

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 26 February 2019 at 5.36pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, J Dunn, K Elliott, B Luke, J Mackenzie, A Robinson, 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), P McCarthy (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), A Jones (Chief Financial Officer), E Kolatchew (Manager Legal), L Duffy (Manager Parks and Recreation), B Johnson (Communications), D Mills (Media Officer), S Moore (Manager Business Partnering), I Challis (Contracts Management Specialist), W Carmichael (Manager Service Design and Customer Experience), A Mills (Manager Community Programs and Partnerships), A Hawke (Library Customer Support Officer), A Leach (Council Services/Minutes) and J Redriff (Council Services/Minutes).

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.

APOLOGIES

MOTION

Moved by Cr Luke, seconded by Cr Winney-Baartz

The apology submitted on behalf of Councillor Rufo be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Luke

Councillor Luke declared a less than significant non-pecuniary conflict of interest in Item 2 - Executive Monthly Performance Report as it 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 conflict of interest in Item 7 - Endorsement of Planning Agreement, 5 Hall Street, Maryville and said the Planning Agreement included works on lands owned by his employer and he would leave the Chamber for the item.

Councillor Church

Councillor Church declared significant and pecuniary interests in Item 6 - Endorsement of Planning Agreement - 464-470 King Street, Newcastle, Item 8 - Public Exhibition of West End Stage Two Streetscape Plan and Item 5 NOM - Adamstown Concept Plan and would leave the Chamber for the items.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 4 DECEMBER 2018

MINUTES - ORDINARY COUNCIL MEETING 11 DECEMBER 2018

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-1 LMM 26/02/19 - OVARIAN CANCER MONTH AND TEAL RIBBON DAY

MOTION

Moved by Lord Mayor, Cr Nelmes,

That City of Newcastle:

1. Recognises February as Ovarian Cancer Month and tomorrow, Wednesday 27 February 2019 is Teal Ribbon Day;
2. Recognises City of Newcastle Citizen of the Year, Jill Emberson as Ovarian Cancer Australia's Ambassador who is raising awareness locally and nationally about this cancer that has the lowest survival rate of any women's cancer;
3. Invites City of Newcastle Councillors, staff and our community to an International Women's Day Morning Tea, to hear from Jill about her journey and to raise awareness and funds to assist with ovarian cancer research;
4. Recognises Teal Ribbon Day by turning City Hall clock teal.

**Carried
unanimously**

ITEM-2 LMM 26/02/19 - MEREWETHER SURFBOARD CLUB - 2018/19 AUSTRALIAN BOARDRIDERS BATTLE WINNERS

MOTION

Moved by Lord Mayor, Cr Nelmes,

That City of Newcastle:

1. Notes the success of the 2018/19 Australian Boardriders Battle, Australia's biggest grassroots boardriders event, particularly the National Final which was held at Newcastle Beach on Sunday, 17 February 2019;
2. Congratulates Merewether Surfboard Club, who beat 70 of Australia's best boardrider clubs to be declared the 2018/19 Australian Boardriders Battle Champions;
3. Recognises Merewether Surfboard Club's Jesse Adam, Mike Clayton-Brown, Philippa Anderson, Mitchell Ross and Morgan Cibilic, and injured team members Ryan Callinan and Jackson Baker, as well as the entire Merewether Surfboard Club, for their efforts to secure this significant National Surfing title.

**Carried
unanimously**

**ITEM-3 LMM 26/02/19 - NEWCASTLE EARTHQUAKE 30TH ANNIVERSARY
COMMEMORATION SERVICE**

MOTION

Moved by Lord Mayor, Cr Nelmes,

That City of Newcastle:

1. Notes that on 28 December 1989, the City of Newcastle was struck by a devastating magnitude 5.6 earthquake, devastatingly killing 13 Novocastrians and injuring more than 160 people.
2. Recognises that the Newcastle Earthquake was one of Australia's worst natural disasters, and a defining moment in our City's history and character.
3. Holds a public Newcastle Earthquake 30th Anniversary Commemoration Service on Saturday, 28 December 2019 at City Hall, so that Novocastrians can remember those who were killed, injured and affected by the Newcastle Earthquake.

**Carried
unanimously**

Councillor Church requested that former Lord Mayor, Councillor John McNaughton be recognised and involved in the planning for the Commemoration Service.

