

CITY OF NEWCASTLE

Minutes of the Extraordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Thursday 13 October 2016 at 7.34pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors D Clausen, D Compton, T Crakanthorp, T Doyle, J Dunn, B Luke (retired at 9.06pm), S Posniak, A Robinson, A Rufo and L Tierney.

IN ATTENDANCE

F Cordingley (Interim Chief Executive Officer), A Glauser (Acting Director Corporate Services), K Liddell (Acting Director Infrastructure), P Chrystal (Director Planning and Regulatory), F Giordano (Manager Legal and Governance), K Hyland (Communications and Engagement Manager), P McCarthy (Team Coordinator, Strategic Planning), A Leach (Council Services/Minutes) and A Knowles (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 Doyle, seconded by Cr Clausen

The apologies submitted on behalf of Councillors Osborne and Waterhouse be received and leaves of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Tierney

Councillor Tierney declared a non-significant non-pecuniary interest in the item and said her employer attended and participated in one of the consultation sessions conducted by UrbanGrowth NSW.

REPORTS BY COUNCIL OFFICERS

ITEM-84 CCL 27/09/16 - ENDORSEMENT OF PROPOSED AMENDMENT TO LOCAL ENVIRONMENTAL PLAN 2012 - RAIL CORRIDOR LAND BETWEEN WORTH PLACE AND WATT STREET NEWCASTLE

MOTION

Moved by Cr Nelmes, seconded by Cr Clausen

That Council resolves to:

PART A:

i) Note the Media Release from Premier Mike Baird dated 4 December 2014 titled "Revitalising Newcastle: The People's Project" which states that: *"We have always said we would involve the community in any decisions regarding the future of the rail corridor in Newcastle and we are now delivering on that commitment. Under our plan Newcastle Council will have the final say about what development occurs on the former rail corridor and it must tick off on any proposal before it proceeds. I know the council and some in the community have concerns about this project. We want to ensure we get the best outcome for Newcastle, which is why we are taking this step."*

ii) Note its unanimous decision of 22 September 2015 titled "Item 7 LMM 22/09/15 – Integrated Transport Plan" where Council *"Call[s] for the expansion of any proposed light rail project for Newcastle to connect the inner city with the University at Callaghan, the John Hunter Hospital, Hunter Stadium, the Newcastle Airport, beaches, and the proposed Glendale Interchange; and ensure any light rail network integrates with car parking, cycle-way, pedestrian, bus and heavy rail operations."* and for Council to: *"Collaborate with Transport for NSW to establish an integrated transport management plan including forward planning of the next stage of any light rail project, including community consultation on the proposed routes."*

iii) Note Minister Duncan Gay's closing statement on the Second Reading of the Transport Administration Amendment (Closure of Railway Line at Newcastle) Bill 2015 that: *"I can confirm that the Government will augment the \$460 million already allocated to building infrastructure in the Hunter by a further \$50 million, bringing the total investment to \$510 million towards the Newcastle light rail project. We will implement legislation as soon as possible to hypothecate 100 per cent of the proceeds of the rail corridor development to the Newcastle urban renewal; all the money that we realise will go back into urban renewal."*

iv) Note its decision of 26 July 2016 titled "NOM 26/07/16 – Zoning of Rail Corridor for Public Use" that: *"1. Newcastle City Council determines to retain the current zoning of the Rail Corridor as Special Purpose 2 (SP2). 2. Council convey to the State Government its intention that such zoning remain until the NSW Government develops a comprehensive, evidence based plan for public transport and active transport in the Lower Hunter consistent with achieving Council's current transport targets, and such plans conclusively establish that the corridor land is not needed for transport purposes"* and that *"In the interim, Council consult with relevant State Government agencies to explore appropriate temporary uses of the corridor land."*

v) Note the letter from Minister for Transport and Infrastructure, the Hon Andrew Constance MP, dated 5 September 2016 stating that: *"Light rail will travel east along the former heavy rail corridor from the new transport interchange at Wickham before moving into Hunter Street at Worth Place, then onto Scott Street before terminating at Pacific Park. This route was reiterated in the Newcastle Light Rail Review of Environmental Factors released in April 2016, and the Submissions Report released in August 2016, and is not subject to change."*

vi) Note the letter from Minister for Transport and Infrastructure, the Hon Andrew Constance MP, dated 27 September 2016 stating that: *"[L]ight rail is an integral part of the Hunter Regional Transport Plan. This Plan, combined with the creation of the Transport for Newcastle integrated services operator, provides a transport strategy for the region that will improve operational efficiency. In the next 12 months, Transport for NSW will work together with the new integrated service operator, the Department of Planning, UrbanGrowth NSW and Newcastle City Council on an updated transport plan for the region."*

vii) Note that the Gateway process is where "The Minister (or delegate) decides whether the planning proposal can proceed (with or without variation) and subject to other matters including further studies being undertaken, public consultation, public hearings, agency consultation and time frames. A planning proposal does usually not proceed without conditions of this nature. The conditions are then complied with and if necessary, the proposal is changed. A decision on whether the relevant council is able to finalise particular types of LEPs is also determined at this stage."

