

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 August 2019 at 5.47pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne (*arrived 5.59pm*), D Clausen, C Duncan, J Dunn (*left the chamber 7.10pm*), B Luke, E White and P Winney-Baartz.

IN ATTENDANCE

K Liddell (Acting Chief Executive Officer), D Clarke (Director Governance), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), A Murphy (Director City Wide Services), D Guest (Acting Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), A Jones (Chief Financial Officer), A Abbott (Manager Corporate and Community Planning), K Hyland (Manager Major Events and Corporate Affairs), J Vescio (Executive Officer, Chief Executive Office), M Murray (Policy Officer, Lord Mayor's Office), C Field (Executive Officer, Lord Mayor's Office), L Duffy (Manager Parks and Recreation), S Gately (Manager Libraries and Learning), S Grierson (Manager Transport and Compliance), T Uren (Manager Waste Services), K Neveltsen (Interim Governance and Council Executive Support Coordinator), D Mills (Media Officer), A Knowles (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 Luke

The apologies submitted on behalf of Councillors Church, Elliott, Mackenzie, Robinson and Rufo be received and leave of absence granted.

As there was no seconder, the motion moved by Councillor Luke lapsed.

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That apologies be noted for Councillors Church, Elliott, Mackenzie, Robinson and Rufo and that leave of absences be granted to Councillors Mackenzie and Rufo.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Luke

Councillor Luke declared a less than significant non-pecuniary conflict of interest in Item 68 - Executive Monthly Performance Report - July as the item included the re-investment of Surplus Funds Report which mentions multiple financial institutions that he had dealings with in his business. The declaration is less than significant as he noted he was not involved in determining where funds are invested and was just receiving a report.

Councillor Clausen

Councillor Clausen declared a less than significant non-pecuniary interest in Lord Mayoral Minute Item 15 - Revocation of Freeman of the City and Citizen of the Year awarded to Graeme Lawrence as he had been introduced to the former Dean Lawrence by a number of members of the congregation and had met with him on a number of occasions. The nature of the relationship was less than significant, and Councillor Clausen stated he would remain in the Chamber for discussion on the item.

Councillor Duncan

Councillor Duncan declared a less than significant non-pecuniary interest in Lord Mayoral Minute Item 15 - Revocation of Freeman of the City and Citizen of the Year awarded to Graeme Lawrence as her role with the ABC over many years involved many interviews and conversations. The matter was less than significant, and Councillor Duncan stated she would remain in the Chamber for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE MEETING 16 JULY 2019

MINUTES - ORDINARY COUNCIL MEETING 23 JULY 2019

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

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

Carried

LORD MAYORAL MINUTE

ITEM-15 LMM 27/08/19 - REVOCATION OF FREEMAN OF THE CITY AND CITIZEN OF THE YEAR AWARDED TO GRAEME LAWRENCE

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that both Freeman of the City and Citizen of the Year accolades are presented to well respected community members who display high standards of personal conduct and behaviour at all times and who have provided the uppermost level of service to Newcastle and the community;
- 2 Notes that former Dean of Newcastle Graeme Lawrence has been convicted of the aggravated sexual assault of a 15-year-old boy;
- 3 Formally revokes the 2004 Citizen of the Year accolade and rescinds the 2007 Lord Mayoral Minute to confer the Freeman of the City award on Graeme Lawrence.

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

Against the Motion: Nil.

**Carried
unanimously**

ITEM-16 LMM 27/08/19 - CITY OF NEWCASTLE ORGANICS RECYCLING

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that the City of Newcastle is currently looking to invest significantly into a Summerhill Organics Recycling Facility, which will be able to recycle 50,000 tonnes of organic waste each year;
- 2 Notes that when completed, such a facility would allow for the collection of organic waste as part of City of Newcastle's Green Bin kerbside waste collection;
- 3 In the interim period, explores opportunities to promote community composting, including grants for compost bins and worm farms and a potential option to provide a centralised organic waste collection point, as part of the EPA's *Waste Less Recycle More* funding;

- 4 Commits to maintaining a weekly general waste collection service for Newcastle residents.

**Carried
unanimously**

**ITEM-17 LMM 27/08/19 - POPULATION PROJECTIONS FOR
GREATER NEWCASTLE**

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that the NSW Department of Planning, Industry and Environment (DPIE) predict that the NSW population will grow by 2.71 million people between 2011 and 2036; while at the same time predicting that the population of the Greater Newcastle Metropolitan Area will increase by 116,000 between 2016 and 2036;
- 2 Notes the recently released Regional Australia Institute report, *Regional Population Growth: Are We Ready?* suggests that Greater Newcastle's population could increase by more than 1.2 million by 2056 if a regional growth plan was adopted by governments to more widely distribute the future settlement pattern;
- 3 Writes to Minister for Planning and Public Spaces, the Hon. Rob Stokes MP, asking for a review of the population projections for the Greater Newcastle Metropolitan Area, to ensure that appropriate planning is undertaken for service and infrastructure delivery for the community.

