

## CITY OF NEWCASTLE

**Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street Newcastle on Tuesday 27 November 2018 at 5.35pm.**

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### **PRESENT**

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

### **IN ATTENDANCE**

J Bath (Chief Executive Officer), D Clarke (Director Governance), K Liddell (Director Infrastructure and Property and Interim Director Strategy and Engagement), F Leatham (Interim Director People and Culture), A Murphy (Director City Wide Services), J Vescio (Executive Officer, Chief Executive Office and Interim Manager Corporate and Community Planning), M Murray (Policy Officer, Lord Mayor's Office), C Field (Executive Officer, Lord Mayor's Office), J Rigby (Manager Assets and Projects), M Bisson (Manager Regulatory, Planning and Assessment), K Hyland (Manager Major Events and Corporate Affairs), D North (Manager Waste Services), I Challis (Contracts Management Specialist), A Jones (Chief Financial Officer), E Kolatchew (Manager Legal), N Bavinton (Smart City Coordinator), I Rhodes (Community Planning Team Coordinator), K Arnott (Corporate Strategist), D Fischetti (Media Officer), A Leach (Council Services/Minutes) and K Sullivan (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 Byrne, seconded by Cr Rufo

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

**Carried**

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

#### **Councillor Church**

Councillor Church declared a significant pecuniary interest in Item 113 - Endorsement of Planning Agreement - 464-470 King Street Newcastle and stated he would leave the Chamber for discussion on the item.

## CONFIRMATION OF PREVIOUS MINUTES

**MINUTES - PUBLIC VOICE COMMITTEE 16 OCTOBER 2018**  
**MINUTES - ORDINARY COUNCIL MEETING 23 OCTOBER 2018**

### MOTION

Moved by Cr Byrne, seconded by Cr Mackenzie

The draft minutes as circulated be taken as read and confirmed with a change to Item 103 of the 23 October 2018 Ordinary Council Meeting minutes to remove the word "unanimous".

**Carried**

## LORD MAYORAL MINUTE

**ITEM-22**                      **LMM 27/11/18 - 2018 SUPERCARS NEWCASTLE 500**

### MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Declares the 2018 Supercars Newcastle 500 an outright success, noting that Supercars have advised 162,248 people attended the event which showcased the City of Newcastle to Australia and the world;
2. Thanks our staff who worked or volunteered to ensure the success of the event, particularly those who worked with local businesses across the entire City centre on the *Entertain Newcastle* program, which was aimed at expanding the atmosphere and economic benefits beyond the race precinct with activities in Cooks Hill, Hamilton, Hunter Street Mall and Civic Park;
3. Notes the City of Newcastle Fort Scratchley Business and Community Leaders' Fundraiser event raised over \$20,000 for our charity partner Got Your Back Sista, aimed at helping women and children thrive and live independently after escaping the trauma of domestic violence;
4. Commends the people of the City of Newcastle, and the thousands of visitors to our City from throughout Australia and abroad, for attending the 2018 Newcastle 500; and
5. Writes to the NSW Government and NSW Opposition commending their ongoing support for the Newcastle 500.

**Carried**

**ITEM-21****LMM 27/11/18 - RECOGNITION OF THE 20TH ANNIVERSARY OF THE GURAKI ABORIGINAL ADVISORY COMMITTEE****MOTION**

Moved by Lord Mayor, Councillor Nelmes,

That City of Newcastle:

- 1 Notes that on 1 June 2019 the Guraki Aboriginal Advisory Committee (Guraki) will celebrate its twentieth anniversary as a committee of the City of Newcastle and that this anniversary date falls during Reconciliation Week 2019;
- 2 Recognises that Guraki was established on the 1 June 1999 to facilitate the implementation of the Commitment to Aboriginal and Torres Strait Islander Peoples of the City of Newcastle;
- 3 Acknowledges the service to the City of Newcastle of local Aboriginal community members and stakeholder groups by formally recognising the 20<sup>th</sup> Anniversary of the establishment of Guraki;
- 4 Hosts an event during Reconciliation Week 2019 to recognise past and present members of Guraki, and other key local stakeholders, and stakeholder groups, who have partnered with Council to progress reconciliation.

**Carried  
unanimously**

**REPORTS BY COUNCIL OFFICERS****ITEM-108****CCL 27/11/18 - EXECUTIVE MONTHLY PERFORMANCE REPORT****MOTION**

Moved by Cr Mackenzie, seconded by Cr White

The Executive Monthly Performance Report for October 2018 be received.

