

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on 25 July 2017 at 5.37pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors D Clausen D Compton (*arrived 5.41pm*), T Doyle, J Dunn, B Luke, M Osborne, S Posniak, A Robinson and A Rufo.

IN ATTENDANCE

J Bath (Interim Chief Executive Officer), A Glauser (Interim Corporate Services Director), K Liddell (Interim Infrastructure Director), J Gaynor (Acting Director Planning and Regulatory), E Kolatchew (Interim Legal and Governance Manager), B Johnson (Media Officer), K Hyland (Manager Communications and Engagement), A Knowles (Council Services/Minutes) and K Sullivan (Council Services/Webcast).

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.

Remembrance for Mike Slater was noted with great sadness as well as his contributions to the City of Newcastle.

APOLOGIES

MOTION

Moved by Cr Luke, seconded by Cr Compton

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

The Lord Mayor called for declarations of pecuniary and non-pecuniary interests.

Councillor Luke

Councillor Luke declared a non-pecuniary less than significant conflict of interest in Item 74 - Executive Monthly Performance Report as it included the Re-investment Surplus Funds Report which mentions multiple financial institutions and many financial institutions that he has dealings with in his business. The declaration is less than significant as he noted he is not involved in determining where funds are invested with and is just receiving a report.

Councillor Clausen

Councillor Clausen declared a non-pecuniary less than significant interest in Item 77 - Low Lying Areas Strategic Position Paper - Results of Public Exhibition. The interest declared was that the report mentioned his employer however Councillor Clausen had no role in the decision making and the reference was an in passing mention.

Councillor Doyle

Councillor Doyle declared a non-pecuniary less than significant interest in Item 81 - Land Bounded by Mosbri Crescent and Kitchener Parade The Hill - Adoption of Amendment to Newcastle Local Environmental Plan 2012 as she resided within the vicinity of the land and would remain in the Chamber for the item.

Lord Mayor

Lord Mayor Councillor Nelmes declared a non-pecuniary less than significant interest in Item 81 - Land Bounded by Mosbri Crescent and Kitchener Parade The Hill - Adoption of Amendment to Newcastle Local Environmental Plan 2012 stating that a former Councillor that the Lord Mayor worked with lived within the vicinity. The Lord Mayor stated that she would remain in the Chamber for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 20 JUNE 2017

MINUTES - BRIEFING COMMITTEE 20 JUNE 2017

MINUTES - ORDINARY COUNCIL MEETING 27 JUNE 2017

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

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

Carried

PROCEEDINGS IN BRIEF

PROCEDURAL MOTION

Moved by Cr Osborne, seconded by Cr Doyle

Council accept the late item of business, Permanent Effective Full Time (EFT) as a matter of urgency as the determination made by the Industrial Relations Commission was only made recently and the organisation made aware Friday 21 July 2017.

The Lord Mayor ruled the matter to be urgent and heard as a late item of business.

The procedural motion moved by Councillors Osborne and Doyle was put to the meeting.

Carried

LORD MAYORAL MINUTE

ITEM-11 LMM 25/07/17 - UNIVERSITY OF NEWCASTLE'S CENTRE FOR EXCELLENCE FOR EQUITY IN HIGHER EDUCATION'S, CHILDREN'S UNIVERSITY PROGRAM

MOTION

Moved by Lord Mayor Cr Nelmes

That:

1. Council develops a collaborative partnership between the Centre of Excellence for Equity in Higher Education (CEEHE) and the City of Newcastle, to further the growth of the Children's University program throughout the Newcastle Region;
2. Council explores the opportunity for Newcastle to become a Children's University City and to build upon the existing local businesses and community groups engaged with the Children's University program in Newcastle; and
3. Council works with the CEEHE to select learning destinations throughout the Newcastle Local Government Area for accreditation as a Children's University Learning Destination and/or activity.

For the Motion: Lord Mayor Councillor Nelmes, Councillors Clausen, Doyle, Dunn, Osborne, Posniak and Robinson.

Against the Motion: Councillors Compton, Luke and Rufo.

Carried

ITEM-12 LMM 25/07/17 - DESIGN REVIEW PANEL

MOTION

Moved by Lord Mayor Cr Nelmes

That Council:

Receives a report on the establishment of a Newcastle Design Review Panel that would provide independent and authoritative advice to Council, as well as other decision makers in Newcastle about the design of significant development proposals in the City.

For the Motion: Lord Mayor Councillor Nelmes, Councillors Clausen, Doyle, Dunn, Osborne, Posniak and Rufo.

Against the Motion: Councillors Compton, Luke and Robinson.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-84 **CCL 25/07/17 - SUBMISSION TO THE INQUIRY INTO THE AUSTRALIAN GOVERNMENT'S ROLE IN THE DEVELOPMENT OF CITIES - LATE ITEM**

Councillor Osborne moved the amended recommendation as outlined in the All Councillor Memo to Councillors on 25 July 2017.

MOTION

Moved by Cr Osborne, seconded by Cr Clausen

Council delegate authority to the office of the Lord Mayor and the Interim Chief Executive Officer to finalise the submission on the role of the Australian Government in Cities before the due date of 31 July 2017.

