

## CITY OF NEWCASTLE

**Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 25 September 2018 at 5.37pm.**

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### **PRESENT**

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, J Dunn, K Elliott, J Mackenzie, A Robinson, A Rufo (*retired 8.20pm*), 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), S Gately (Interim Director City Wide Services), E Kolatchew (Manager Legal), A Jones (Chief Financial Officer), P McCarthy (Interim Manager Regulatory and Assessment), L Morton (Art Gallery Director), R Maughan (Recreation Services Projects Coordinator), J Vescio (Executive Officer, Chief Executive Office), D Fischetti (Media Officer), C Field (Executive Officer, Lord Mayor's Office), M Murray (Policy Officer, Lord Mayor's Office), K Sullivan (Council Services/Minutes) and J Redriff (Council Services/Webcasting).

### **MESSAGE OF ACKNOWLEDGEMENT**

The Lord Mayor read the message of acknowledgement to the Awabakal and Worimi peoples.

### **PRAYER**

The Lord Mayor read a prayer and a period of silence was observed in memory of those who served and died so that Council might meet in peace.

### **PRESENTATION**

The Freeman of the City Medal was presented to Mr Warren Smith, a former long serving City of Newcastle surf life guard and co-founder of Surfest and Mr Howard Mole for a lifetime of service to charity work. Councillors congratulated both recipients for their dedicated service and contribution to the City of Newcastle.

### **APOLOGIES**

#### **MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

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

**Carried**

## DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

### Councillor White

Councillor White declared a less than significant non pecuniary interest in Notice of Motion Item 26 - Newcastle Antipoverty Alliance Campaign to Increase the Newstart Allowance, however, she stated it presented a significant conflict of interest in terms of her employer and would leave the Chamber for discussion on the item.

## CONFIRMATION OF PREVIOUS MINUTES

### MINUTES - BRIEFING COMMITTEE 21 AUGUST 2018

### MINUTES - ORDINARY COUNCIL MEETING 28 AUGUST 2018

### MOTION

Moved by Cr Dunn, seconded by Cr White

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

**Carried**

## LORD MAYORAL MINUTE

### ITEM-15                      LMM 25/09/18 - NEWCASTLE ART GALLERY EXPANSION WORKING PARTY

### MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Establishes a Newcastle Art Gallery Expansion Working Party, facilitated by the City of Newcastle, to sharpen the focus of efforts towards securing funding towards the expansion of the Newcastle Art Gallery. The Working Party will establish a City of Newcastle charter, and be comprised of Councillors and Council Officers, who may invite representatives from the NSW and Federal Governments, Stakeholder Organisations and the Community;
- 2 Prepares an updated business case for the expansion of the Newcastle Art Gallery, to compliment the work and advocacy of the Newcastle Art Gallery Expansion Working Party.
3. Endorses the nominations of the Lord Mayor, Cr Nelmes, and Councillors Duncan and Mackenzie to the Newcastle Art Gallery Expansion Working Party.

### AMENDMENT

Moved by Cr Rufo, seconded by Cr Church

4. The updated business case be presented to Council for endorsement prior to submission to the State and Federal Governments.

**Defeated**

The motion moved by the Lord Mayor, Cr Nelmes was put to the meeting.

**Carried  
unanimously**

**ITEM-16                      LMM 25/09/18 - NSW WASTE LEVY FUND**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1     Notes that City of Newcastle ratepayers will contribute at least \$23.5 million in Waste Levy contributions to the NSW Government this year, receiving a small fraction of this back in the form of grant funding to run environmental awareness campaigns;
- 2     Notes that over the past 10 years the NSW Government has increased the Waste Levy from \$45 per tonne to \$138 per tonne, an increase of over 300 per cent, and that the total Waste Levy paid by the ratepayers of the City of Newcastle over the past 10 years to the NSW Government is \$178 million;
- 3     Notes the release of the NSW Legislative Council Portfolio Committee No. 6 – Planning and Environment report ‘Energy from waste’ technology (the Report), on matters relating to the waste disposal industry in New South Wales (Attachment 1);
- 4     Notes that Recommendation 4 of the ‘Energy from Waste’ technology report states that “the NSW Government hypothecate 100 per cent of the waste levy funds contributed by local councils back to these organisations to provide waste management services, including waste reduction, avoidance and re-use programs, and environmental programs to encourage the development of innovative waste management technology.”;
- 5     Writes to the NSW Minister for the Environment, the Hon. Gabrielle Upton MP calling on the Minister to accept and implement Recommendation 4 of the Report and sends a copy of this correspondence to the NSW Shadow Minister for the Environment, the Hon. Penny Sharpe MLC.