**Carried**

**MOTION**

Moved by Cr White, seconded by Cr Mackenzie

That Council adopts the following meeting cycle for 2019:

- i) For the period February 2019 to March 2019 and May 2019 to November 2019 with meetings commencing at 5:30pm:

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

- ii) For April 2019 with meetings commencing at 5:30pm:

<b>Week 1 – Tuesday</b> (2 April 2019)	Councillor Workshops
<b>Week 2 – Tuesday</b> (9 April 2019)	Committee Meetings and Workshops (as required): <ul style="list-style-type: none"> <li>• Public Voice Committee</li> <li>• Briefings Committee</li> <li>• Development Applications Committee</li> <li>• Councillor Workshops</li> </ul>
<b>Week 3 – Tuesday</b> (16 April 2019)	Ordinary Council Meeting
<b>Week 4 – Tuesday</b> (23 April 2019)	No scheduled meetings
<b>Week 5 – Tuesday</b> (30 April 2019)	No scheduled meetings

iii) For December 2019 with meetings commencing at 5:30pm:

<b>Week 1 – Tuesday</b> (3 December 2019)	Committee Meetings and Workshops (as required): <ul style="list-style-type: none"><li>• Public Voice Committee</li><li>• Briefings Committee</li><li>• Development Applications Committee</li><li>• Councillor Workshops</li></ul>
<b>Week 2 – Tuesday</b> (10 December 2019)	Ordinary Council Meeting
<b>Week 3 – Tuesday</b> (17 December 2019)	No scheduled meetings
<b>Week 4 – Tuesday</b> (24 December 2019)	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-112                    CCL 27/11/18 - TABLING OF PECUNIARY INTEREST RETURNS - 1 AUGUST 2018 TO 31 OCTOBER 2018**

**MOTION**

Moved by Cr Elliott, seconded by Cr Byrne

Council note the tabling of the pecuniary interest returns (for the period 1 August 2018 to 15 November 2018) by the Chief Executive Officer in accordance with the Local Government Act 1993 (NSW).

**Carried**

**ITEM-123                    CCL 27/11/18 - ADOPTION OF ELECTRICITY MICROGRIDS IN NEWCASTLE**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr White

Options for the uptake of electricity microgrids in Newcastle continue to be investigated with recommendations to be included as part of the review and update of the 2020 Carbon and Water Management Action Plan.

**Carried**

**ITEM-107 CCL 27/11/18 - QUARTERLY BUDGET REVIEW STATEMENT**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Dunn

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

**Carried**

**ITEM-110 CCL 27/11/18 - ADOPTION OF THE REVISED INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Dunn

- A That Council adopts a revised Instrument of Delegation to the Chief Executive Officer at **Attachment A**.
- B Any third party tender approved under this delegation will be reported quarterly back to Council.

Councillor Church gave notice of a Foreshadowed Motion.

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

**Carried**

**ITEM-111 CCL 27/11/18 - APPOINTMENT OF REPLACEMENT COUNCILLOR REPRESENTATIVE TO THE FORT SCRATCHLEY HISTORICAL SOCIETY (EXTERNAL COMMITTEE)**

**MOTION**

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

1 That Council appoints representatives as follows:

Councillor Appointed	External Committee	Term of Membership
<i>Councillor Winney-Baartz</i>	Fort Scratchley Historical Society Incorporated	28 November 2018 to 11 September 2020
Councillor Appointed ( <i>Alternate</i> )	External Committee	Term of Membership
<i>Councillor Rufo</i>	Fort Scratchley Historical Society Incorporated	28 November 2018 to 11 September 2020

2 City of Newcastle (CN) staff write to the Chairperson of the above committee advising of the new Councillor representative and alternate Councillor representative and the term of their membership.

**Carried  
unanimously**

**ITEM-113****CCL 27/11/18 - ENDORSEMENT OF PLANNING AGREEMENT -  
464-470 KING STREET NEWCASTLE**

Due to his significant pecuniary interest Councillor Church left the Chamber for the discussion on this item.

**MOTION**

Moved by Cr Elliott, seconded by Cr Rufo

Council resolves to:

- i) Endorse the Planning Agreement - 464-470 King Street Newcastle **(Attachment A)**.
- ii) Authorise the Chief Executive Officer to execute the Planning Agreement.