viii) Note UrbanGrowth NSW's letter of offer referred on page 23 of the Planning Proposal (Attachment A of officer's report) which states that UrbanrGrowth NSW wishes to enter a Planning Agreement to "facilitate delivery of the following aspects:-

- a) Dedication of the land proposed to be zoned RE1 Public Recreation*
- b) Enhancement of the public open space*
- c) Repurposing heritage buildings, particularly Newcastle Railway Station and Signal Box*
- d) Remediation of the open space*
- e) Commitment to provision of affordable housing"*

PART B:

i) Endorse the attached Planning Proposal (Attachment A), prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979(EP&A*

Act), to amend Newcastle LEP 2012 to enable mixed use development, public recreation and tourist uses on surplus rail corridor land between Worth Place and Watt Street, Newcastle, including amendments on adjoining land listed in the following table:

Title	Address
Part Lot 22 DP1165985	430 Hunter Street, Newcastle
Part Lot 3 DP1111305	6 Workshop Way, Newcastle
Lot 100 DP809262	426 Hunter Street, Newcastle
Lot 31 DP534638	418 - 422 Hunter Street, Newcastle
Lot 1 DP18256	414 - 416 Hunter Street, Newcastle
Lot 1 DP1192409	1R Merewether Street, Newcastle
Lot 1001 DP1095836	280 Hunter Street, Newcastle
Lot 21 DP1009735	150 Scott Street, Newcastle
Lot 22 DP1009735	110 Scott Street, Newcastle
Lot 15 & 16, DP21503	484 - 486 Hunter Street, Newcastle
Lot 17 DP21503	488 Hunter Street, Newcastle

ii) Forward the Planning Proposal to the Minister for Planning and Environment for Gateway Determination pursuant to Section 56 of the *EP&A Act*.

iii) Advise the Secretary of the Department of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 59(1) of the *EP&A Act*.

iv) Consult with the community and relevant government agencies as instructed by the gateway determination.

v) Receive a report back on the Planning Proposal, including the draft planning agreement, following the public exhibition as per the requirements of Section 57 of the *EP&A Act*.

PART C:

Require the following commitments prior to a report to back to Council under Part B v) (*receive a report back on the Planning Proposal, including draft planning agreement, following the public exhibition as per the requirements of Section 57 of the EP& A Act.*) of this motion:

1. The NSW Government develops a comprehensive, evidence based plan for public transport and active transport in the Lower Hunter consistent with achieving Council's current transport targets Including;
 - a. an update of the Regional Transport Plan with clear and realistic objectives to be achieved for Public Transport in the region and
 - b. a revised Traffic Report of traffic impacts in the CBD based on:
 - i. Current and forecast land use development proposals for the CBD.
 - ii. The Integrated Transport Plan for the CBD.
 - iii. The Parking Strategy being prepared by Transport for NSW (TfNSW).
 - iv. The Active transport Strategy Plan being prepared by TfNSW and NCC including cycleways and pedestrian access
 - c. a comparison between the land use assumptions used in the REF compared with rezoning proposal.
 - d. an integrated transport plan setting out the detailed operational arrangements for Busses and Ferries in conjunction with the proposed Light Rail and such plans conclusively establish that the corridor land is not needed for transport purposes.
2. A legal commitment from the NSW Government that all proceeds from Newcastle Urban Transformation Project will be reinvested into the revitalisation of Newcastle

MOTION

Moved by Cr Clausen, seconded by Cr Luke

The motion be dealt with in seriatim.

Carried

MOTION

Moved by Cr Nelmes, seconded by Cr Clausen

PART A:

i) Note the Media Release from Premier Mike Baird dated 4 December 2014 titled "Revitalising Newcastle: The People's Project" which states that: *"We have always said we would involve the community in any decisions regarding the future of the rail corridor in Newcastle and we are now delivering on that commitment. Under our plan Newcastle Council will have the final say about what development occurs on the former rail corridor and it must tick off on any proposal before it proceeds. I know the council and some in the community have concerns about this project. We want to ensure we get the best outcome for Newcastle, which is why we are taking this step."*

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viii) Note UrbanGrowth NSW's letter of offer referred on page 23 of the Planning Proposal (Attachment A of officer's report) which states that UrbanGrowth NSW wishes to enter a Planning Agreement to "facilitate delivery of the following aspects:-

- a) *Dedication of the land proposed to be zoned RE1 Public Recreation*
- b) *Enhancement of the public open space*
- c) *Repurposing heritage buildings, particularly Newcastle Railway Station and Signal Box*
- d) *Remediation of the open space*
- e) *Commitment to provision of affordable housing"*

For the Motion: Lord Mayor, Cr Nelmes and Councillors Clausen, Crakanthorp, Dunn, Posniak, Robinson, Rufo

Against the Motion: Councillors Compton, Doyle, Tierney and Luke.