**Carried  
unanimously**

**ITEM-17                      LMM 25/09/18 - LAUNCH OF THE GREATER NEWCASTLE  
METROPOLITAN PLAN**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That the City of Newcastle

**Part A:**

- 1     Welcomes the release of the Greater Newcastle Metropolitan Plan (Plan), which was launched on 17 September 2018 by the Minister for Planning the Hon. Anthony Roberts MP, with the five Mayors from the Greater Newcastle Metropolitan Local Government Areas (LGAs);

- 2 Commends the Department of Planning and Environment who have worked collaboratively with the five greater metropolitan Local Government Areas (LGAs), to produce the Plan, as the key blueprint to co-ordinate planned growth and investment for the Greater Newcastle Metropolitan area;
- 3 Collaborates with our partners from the five Greater Newcastle Metropolitan LGAs, the State and Federal Governments, as well as government and non-government agency partners and the community toward the implementation of the Plan.
- 4 Note the inclusions on the Greater Newcastle Metropolitan Plan of the City of Newcastle vision outlined in our 2030 Community Strategic Plan and our local planning strategy that sets out our shared plan to create a smart, livable and sustainable city in concert with United Nations New Urban Agenda (NUA) and the Sustainable Development Goals adopted by both our National Government and the City of Newcastle.
- 5 Writes to the Minister advocating the advantages and opportunity to include the SDGs as part this Greater Newcastle Metropolitan Plan recognising Newcastle's status as United Nations City and the important collaboration with University of Newcastle.

#### **Part B:**

- 1 Notes that under the heading “Delivering strong leadership to shape Greater Newcastle”, it is stated that “Metropolitan cities succeed and perform best when all tiers of government collaborate and work together with business, industry and the community to deliver a shared vision for their city”;
- 2 Notes that the Hunter Joint Organisation has constituted a Greater Newcastle standing committee tasked with the delivery and implementation of this plan and supports this governance model to work in collaboration with State and Federal Government together with industry and our local communities.
- 3 Does not support a governance model inclusive of adhoc groups that do not have inclusive or open and transparent governance models like the newly established Committee for the Hunter that precludes representation from any of the five Greater Metropolitan LGAs, despite the above statement in Part B (1);
- 4 Notes that the proposed Committee for the Hunter lacks the adequate governance oversight and expertise required to appropriately advise on metropolitan-scale collaboration between community, industry and government;
- 5 Writes to the NSW Planning Minister to review the proposed governance arrangements for the oversight and implementation of the Greater Newcastle Metropolitan Plan, to ensure that the envisioned collaborative partnerships model, as outlined in the Newcastle Greater Metropolitan Plan (p.14) is achieved.
- 6 Notes the importance of the integration of land-use and transport planning and calls on the release of the Greater Newcastle Future Transport plan, currently in draft that supports this document. Noting the strong and consistent advocacy by the City of Newcastle ensuring that this document was a key deliverable of the State Government during the rail corridor rezoning decision.

- 7 Notes there is a policy disconnect between the State Governments department of Premier and Cabinets recently released twenty year economic vision for regional NSW and the Department of Planning's Greater Newcastle Metropolitan Plan and seeks rectification of these inconsistencies' by both agencies and the requisite Ministers.

#### **PROCEDURAL MOTION**

Moved by Cr Elliott, seconded by Cr Church

The Lord Mayoral Minute lay on the table to allow Councillors sufficient time to discuss the matter and receive a briefing from the State Government.

**Defeated**

The motion moved by the Lord Mayor, Cr Nelmes was put to the meeting.