**PROCEDURAL MOTION**

Moved by Cr Nelmes, seconded by Cr Mackenzie

Item 113 lay on the table until the first Ordinary Council Meeting of 2019.

**For the Procedural Motion:**

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

**Against the Procedural Motion:**

Councillor Elliott.

**Carried**

Councillor Church returned to the Chamber at the conclusion of the item.

**ITEM-114****CCL 27/11/18 - ENDORSEMENT OF 2017/18 ANNUAL REPORT****MOTION**

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

Council receives City of Newcastle's 2017/2018 Annual Report, in respect of the year ended 30 June 2018 and notes the submission to the NSW Minister for Local Government by 30 November 2018.

**Carried  
unanimously**

**ITEM-115                    CCL 27/11/18 - SOLAR UPTAKE ON RESIDENTIAL BUILDINGS**

**MOTION**

Moved by Cr White, seconded by Cr Mackenzie

That the report be received and considered as part of the update and review of the 2020 Carbon and Water Management Action Plan in 2019-2020.

**Carried  
unanimously**

**ITEM-116                    CCL 27/11/18 - ADOPTION OF COMMUNITY ENGAGEMENT  
POLICY**

**MOTION**

Moved by Cr Byrne, seconded by Cr Mackenzie

Council adopts the 2018 - 2021 Community Engagement Policy as at **Attachment A**.

**Carried  
unanimously**

**ITEM-117                    CCL 27/11/18 - ADOPTION OF THE DRAFT NEWCASTLE  
AFTER DARK STRATEGY 2018-2022**

**MOTION**

Moved by Cr Duncan, seconded by Cr Mackenzie

Council resolves to adopt the Newcastle After Dark Strategy 2018-2022 as provided at **Attachment A**.

**Carried  
unanimously**

**ITEM-118                    CCL 27/11/18 - EXHIBITION OF DRAFT LIVE MUSIC  
STRATEGY**

**MOTION**

Moved by Cr Duncan, seconded by Cr Mackenzie

Council resolves to:

- i) Place the draft Live Music Strategy 2019-2023 as at **Attachment A** on public exhibition for a period of 28 days.
- ii) Receive a report back on the outcomes of the public exhibition.

**Carried  
unanimously**



**ITEM-119**                      **CCL 27/11/18 - ADOPTION OF AMENDMENT TO MAYFIELD ALCOHOL FREE ZONE**

**MOTION**

Moved by Cr White, seconded by Cr Mackenzie

Council resolves to adopt the amendment to the Mayfield Alcohol Free Zone at **Attachment A.**

**Carried  
unanimously**

**ITEM-120**                      **CCL 27/11/18 - COMMITMENT TO WELCOMING CITIES**

**MOTION**

Moved by Cr Duncan, seconded by Cr Dunn

That City of Newcastle:

- i) Agrees to commit to becoming a member of the Welcoming Cities Network;
- ii) Delegates the Lord Mayor, Councillor Nuatali Nelmes to sign the Commitment to Participate in the Welcoming Cities Network Form at **Attachment A.**

**Carried  
unanimously**

**ITEM-121**                      **CCL 27/11/18 - INSTALLATION OF TRAFFIC CONTROL MEASURES - BYRON AND ADDISON STREETS, BERESFIELD**

**MOTION**

Moved by Cr Dunn, seconded by Cr Byrne

Council approves the traffic control measures (devices) in Byron and Addison Streets, Beresfield as shown at **Attachment A.**

**Carried  
unanimously**

**ITEM-122****CCL 27/11/18 - LAND AQUISITION - ROAD PURPOSES****MOTION**

Moved by Cr Mackenzie, seconded by Cr Byrne

That Council resolves to:

- i) Authorise the acquisition of part Lot 1 in DP 986614 for road purposes (**Attachments A and B**); and
- ii) Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the transaction.

**Carried  
unanimously**

**NOTICES OF MOTION****ITEM-31****NOM 27/11/18 - SHORTLAND LOCAL CENTRE UPGRADE****MOTION**

Moved by Cr Dunn, seconded by Cr Byrne

That City of Newcastle:

1. Congratulates our staff on the work to date on the Local Centres Public Domain Program which guides the infrastructure renewal works within the local and neighbourhood centres throughout the Newcastle Local Government Area (LGA);
2. Notes the progress made delivering the Beresfield and Carrington Local Centres, with both projects recently passing the half-way point;
3. Notes that local residents and businesses have been very supportive of these upgrades which include completely overhauling drainage, kerb and guttering, footpaths, roads, planting new street trees, installing new street furniture including bike racks, bins and seating as well as free public Wi-Fi;
4. Recognises that the Shortland Local Centre along Sandgate Road would greatly benefit from inclusion in the Local Centre Public Domain Program; and
5. Prepares a Public Domain Plan for the Shortland Local Centre.