Carried

MOTION

Moved by Cr Nelmes, seconded by Cr Clausen

PART B:

i) Endorse the attached Planning Proposal (Attachment A), prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979*(EP&A

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iv) Consult with the community and relevant government agencies as instructed by the gateway determination.

v) Receive a report back on the Planning Proposal, including the draft planning agreement, following the public exhibition as per the requirements of Section 57 of the *EP&A Act*.

Councillor Luke left the Chamber at 7.47pm and returned at 7.48pm.

Councillor Doyle gave notice of a foreshadowed motion that reaffirms Council's resolution of the 26 July to retain the current zoning for the rail corridor.

Councillor Luke left the Chamber at 8.12pm and returned at 8.13pm

Councillor Robinson left the Chamber at 8.12pm and returned at 8.14pm

For the Motion: Lord Mayor, Cr Nelmes and Councillors Clausen, Compton, Dunn, Luke, Robinson, Rufo and Tierney

Against the Motion: Councillors Crakanthorp, Doyle and Posniak.

Carried

MOTION

Moved by Cr Nelmes, seconded by Cr Clausen

PART C:

Require the following commitments prior to a report to back to Council under Part B v) (*receive a report back on the Planning Proposal, including draft planning agreement, following the public exhibition as per the requirements of Section 57 of the EP& A Act.*) of this motion:

1. The NSW Government develops a comprehensive, evidence based plan for public transport and active transport in the Lower Hunter consistent with achieving Council's current transport targets including;
 - a. An update of the Regional Transport Plan with clear objectives to be achieved for Public Transport in the region and
 - b. A revised Traffic Report of traffic impacts in the CBD based on:
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 - iv. The Active transport Strategy Plan being prepared by TfNSW and NCC including cycleways and pedestrian access
 - c. A comparison between the land use assumptions used in the REF compared with rezoning proposal.
 - d. An integrated transport plan setting out the detailed operational arrangements for Busses and Ferries in conjunction with the proposed Light Rail and such plans conclusively establish that the corridor land is not needed for transport purposes.
2. A legislative commitment from the NSW Government that all proceeds from Newcastle Urban Transformation Project will be reinvested into the revitalisation of Newcastle.

Councillor Luke left the Chamber at 8.46pm and returned at 8.47pm.

Following a question from Councillor Compton regarding the wording of part 2, and a suggestion from Councillor Doyle, the mover and seconder agreed to change the words "*legal commitment*" to "*legislative commitment*".

Following a comment from Councillor Doyle the mover and seconder agreed to remove the words "*and realistic*" from part 1. a).

For the Motion: Lord Mayor, Cr Nelmes and Councillors Clausen, Compton, Crakanthorp, Doyle, Dunn, Luke, Posniak, Robinson, Rufo and Tierney.

Against the Motion: Nil.

Carried

ITEM-85 CCL 27/09/16 - ATTENDANCE AT UNITED NATIONS CONFERENCE IN ECUADOR 15 - 18 OCTOBER 2016

MOTION

Moved by Cr Nelmes, seconded by Cr Dunn

1 Council:

- i) Confirms participation in The United Nations Conference 'Habitat III' in Quito, Ecuador and makes available the appropriate funding to enable this participation.
- ii) Notes that Cr Osborne, as the Lord Mayor's delegate, and Jill Gaynor Manager Strategic Planning Services, as the Interim Chief Executive Officer's delegate, accept the invitation and present a written report to Council following The United Nations Conference 'Habitat III' that outlines the learnings, opportunities and benefits to the City presented at the Conference. The written report will be presented to the November Ordinary Council meeting, and an open briefing to be presented as soon as practicable after the return of council's representatives.
- iii) Notes that Cr Clausen will also be attending the 'Habitat III' Conference.

Councillor Luke retired from the Chamber at 9.06pm.

Councillor Tierney requested the words "*at the November ordinary Council meeting*" be added to part 1 ii) of the motion after the word "*Council*". The seconder did not accept the additional words to the motion.

Councillor Doyle requested the words "*The written report will be presented to the November Ordinary Council meeting, an open briefing to be presented as soon as practicable after the return of council's representatives*" be added to the motion at the end of part 1 (ii). The seconder accepted the additional words to the motion.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Clausen, Crakanthorp, Doyle, Posniak, Dunn, Robinson and Rufo

Against the Motion: Councillors Compton and Tierney.

Carried

The meeting concluded at 9.28pm