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

**Against the Motion:** Councillors Church, Elliott, Robinson and Rufo.

**Carried**

#### **ITEM-18 LMM 25/09/18 - ARTS AND CULTURAL FESTIVALS IN NEWCASTLE**

#### **MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that the iconic This Is Not Art (TiNA) Festival returns to Newcastle this Thursday, thanks to the \$100,000 grant and continued support from the City of Newcastle;
- 2 Notes that our Community Strategic Plan 2030 outlines Vibrant, Safe and Active Public Places, with City of Newcastle leading the support, planning and delivery of cultural and community programs, events and live music, as key to our vision of Newcastle as a smart, liveable and sustainable global city;
- 3 Recognises the growth in requests for support from the City of Newcastle to assist in the delivery of arts and cultural festivals and events throughout Newcastle;
- 4 Support the facilitation and co-ordination of arts and cultural festivals and events throughout Newcastle, including, but not limited to, the Newcastle Fringe Festival, and the proposed Newcastle City Festival; aimed at supporting such events in line with our strategic vision to foster a prosperous, diverse and resilient economy by facilitating events and festivals that attract visitors and support local economic development (City of Newcastle 2018/19 Budget);
- 5 Develops a strategic framework to facilitate the partnering of Novocastrian arts and cultural businesses with emerging and existing events throughout Newcastle;

- 6 Reports back to Council after engagement with current Arts and Cultural Festival organisers, including, but not limited to, Newcastle Fringe, Proposed Newcastle City Festival, TiNA, the Newcastle Writers Festival, Newcastle Comedy Festival, regarding the development of this strategic framework partnership model.

**Carried  
unanimously**

## **REPORTS BY COUNCIL OFFICERS**

### **ITEM-88 CCL 25/09/18 - NEWCASTLE AIRPORT PTY LIMITED - APPOINTMENT OF COUNCIL'S SHAREHOLDER REPRESENTATIVES**

#### **MOTION**

Moved by Cr Elliott, seconded by Cr Mackenzie

- 1 In accordance with section 250D of the *Corporations Act 2001* (Cth) and clauses 1.1 and 1.2(c) of the Constitution of Newcastle Airport Pty Ltd (NAPL), Council, in its capacity as one of the two shareholders of Newcastle Airport Pty Ltd, resolves to appointment Shareholder Representatives as follows:
  - i) Nuatali Nelmes, Lord Mayor of City of Newcastle, and
  - ii) Jeremy Bath, Chief Executive Officer of City of Newcastle.
- 2 In accordance with Clause 400(4) of the *Local Government (General) Regulation 2015* (NSW), Council approves and authorises Council's seal to be affixed to the Appointment of Shareholder Representative form on the grounds that such appointment relates to the business of CN.

**Carried  
unanimously**

### **ITEM-89 CCL 25/09/18 - ADOPTION OF OUTDOOR TRADING POLICY**

#### **MOTION**

Moved by Cr Elliott, seconded by Cr White

Council adopts the draft Outdoor Trading Policy (**Attachment A**).

**Carried  
unanimously**

**ITEM-90**                                    **CCL 25/09/18 - EXHIBITION OF DRAFT LOCAL APPROVALS -  
MOBILE FOOD VENDING VEHICLES POLICY**

**MOTION**

Moved by Cr White, seconded by Cr Duncan

Council places the Draft Local Approvals - Mobile Food Vending Vehicles Policy on public exhibition for 42 days **(as at Attachment A)**.

**Carried  
unanimously**

**ITEM-91**                                    **CCL 25/09/18 - PUBLIC EXHIBITION OF DRAFT COMMUNITY  
ENGAGEMENT POLICY**

**MOTION**

Moved by Cr Rufo, seconded by Cr Elliott

Council places the draft Community Engagement Policy as at **Attachment A** on public exhibition for the period Friday 28 September 2018 to Friday 26 October 2018.

**Carried  
unanimously**

**ITEM-95**                                    **CCL 25/09/18 - GLEBE ROAD, ADAMSTOWN - PROPOSED  
TRAFFIC CHANGES AT PARK AVENUE, WOOD STREET AND  
COURT STREET**

**MOTION**

Moved by Cr Clausen, seconded by Cr Winney-Baartz

Approve the proposed traffic plan as shown at **Attachment A**, including construction of a median on Glebe Road at Wood Street, Adamstown and construction of a continuous footpath treatment at the proposed cul-de-sac on Court Street.