**Carried
unanimously**

**ITEM-18 LMM 27/08/19 - INFRASTRUCTURE PRIORITY LIST
UPDATE 2020**

MOTION

Moved by Lord Mayor, Cr Nelmes

- 1 Notes that Infrastructure Australia's Infrastructure Priority List of nationally significant investments provides decision makers with advice and guidance on specific infrastructure investments that will underpin Australia's continued prosperity.
- 2 Notes Greater Newcastle and the Hunter Region's contribution to the national economy as the largest regional economy in Australia, ranking above Tasmania, the Northern Territory and the Australian Capital Territory in terms of economic output and driving around 28 per cent of regional NSW's total economic output and is the largest regional contributor to the State's gross domestic product;

- 3 Notes that Infrastructure Australia Chief Executive Officer, Romilly Madew AO, has written to the City of Newcastle, seeking a submission for the next update of the Infrastructure Priority List, which will be published in February 2020.
- 4 Prepares a submission for consideration for the 2020 Infrastructure Priority List publication, outlining projects of significance to the City of Newcastle, and the Greater Newcastle Metropolitan Area (as outlined in the Greater Newcastle Metropolitan Plan 2036), the engine room of the New South Wales economy; including:
 - a. Lower Hunter Freight Corridor
 - i. Beresfield-Black Hill logistics hub (Greater Newcastle Metropolitan Plan Catalyst site)
 - ii. Light Rail extension
 - b. Newcastle Airport expansion (Greater Newcastle Metropolitan Plan Catalyst site)
 - i. Code E Runway upgrade
 - ii. Freight road and rail passenger links
 - iii. Special activation precinct
 - c. Port of Newcastle diversification (Greater Newcastle Metropolitan Plan Catalyst site)
 - i. Freight, road and rail connections
 - ii. Beresfield-Black Hill logistics hub (Greater Newcastle Metropolitan Plan Catalyst site)
 - d. Broadmeadow Sports and Entertainment Precinct (Greater Newcastle Metropolitan Plan Catalyst site)
 - i. National entertainment and sporting events
 - ii. Commonwealth Games
 - iii. Higher density housing
 - iv. Light Rail extension
 - e. Cultural Infrastructure
 - i. Newcastle Art Gallery Expansion project – to display and protect a nationally recognised collection of over 6,600 works currently valued at \$95 million.
 - f. Active Transport (walking and cycling) access in Newcastle CBD and surrounds
 - i. Richmond Vale Rail Trail

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-58 CCL 27/08/19 - ADOPTION OF REVISED INVESTMENT AND BORROWING POLICY

MOTION

Moved by Cr Byrne, seconded by Cr Clausen

That Council:

- 1 Adopts the revised Investment and Borrowing Policy (Policy) as at **Attachment A.**

**Carried
unanimously**

ITEM-59 CCL 27/08/19 - FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2019 TO BE REFERRED TO COUNCIL'S AUDITORS

MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

That Council:

- 1 Notes the preparation of CN's Financial Statements for the year ended 30 June 2019 are underway and upon completion they will be referred to CN's auditors, NSW Audit Office, for audit in accordance with the requirements of s.413(1) of the Act.
- 2 Authorises the Lord Mayor, a Councillor, the Chief Executive Officer and the Responsible Accounting Officer to sign the relevant statements in accordance with s.413(2) of the Act at the conclusion of the external audit (**Attachments A and B**).

**Carried
unanimously**

ITEM-60 CCL 27/08/19 - ADOPTION OF PUBLIC VOICE AND PUBLIC BRIEFING POLICY

MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

That Council:

- 1 Adopts the revised Public Voice and Public Briefing Policy.

**Carried
unanimously**

PROCEDURAL MOTION

Moved by Cr Luke, seconded by Cr Byrne

Council vote on parts A and B in seriatim.

Carried

PART A

MOTION

Moved by Lord Mayor Cr Nelmes, seconded by Cr Clausen

That Council:

- 1 Place the Proposed Ward Boundary Plan (Attachment A) together with the Review of Ward Boundaries Community Discussion Paper (Attachment B) on public exhibition for a period of 42 days
- 2 Receives a report back to Council following the public exhibition period

**Carried
unanimously**

PART B

MOTION

Moved by Lord Mayor Cr Nelmes, seconded by Cr Clausen

- 1 Council notes the Local Government Ward reforms being proposed by the Andrews Government in Victoria aimed at improving Councillor accountability, equity and democracy, and writes to the NSW Minister for Local Government requesting consideration of similar reforms to S224A(9) of the NSW Local Government Act.

Carried

ITEM-63 CCL 27/08/19 - NEWCASTLE WRITERS FESTIVAL SPONSORSHIP

MOTION

Moved by Cr Duncan, seconded by Cr Byrne

That Council:

- 1 Approves a three-year sponsorship agreement with Newcastle Writers Festival for \$40,000 per annum (\$30,000 value-in-kind and \$10,000 cash), conditional on annual acquittals.

For the Motion:

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

Against the Motion:

Councillor Luke.