ITEM-4 LMM 26/02/19 - NEWCASTLE STREET ART FESTIVAL

MOTION

Moved by Lord Mayor, Cr Nelmes,

That City of Newcastle:

1. Notes that Street Art is an important component of the City of Newcastle's changing landscape;
2. Recognises the importance of Street Art in documenting our rich industrial, social and cultural history as a progressive and inclusive City, as well as it's significant role in fostering a dynamic and vibrant creative arts sector;
3. Consults with local artists and creatives to develop a Street Art Festival, guided by successful models which match local, national and international street artists, with local businesses, property owners and other partners to produce street art pieces across the City of Newcastle, culminating in a celebration of art in public places.

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-1 CCL 26/02/19 - QUARTERLY BUDGET REVIEW - DECEMBER 2018

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council receive the December Quarterly Budget Review Statement (**Attachment A**) and adopts the revised budget as detailed therein.

Carried

ITEM-2 CCL 26/02/19 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

The Executive Monthly Performance Report for January 2019 be received.

Carried

ITEM-3 CCL 26/02/19 - AUDIT AND RISK COMMITTEE AND INTERNAL AUDIT ANNUAL REPORT

MOTION

Moved by Cr Mackenzie, seconded by Cr Dunn

That Council:

1. Receives the Audit and Risk Committee's Annual Report for the 2017/2018 financial year at **Attachment A**; and
2. Notes the 2018/2019 Forward Internal Audit Plan at **Attachment B**.

**Carried
unanimously**

MOTION

Moved by Cr Church, seconded by Cr Mackenzie

That Council receive a report at the 26 March 2019 Ordinary Council Meeting regarding the membership of the Committee and Councillor nominees.

**Carried
unanimously**

ITEM-4 CCL 26/02/19 - ADMINISTRATION OF 2020 COUNCIL ELECTIONS

MOTION

Moved by Cr Clausen, seconded by Cr Luke

That Council:

- 1 Resolves, pursuant to s.296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act"), that an election arrangement be entered into by contract for the Electoral Commissioner to administer the 2020 elections of the Council, provided that the cost does not increase by more than 10% of the 2017 election costs; and
- 2 Resolves, pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that any Council poll arrangement and any constitutional referendum to be conducted during the 2020 elections, be entered into by contract for the Electoral Commissioner to administer for the Council.

**Carried
unanimously**

ITEM-5 CCL 26/02/19 - TABLING OF PECUNIARY INTEREST RETURNS - 1 NOVEMBER 2018 - 31 JANUARY 2019

MOTION

Moved by Cr Luke, seconded by Cr Winney-Baartz

Council note the tabling of the pecuniary interest returns (for the period 1 November 2018 to 31 January 2019) by the Chief Executive Officer in accordance with the Local Government Act 1993 (NSW).

**Carried
unanimously**

ITEM-6 CCL 26/02/19 - ENDORSEMENT OF PLANNING AGREEMENT - 464-470 KING STREET, NEWCASTLE

Due to his conflict of interest, Councillor Church left the Chamber for this item.

MOTION

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

- 1 Endorse the Planning Agreement – 464-470 King Street Newcastle (Attachment A) to enable construction of a pedestrian and cycle link between King Street and Hunter Street with a value of \$1.472m; and
- 2 Authorise the Chief Executive Officer to execute the Planning Agreement
- 3 Prior to works commencing, suitable construction drawings for the pedestrian and cycle link are circulated to Councillors by way of Memo, including confirmation that the works are in accordance with Council specifications.

4 Amends Clause 12.5 and Clause 19.4.2 at Attachment A as follows:

Clause 12.5 - In this Clause, maintenance period means the period of 12 months commencing on and from the date that Council accepts responsibility for Work under Clause 13.

Clause 19.4.2 – Defects liability period means the period of 12 months commencing on the day immediately after the Council accepts responsibility for the Work under Clause 13.

Councillor Duncan foreshadowed an additional motion.

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

Against the Motion: Nil.

**Carried
unanimously**

MOTION

Moved by Cr Duncan, seconded by Cr Byrne

1. Ensures that public art components funded from large scale private developments are considered by the City of Newcastle Public Art Reference Group (PARG), with recommendations provided to CN Manager RPA who will provide a timely report to Council for final approval
2. Develops a City of Newcastle 'Guidelines for Public Art in Private Development with the purpose of ensuring high-quality public art is included in accessible public spaces in large scale developments
3. Reviews this process within 12 months together with Voluntary Planning Agreements and the development and implementation of public art guidelines.