**Carried**

**ITEM-96**                                    **CCL 25/09/18 - REVIEW OF S.355 COMMITTEES**

**MOTION**

Moved by Cr White, seconded by Cr Mackenzie

1 That Council approves the dissolution of the following Section 355 Committees (s.355) listed below:

- i) Beresfield Community Children's Education Centre
- ii) Elermore Vale Committee Reserve Committee
- iii) Federal Park Committee

- iv) Myamblah Crescent Oval Committee and Local Parks Committee
  - v) Tuxford Park Local Committee
  - vi) New Lambton Community Centre Committee
- 2 That CN approves to work with the s.355 Committees to ensure all obligations are fulfilled.
  - 3 A report be brought back to Council in 12 months updating the Council on the governance of the s.355 Committees.
  - 4 The CN acknowledges the work of all previous Committee's for their assistance and hard work over the previous years.

**Carried  
unanimously**

**ITEM-86                      CCL 25/09/18 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Dunn

The Executive Monthly Performance Report for August 2018 be received.

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

**Against the Motion:**                      Nil.

**Carried**

**ITEM-87                      CCL 25/09/18 - ANNUAL FINANCIAL REPORTING FRAMEWORK**

**MOTION**

Moved by Cr Clausen, seconded by Cr Dunn

Council adopts the annual financial reporting framework, comprising the following for each financial year:

- i) An executive monthly performance report for July to May no later than one month after the month being reported.
- ii) A quarterly budget review statement for September, December and March no later than two months after the end of each quarter.
- iii) A preliminary end of year financial position in August.

- iv) Audited annual financial statements in October.

**AMENDMENT**

Moved by Cr Mackenzie, seconded by Cr Church

- i) An executive monthly performance report for each month no later than one month after the month being reported.

**Defeated**

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

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

**Against the Motion:** Councillors Church, Elliott, Robinson and Rufo.

**Carried**

**ITEM-92 CCL 25/09/18 - ADOPTION OF REVISED MEDIA POLICY**

**MOTION**

Moved by Cr Duncan, seconded by Cr Winney-Baartz

Council adopts the revised Media Policy as at **Attachment A.**

**Carried**

**ITEM-93 CCL 25/09/18 - CITIES LEADERSHIP INSTITUTE US AND CANADA TOUR PROGRAM 2018 - PARTICIPATION BY CITY OF NEWCASTLE**

**PART 1**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

Council votes on the recommendations in seriatim.

**Carried**

**PART 2**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

Council determines to participate in the Cities Leadership Institute International Exchange on Health and Innovation 2018, in October 2018.

**Carried**

### **PART 3**

#### **MOTION**

Moved by Cr Mackenzie, seconded by Cr White

Council endorses the attendance of Councillor Duncan on the Cities Leadership Institute US Health and Innovation Tour 2018.

**Carried**

#### **ITEM-94                    CCL 25/09/18 - BRUNKER ROAD, ADAMSTOWN - UPGRADE OF EXISTING PEDESTRIAN CROSSING**

#### **MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Byrne

Approve the proposed upgrade of the existing children's pedestrian crossing on Bruncker Road near Mandalong Road, Adamstown as shown at **Attachment A**.

**Carried  
unanimously**

#### **ITEM-97                    CCL 25/09/18 - OUTDOOR EXERCISE FACILITY PLAN**

#### **MOTION**

Moved by Cr Winney-Baartz, seconded by Cr White

The draft CN Outdoor Exercise Facility Plan be adopted.

**Carried**

### **NOTICES OF MOTION**

#### **ITEM-23                    NOM 25/09/18 - NEWCASTLE NIGHT MAYOR**

#### **MOTION**

Moved by Cr Mackenzie, seconded by Cr Robinson

That City of Newcastle receive a costed proposal to create a position of Night Mayor/Night Tsar for the City of Newcastle, as a complement to the After Dark Strategy and the Live Music Strategy.

**Carried**

#### **ITEM-24                    NOM 25/09/18 - GLYPHOSATE AND WEED MANAGEMENT REVIEW**

Councillor Mackenzie stated that he wished to move an alternate motion to the Notice of Motion printed in the business papers.