**Carried  
unanimously**

**ITEM-32****NOM 27/11/18 - INNER CITY CYCLEWAY ON HUNTER STREET****MOTION**

Moved by Cr Mackenzie, seconded by Cr White

That Council

- 1 Notes the current lack of safe, separated cycleways along Hunter Street from Wickham Park to Union Street in Newcastle West, including egress in and out of the Newcastle Interchange.
- 2 Notes that the Newcastle Cycling Strategy and Action Plan, and the Newcastle City Centre Cycleway Network Strategy both propose an east-west separated cycleway spine on Hunter Street as part of an inner-city cycleway network.
- 3 Notes the high level of community support for changes to Hunter Street in the proposed Hunter Street upgrade concept plans, exhibited in September 2013, as part of the Hunter St Masterplan Strategic Framework. These concept plans included reduced traffic lanes to accommodate a separated cycleway.
- 4 Acknowledge the public domain planning and development that has been undertaken since that exhibition of the Hunter St upgrade concept plan, and the significant changes that have occurred since original exhibition.
- 5 Commence community consultation on the Draft West End Streetscape - Stage 2 concept plan, including with key businesses, community organisations, the Cycleways Committee and the Traffic Committee, with a commitment to the public exhibition of a revised concept plan in February 2019.

**Carried  
unanimously**

**ITEM-33****NOM 27/11/18 - SAVE OUR RECYCLING CAMPAIGN****MOTION**

Moved by Cr Mackenzie, seconded by Cr Byrne

That Council

- 1 Reaffirms that City of Newcastle ratepayers will contribute at least \$23.5 million in s88 Waste Levy contributions to the NSW Government this year, of which only 18% is reinvested by the NSW Government in recycling and waste management.
- 2 Notes the long-standing advocacy of City of Newcastle for the appropriate use of s88 Waste Levy for recycling, waste reduction, management and avoidance since 2013.
- 3 Endorse the Local Government NSW (LGNSW) Save Our Recycling Campaign, which calls on the State Government to re-invest 100% of the waste levy into waste management and recycling activities.
- 4 Communicate this endorsement to LGNSW in writing, and sends a copy of this correspondence to all member Councils of the Hunter Joint Organisation for consideration.

**Carried  
unanimously**

**PETITIONS****ITEM-1****27/11/18 - NOTICE OF TABLING PETITION - LOSS OF PUBLIC AMENITIES NOBBYS BEACH****MOTION**

Moved by Cr Mackenzie, seconded by Cr Church

- 1 The petition be tabled.
- 2 That Council arrange a meeting with representatives of the Nobby's Action Group to discuss future options.

**Carried**

## CONFIDENTIAL REPORTS

### PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Church

Council move in Confidential Session for the reasons outlined in the business papers.

**Carried**

Council moved into Confidential Session at 7.53pm.

### PROCEDURAL MOTION

Moved by Cr Byrne, seconded by Cr Rufo

Council move back into open session.

**Carried**

Council reconvened at 7.56pm and the Chief Executive Officer reported the resolutions of confidential session.

### ITEM-22                    **CON 27/11/18 - TENDER FOR EASTERN APRON EXTENSION AT NEWCASTLE AIRPORT**

#### MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

- 1 Council accept the tender of Daracon Contractors in the amount of \$3,166,000 (excluding GST) for an eastern expansion to the aircraft apron at Newcastle Airport.
- 2 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.

**Carried**

### ITEM-23                    **CON 27/11/18 - SUMMERHILL WASTE MANAGEMENT CENTRE - CONSTRUCTION OF LANDFILL CELL 9 STAGE 2 - CONTRACT NO 2019/074T**

#### MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

- 1 Council accept the tender of Civil Mining & Construction Pty Ltd (CMC) in the amount of \$22,797,788.59 (excluding GST) for the Summerhill Waste Management Centre - Construction of Landfill Cell 9 Stage 2 for Contract No: 2019/074T.

- 2 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.

**Carried  
unanimously**

**The meeting concluded at 7.58pm.**