peta Winney-Baartz and Councillor Declan Clausen for ensuring the \$10,000 seed funding for Love Lambton 150 Year Event by moving and seconding a late item of business NOM 8/12/20 – Love Lambton 150 Years Event – which provided \$10,000 in cash and in-kind support to support the delivery of the event, and subsequently voting in favour of the critical supply of funding through the December Quarterly Budget Review process, **which Councillor Andrea Rufo and Councillor Church voted against.**

The amendment moved by Councillor Byrne, seconded by Councillor Clausen was put to the meeting.

Carried

The motion moved by Councillor Rufo and seconded by Cr Elliott, as amended, was put to the meeting.

**Carried
unanimously**

CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

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

Carried

Council moved into confidential session at 9.12pm

PROCEDURAL MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Council move into open session.

Carried

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council extend the Council meeting for five minutes.

Carried

Council moved back into open session at 9.52pm and the Chief Executive Officer reported the outcomes of confidential session.

ITEM-6 CON 27/07/21 - CONFIDENTIAL REPORT - CONSIDERATION OF LEGAL ADVICE

MOTION

Moved by Cr Church, seconded by Cr Elliott

That Council:

- 1 receives and considers the legal advice obtained in response to Council's resolution dated 24 November 2020 to '*seek legal advice on not claiming confidentiality on the Investigators Report (with appropriate redaction to protect complainants) to ensure open and natural justice*', and
- 2 continues to treat the Investigation Report into a Code of Conduct complaint made against Councillor Robinson by Australian Workplace Training and Investigation at **Attachment A**, as confidential.

Councillor Clausen gave notice of a foreshadowed substantive motion.

For the Motion: Councillors Church, Elliott, Luke and Rufo.

Against the Motion: Lord Mayor, Cr Nelmes, Councillors Byrne, Clausen, Duncan, Mackenzie, White and Winney-Baartz.

Defeated

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 receives and considers the legal advice obtained in response to Council's resolution dated 24 November 2020 to '*seek legal advice on not claiming confidentiality on the Investigators Report (with appropriate redaction to protect complainants) to ensure open and natural justice*', and
- 2 determines to lift confidentiality and pro-actively release the redacted Investigation Report into a Code of Conduct complaint made against Councillor Robinson by Australian Workplace Training and Investigation at **Attachment A**. This decision is in accordance with the Government Information (Public Access) Act 2009 and external legal advice received.

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

Against the Motion: Councillors Church, Elliott, Luke and Rufo.

Carried

The meeting concluded at 9.57pm.