## ORIGINAL MOTION

The City of Newcastle

- Notes renewed health and safety concerns about the use of glyphosate for weed management, following a \$US289 million damages claim against Monsanto in August 2018.
- Notes that the City currently uses the glyphosate-based herbicide Roundup for weed control across the local government area, including in park and road maintenance, heavily trafficked areas and within our stormwater catchments.
- Conduct a review of City of Newcastle's weed management plan, including trials of non-chemical methods, to investigate alternative weed control methods that will minimise or eliminate the use of glyphosate or glyphosate-based products, with particular regard to foliar spraying and herbicide use in riparian areas.

## ALTERNATE MOTION

### MOTION

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

That City of Newcastle

- Notes renewed health and safety concerns about the use of glyphosate for weed management, following a \$US289 million damages claim against Monsanto in August 2018.
- Notes that the City currently uses the glyphosate-based herbicide Roundup for weed control across the local government area, including in park and road maintenance, heavily trafficked areas and within our stormwater catchments.
- Provide a leading practice review of the use of glyphosate or glyphosate-based products in relation to:
  - Work health and safety in use, handling, transport and storage
  - Weed management.

### **For the Motion:**

Lord Mayor, Cr Nelmes, Councillors Byrne, Clausen, Duncan, Dunn, Elliott, Mackenzie, Robinson, Rufo, White and Winney-Bartz.

### **Against the Motion:**

Councillor Church.

**Carried**

**ITEM-25****NOM 25/09/18 - 'HOLD MY HAND' ROAD SAFETY AWARENESS SIGNAGE CAMPAIGN****MOTION**

Moved by Cr Byrne, seconded by Cr Winney-Baartz

That Newcastle City Council:

- Acknowledges the loss and devastation to families caused by road and pedestrian accidents and fatalities in the Newcastle region, across NSW and Australia.
- Acknowledges that during the upcoming summer school holidays following the Newcastle 500 Supercars event, the tourist community of Newcastle will grow exponentially and this underscores the critical importance of child pedestrian safety.
- Acknowledges our previous collaborative relationship with the Little Blue Dinosaur Foundation ("LBDF") in creating a safer environment for children and families during the school holidays through community education and awareness campaigns in 2015 and 2017.
- Commits funding a road safety awareness signage campaign with the LBDF in 2018 commencing mid-November prior to the commencement of the Newcastle 500 Supercars event and finishing at the end of the January school holiday period where the risk for serious accidents due to increased traffic and pedestrian activity intensifies.
- Consults with the LBDF and Newcastle City Traffic Committee to determine the number, product type (i.e. core flutes, banners, noticeboard inserts) and location (i.e. key tourist hot spots and thoroughfares) for placement of LBDF safety awareness signage across the local government area.

**Carried  
unanimously**

**ITEM-26****NOM 25/09/18 - NEWCASTLE ANTIPOVERTY ALLIANCE CAMPAIGN TO INCREASE THE NEWSTART ALLOWANCE**

Councillor White left the Chamber for the determination of the item.

**MOTION**

Moved by Cr Byrne, seconded by Cr Clausen

That Newcastle City Council

- Acknowledge the significant social and personal harm cause by unemployment - humiliation, exclusion, financial hardship, and poverty, deterioration in health outcomes and escalation in crime.
- Publicly endorses the Newcastle Anti-Poverty Alliance Campaign to increase the Newstart allowance. This campaign is being coordinated by the Australian Unemployed Workers Union.

- Writes to Prime Minister, the Honourable Scott Morrison and the Leader of the Opposition, the Honourable Bill Shorten seeking their commitment to increasing the Newstart allowance to the level of the Henderson Poverty Line.

**Carried  
unanimously**

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

## **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 8.20pm.

Councillor Rufo was absent from the Chamber for confidential session and did not return to the meeting.

### **PROCEDURAL MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Dunn

Council move back into open session.

**Carried**

Council reconvened at 8.30pm and the Chief Executive Officer reported the resolutions of confidential session.

## **ITEM-18                      CON 25/09/18 - MITCHELL PARK MEREWETHER CLARKE STAND UPGRADE WORKS - CONTRACT NO: 2019/002T**

### **MOTION**

Moved by Cr Elliott, seconded by Cr Mackenzie

- 1 Council accept the tender of Kingston Building Pty Ltd in the amount of \$1,567,641 (excluding GST) for the Mitchell Park Merewether Clarke Stand upgrade works for Contract No. 2019/002T.

- 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 8.32pm.**