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

Against the Motion: Nil.

**Carried
unanimously**

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

ITEM-7 CCL 26/02/19 - ENDORSEMENT OF PLANNING AGREEMENT - 5 HALL STREET, MARYVILLE

Due to his conflict of interest Councillor Clausen left the Chamber for this item.

MOTION

Moved by Cr Mackenzie, seconded by Cr Robinson

That Council:

- 1 Endorse the Planning Agreement - 5 Hall Street Maryville (**Attachment A**); and
- 2 Authorise the Chief Executive Officer to execute the Planning Agreement.

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

Against the Motion: Nil.

**Carried
unanimously**

Councillor Clausen returned to the Chamber at the conclusion of this item.

ITEM-8 CCL 26/02/19 - PUBLIC EXHIBITION OF WEST END STAGE TWO STREETScape PLAN

Due to his conflict of interest Councillor Church left the Chamber for the item.

MOTION

Moved by Cr White, seconded by Cr Mackenzie

That Council:

- 1 Place the Draft West End Streetscape - Stage 2 Plan as at **Attachment A** on public exhibition for a period of four weeks.
- 2 Receive a report following the public exhibition period.

**Carried
unanimously**

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

ITEM-9 CCL 26/02/19 - UNION STREET COOKS HILL - UPGRADE OF THE PEDESTRIAN FACILITIES BETWEEN LAMAN AND BULL STREETS

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Church

That Council:

Approves the proposed upgrade of the pedestrian facilities in Union, Laman and Bull Streets, Cooks Hill as shown at **Attachment A**.

**Carried
unanimously**

ITEM-10 CCL 26/02/19 - ACCEPTANCE OF OFFER - GAS RELOCATION - COUNCIL STREET, COOKS HILL

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

Not invite tenders for contract 2019/173T - Gas Main Relocation. A satisfactory result would not have been achieved through the calling of tenders as the gas main assets are owned by Jemena Gas Networks and they will undertake the required works.

**Carried
unanimously**

ITEM-11 CCL 26/02/19 - VISTA PARADE, KOTARA - INSTALLATION OF RAISED PEDESTRIAN CROSSING AND TRAFFIC CALMING DEVICES

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Clausen

That Council:

Approves the proposed upgrade of the pedestrian facilities and traffic calming measures in Vista Parade, between Princeton Avenue and Grayson Avenue as shown at **Attachment A**.

**Carried
unanimously**

ITEM-12 CCL 26/02/19 - PUBLIC EXHIBITION OF THE DRAFT LIBRARY STRATEGY

Councillor Luke left the Chamber at 6.54pm and returned at 6.56pm.

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council approves the draft Library Strategy (**Attachment A**) on public exhibition for 28 days with a report back to Council following exhibition.

**Carried
unanimously**

ITEM-13 CCL 26/02/19 - STEVENSON PARK MASTERPLAN

MOTION

Moved by Cr White, seconded by Cr Mackenzie

The draft Stevenson Park Masterplan (**Attachment A**) be adopted.

**Carried
unanimously**

NOTICES OF MOTION

ITEM-1 NOM 26/02/19 - COMMITMENT TO HIGH QUALITY POOLS

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

1. Reiterates its commitment to high quality aquatic facilities and ocean baths accessible to all Novocastrians.
2. Notes recent submissions and discussions with Venues NSW about the future of the Broadmeadow Sports and Entertainment Precinct, and the opportunities to locate a new all year round aquatic facility as part of the future Sports Precinct at Broadmeadow.
3. Notes the NSW Government's recent commitment towards a new aquatic facility in the Paramatta Local Government Area.
4. Receives an updated report referred to the Infrastructure Advisory Committee outlining the current condition assessment of each inland pool, and a report on the quality of service delivery at each pool (including engagement with relevant communities and users) that outlines options for the future operation of Newcastle's aquatic facilities (including both short term operational and longer term capital and operational management)

- Writes to local state members and the NSW Ministers and Shadow Ministers for Local Government and Sport advocating for a commitment to an all year-round aquatic facility as part of the Broadmeadow Sports and Entertainment Precinct.