Carried

NOTICES OF MOTION

ITEM-30 NOM 27/08/19 - OUTDOOR DINING POLICY

In moving the motion, Councillor Clausen stated he was moving the recommendation of Council officers as outlined in the business papers.

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Notes that a report will be submitted to Council for consideration by December 2019 recommending the adoption of a revised CN Outdoor Dining Policy, incorporating relevant elements of the SBC Policy, including a proposal to waive application fees for Outdoor Trading Permits from 1 January 2020, whilst retaining the existing fee for the installation of permanent footpath markers.

**Carried
unanimously**

ITEM-31 NOM 27/08/19 - YOUTH MOCK COUNCIL

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Clausen

That Council:

- 1 Notes and congratulates the Newcastle Youth Council on the Youth Mock Council held in May 2019;
- 2 Notes that the Youth Mock Council developed and adopted the following motions:
 - a. Funding for a Youth LGBTIQ Mental Health Program – Attachment A
 - b. Environment – Netting on Drains – Attachment B
 - c. Improved Public Spaces for People with Disabilities – Attachment C;
- 3 Shares these motions with the relevant Strategic Advisory Committees and Government Agencies

Carried

ITEM-32 NOM 27/08/19 - SEXISM AND HOMOPHOBIA

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Luke

That Council move Item 32 - Sexism and Homophobia to the end of the agenda.

**Carried
unanimously**

ITEM-33**NOM 27/08/19 - INNER-CITY AND NEWCASTLE EAST CYCLEWAY****MOTION**

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

That Council

- 1 Notes the current lack of safe, separated cycleways from Union Street in Newcastle West to the University of Newcastle NeW Space, Hunter Street Mall and through to Newcastle East.
- 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 cycleways component of the West End Stage 2 Streetscape Plan as agreed by CoN at the July Ordinary meeting of Council. These concept plans included reduced traffic lanes to accommodate a separated cycleway, but noted that a future separated cycleway connection to CBD and Newcastle East was beyond the scope of the plan.
- 4 Undertake a detailed investigation, planning and design process to identify an appropriate route from the Hunter/Union Streets intersection to Newcastle East for the construction of a separated cycleway (Inner City Bike Lanes Investigation). This city-wide assessment to determine the potential of route sections will prioritise physically separated facilities and continuity.

Carried

ITEM-34**NOM 27/08/19 - FLORENCE AUSTRAL - OUR FORGOTTEN DIVA**

In moving the motion, Councillor Duncan advised she was moving the recommendation of Council officers as outlined in the business papers.

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council request that the Community and Culture Advisory Committee consider appropriate mechanisms for recognising the contributions of Florence Austral to both Newcastle and the broader arts community.

PROCEDURAL MOTION

Moved by Cr Luke

That the item lay on the table until the next Ordinary Council meeting.

As there was no seconder, the motion moved by Councillor Luke lapsed.

The motion moved by Councillor Duncan and seconded by Councillor Winney-Baartz was put to the meeting.

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

Against the Motion: Councillor Luke.

Carried

ITEM-32 NOM 27/08/19 - SEXISM AND HOMOPHOBIA

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That City of Newcastle

- 1 Notes the letter received from the United Services Union (USU), on behalf of the employees of City of Newcastle (**Attachment A**);
- 2 Notes that sexism and homophobia are never acceptable in any workplace, including at City Hall or in the Council Chamber during meetings, which require a number of staff to attend to administer;
- 3 Reiterates its commitment to equality, and preventing homophobia and sexism;
- 4 Notes that the new OLG Model Codes restricts the use of censure provisions;
- 5 Joins City of Newcastle employees in condemning in the strongest possible terms language and behaviour that is sexist and homophobic, including recent comments attributed to Councillor Allan Robinson.

Councillor Dunn left the Chamber at approximately 7.10pm.

Councillor Luke stated that he had taken legal advice in respect to this matter and would not participate in the discussion. Councillor Luke left the Chamber at 7.11pm.

The Lord Mayor noted that with Councillor Luke's departure from the Chamber the meeting was inquorate.

PROCEDURAL MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

Council adjourn for five minutes to determine if any other Councillors will be attending the meeting.

Carried

Councillor Luke returned to the Chamber and Council reconvened at 7.17pm.

The Lord Mayor stated that the meeting was quorate.

After the meeting was reconvened, the mover and seconder amended the motion to remove Part 5 from the motion.

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That City of Newcastle

- 1 Notes the letter received from the United Services Union (USU), on behalf of the employees of City of Newcastle (**Attachment A**);
- 2 Notes that sexism and homophobia are never acceptable in any workplace, including at City Hall or in the Council Chamber during meetings, which require a number of staff to attend to administer;
- 3 Reiterates its commitment to equality, and preventing homophobia and sexism;
- 4 Notes that the new OLG Model Codes restricts the use of censure provisions;

PROCEDURAL MOTION

Moved by Cr Winney-Baartz, seconded by Cr Byrne

That Council lay the motion on the table until the next Ordinary Council meeting.

Carried

The meeting concluded at 7.34pm