**Carried
unanimously**

ITEM-2 NOM 26/02/19 - LGNSW SAVE OUR RECYCLING

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

- Endorse Local Government NSW's campaign, *Save Our Recycling*, to realise the reinvestment of a 100% of the Waste Levy collected each year by the NSW Government in waste minimisation, recycling and resource recovery.
- Make representation to the Parliamentary Secretary for the Hunter and local State Members for Newcastle, Wallsend and Charlestown, in support of this campaign objective - for the NSW Government to commit to reinvest 100% of the Waste Levy in waste minimisation, recycling and resource recovery.
- Write to the Premier, the Hon Gladys Berejiklian MP, the Opposition Leader, the Hon Michael Daley MP, the Minister for Local Government and the Minister for the Environment, the Hon Gabrielle Upton MP, and the Shadow Minister for the Environment and Heritage, Penny Sharpe MLC, seeking bipartisan support for the 100% reinvestment of the Waste Levy collected each year into waste minimisation, recycling and resource recovery.
- Take a lead role in activating the Local Government NSW *Save Our Recycling* campaign locally, and write to neighbouring councils and the Hunter JO recommending their involvement.
- Endorse the distribution and display of the Local Government NSW *Save Our Recycling* information on Council premises, as well as involvement in any actions arising from the initiative.
- Formally advise Local Government NSW that Council has endorsed the *Save Our Recycling* advocacy initiative.

**Carried
unanimously**

ITEM-3 NOM 26/02/19 - ON-STREET BIKE AND CAR SHARE PARKING

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Clausen

That Council:

1. Notes its commitment to active, public and low-emissions transport (including park-and-ride), and the need for improved integration of transportation to improve efficiency, health and wellbeing, and reduce carbon emissions.
2. Notes recent approaches from car share companies, such as GoGet, seeking to establish in the City of Newcastle local government area.
3. Develops a policy for the use of a limited number of on-street parking bays for bicycle and car share parking, noting that the provision of this infrastructure reduces car dependency especially in the city centre. This policy should include a process to consider community views prior to the installation of any new parking bays and ensure a process for regular evaluation and review.

Carried

ITEM-4 NOM 26/02/19 - ICAN CITIES APPEAL - SUPPORTING THE UNITED NATIONS TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS

MOTION

Moved by Cr Byrne, seconded by Cr Clausen

That City of Newcastle:

- 1 Notes that 2017 Nobel Peace Prize winners 'International Campaign to Abolish Nuclear Weapons' (ICAN), and Hunter Peace Group, have asked City of Newcastle to support the 2017 United Nations Treaty on the Prohibition of Nuclear Weapons (the Treaty), and to endorse the ICAN Cities Appeal campaign which is aimed at building support and awareness for the Treaty;
- 2 Supports the ICAN Cities Appeal campaign by publishing our commitment statement on City of Newcastle's website and social media channels; and
- 3 Writes to the Prime Minister and Opposition Leader, calling on the Federal Government to sign the 2017 United Nations Treaty on the Prohibition of Nuclear Weapons.

**Carried
unanimously**

ITEM-5 NOM 26/02/19 - ADAMSTOWN CONCEPT PLAN

Due to his conflict of interest Councillor Church left the Chamber for this item.

MOTION

Moved by Cr Elliott, seconded by Cr Robinson

That Council:

- 1 Develop a concept plan for the retail/commercial section of Brunker Rd, Adamstown, to create a village feel and encourage activity and business growth.
- 2 Allocate funding in this year's budget to complete the concept plan in 2019.
- 3 Identify opportunities for façade upgrade support for landlords with commercial premises in Brunker Rd within the commercial precinct.
- 4 Develop a budget for the works identified in the agreed concept plan for consideration by Council.
- 5 Work closely with the local Adamstown business community in the interim to install a smart pole, recycle and install currently unused Council planter boxes, and facilitate improved lighting at the pedestrian crossing in front of the Nags Head hotel for night time safety.

AMENDMENT

Moved by Cr Duncan, seconded by Cr Dunn

That Council:

- 1 Note that Council has resolved to prioritise the development of public domain across the Local Government Area, with works currently underway in Carrington, Beresfield, Stockton and Wallsend, and draft public domain plans being developed with community consultation in Orchardtown Road New Lambton, Birmingham Gardens, Shortland and Beaumont Street James Street Plaza, Hamilton.
- 2 Note that officers have developed a prioritisation framework to guide further plan development, which includes Brunker Road Adamstown as a medium priority local centre, and consistent with the broader program it is expected that Council will allocate funding as part of future capital works budgets.
- 3 Continue discussions with Adamstown businesses regarding establishing a Business Improvement Association, including consideration of expanding the special business rate levy to support economic development in this area, as part of the AECOM review that is currently underway.

For the Amendment:

Lord Mayor, Councillor Nemes and Councillors Byrne, Clausen, Duncan, Dun, Mackenzie, Winney-Baartz and White.

Against the Amendment:

Councillors Elliott, Luke and Robinson.

Carried

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

Carried

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

ITEM-6 NOM 26/02/19 - RIGHT TO THE NIGHT PROJECT

Councillor Dunn left the Chamber at 7.45pm and returned at 7.50pm.

MOTION

Moved by Cr Church, seconded by Cr Elliott

That City of Newcastle

1. Notes that a nationwide survey released in 2018 by Plan International and commissioned by Our Watch reveals 30 per cent of young Australian women aged 15-19 report avoiding public places after dark, with approximately 23 per cent believing it's not safe to travel alone on public transport.
2. Notes that Ballarat Council has developed The *Right to the Night* project, which won a local government award for collaborative communities, and saw that council develop a website and an app enabling users to pin places they feel unsafe to help council revitalise these spaces and to discourage violence.
3. Investigates the merits, costs and benefits of launching a similar project in the City of Newcastle, which could help council planners revitalise areas identified as unsafe with lighting and furniture to promote the use by more people and discourage anti-social behaviour to compliment and inform the city's after dark strategies.

Councillor Duncan foreshadowed an additional motion that being the Officer's recommendation in the report on Notice of Motion.

The motion moved by Councillor Church and seconded by Councillor Elliott was put to the meeting.

**Carried
unanimously**

MOTION

Moved by Cr Duncan, seconded by Cr Byrne

That a specific project of crowdsourced data collection focused on the place-specific experiences of safety by women and girls be established through *Newcastle After Dark Night-time Economy Strategy 2018-2022*. That this program utilise existing digital consultation tools that are fit for purpose and integrated in current project scope and budget for night-time activities mapping.

**Carried
unanimously**

ITEM-7 NOM 26/02/19 - CITY OF NEWCASTLE VIP EVENT

MOTION

Moved by Cr Church, seconded by Cr Elliott

That City of Newcastle

1. Notes that the cost to ratepayers of the 2017 and 2018 City of Newcastle VIP Event held at Fort Scratchley during the Coates Hire Newcastle 500 has been \$94,705.38 (2018 - \$49,796.38 2017 – \$44,909)
2. Notes that these are invitation only events and not open to the public,
3. Notes that the costs do not include the opportunity cost of hiring the venue to a third party at commercial rents.
4. Notes that despite the event being characterised as a charity event, City of Newcastle has not made a direct donation to the charity associated with the lunches.
5. Resolves to cancel future City of Newcastle VIP lunch events held at Fort Scratchley during the Newcastle 500 unless they can be staged at nil cost to ratepayers via other funding options which may include, but not be limited to, tickets sales or sponsorship.

Defeated

ITEM-8 NOM 26/02/19 - CLEAN SEAS INITIATIVE**MOTION**

Moved by Cr Mackenzie, seconded by Cr Byrne

That City of Newcastle

- 1 Endorse the UN Environment Clean Seas campaign.
- 2 Write to the Federal Environment Minister to communicate this endorsement, and request information on progress of implementation since the Federal Government committed to the campaign in October 2018.
- 3 Commit to phase out all single use plastic from all Council-managed enterprises, Council activities and events on Council land by 2020, including plastic straws, balloons, promotional paraphernalia and plastic signage, and single use water bottles.

**Carried
unanimously**

**ITEM-9 NOM 26/02/19 - CLIMATE RELATED FINANCIAL AND RISK
DISCLOSURE**

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

That City of Newcastle receive a report on the implications of the Taskforce on Climate-Related Financial Disclosures (TCFD) for the City of Newcastle's financial and risk reporting, including options for incorporating climate-related financial and risk information into the Integrated Planning and Reporting (IP&R) framework.

**Carried
unanimously**

The meeting concluded at 8.18pm