Carried

ITEM-74 **CCL 25/07/17 - EXECUTIVE MONTHLY PERFORMANCE REPORT - JUNE 2017**

MOTION

Moved by Cr Clausen, seconded by Cr Osborne

The report be received.

**Carried
Unanimously**

ITEM-75 **CCL 25/07/17 - TABLING OF PECUNIARY INTEREST RETURNS**

In moving the motion Councillor Clausen proposed a Part 2 to the Officer's recommendation as printed in the business papers.

MOTION

Moved by Cr Clausen, seconded by Cr Osborne

1. Council to note the pecuniary interest returns as tabled by the Interim Chief Executive Officer.
2. Council submits a motion to LGNSW's upcoming Annual Conference calling on support from LGNSW member councils for modification to Section 449 of the *Local Government Act 1993* to provide a mechanism for designation persons to disclose the interests of their spouses/partners and depended children through the annual pecuniary interest returns process.

**Carried
unanimously**

ITEM-77

CCL 25/07/17 - LOW LYING AREAS STRATEGIC POSITION PAPER - RESULTS OF PUBLIC EXHIBITION

MOTION

Moved by Cr Osborne, seconded by Cr Posniak

Council adopts the Draft Strategic Position Paper for Low Lying Areas as provided in **Attachment A**.

For the Motion:

Lord Mayor Councillor Nelmes, Councillors Clausen, Compton, Doyle, Dunn, Osborne, Posniak, Robinson and Rufo.

Against the Motion:

Councillor Luke.

Carried

ITEM-79

CCL 25/07/17 - ENDORSEMENT FOR EXHIBITION OF DRAFT AFFORDABLE LIVING PLAN

In moving the motion Lord Mayor Councillor Nelmes proposed a Part 2, 3 and 4 to the Officer's recommendation as printed in the business papers with an amendment to the public exhibition period from 28 days to a period of 60 days.

MOTION

Moved by Lord Mayor Cr Nelmes, seconded by Cr Osborne

1. Council resolves to place the draft Affordable Living Plan (the draft Plan) as provided in **Attachment A**, on public exhibition for a period of 60 days.
2. At the conclusion of Public Exhibition, Council hosts a Newcastle Affordable Living Roundtable to review the draft document, submissions received, and to make a recommendation to Council by the ordinary Council meeting in December 2017.
3. The Roundtable is to be open to representatives from local affordable housing providers, community housing providers, NSW Government agencies, Councillors, tenant representatives, academics and others with an interest in furthering affordable housing (including cooperative housing) in Newcastle.
4. The Roundtable should consider additions to the Affordable Living Plan including census data updates as new information becomes available; a clear vision statement and targets for affordable housing supply in Newcastle; and the opportunities to ensure development currently in the pipeline meets best practice for affordable living.

**Carried
unanimously**

ITEM-81

CCL 25/07/17 - LAND BOUNDED BY MOSBRI CRESCENT AND KITCHENER PARADE THE HILL - ADOPTION OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

MOTION

Moved by Cr Luke, seconded by Cr Compton

Council resolves to:

- i) Endorse the attached planning proposal PP_2016_NEWCA_ 010_00, pursuant to section 55 of the Environmental Planning and Assessment Act 1979 NSW (EP&A Act), in order to amend Newcastle Local Environmental Plan 2012 (LEP) and rezone land bounded by Mosbri Crescent and Kitchener Parade, The Hill that comprises the following land parcels:
 - a) SP6373, SP3058, Lots 10, 12, 13 DP 216346 and Lot 1 DP204077, Nos 1 - 17 Mosbri Crescent, and
 - b) Lot 8 DP216346, SP19610 and Lot 62 DP522440, Nos. 31, 37 and 41 Kitchener Parade, The Hill.
- ii) Forward the planning proposal to the Department of Planning and Environment (DPE) requesting that a draft LEP be prepared and made pursuant to section 59(1) of the EP&A Act.
- iii) Advise the Secretary of the DPE that Council does not seek to exercise delegations for undertaking section 59(1) of the EP&A Act.
- iv) Adopt the new draft Section 6.14 - 11 Mosbri Crescent, The Hill of Newcastle Development Control Plan 2012 and provide public notice advising that this development control take effect on the business day following the date upon which the abovementioned amendment to Newcastle LEP 2012 is made.

PROCEDURAL MOTION

Moved by Cr Doyle, seconded by Cr Osborne

The item lay on the table until such time that there is an opportunity for a Public Voice session to be held with both the applicant and the objectors.

For the Procedural Motion:

Lord Mayor Councillor Nelmes,
Councillors Clausen, Doyle, Dunn,
Osborne and Posniak.

Against the Procedural Motion:

Councillors Compton, Luke, Robinson
and Rufo.

Carried

ITEM-82

CCL 25/07/17 - CLIMATE COUNCIL'S CITIES POWER PARTNERSHIP

MOTION

Moved by Cr Doyle, seconded by Cr Osborne

That Council receive the report and the five key actions recommended for Council to pursue under the Cities Power Partnership. The recommended actions selected from the CPP list of pledges are:

- i) **Action 1:** Renewable Energy - Open up unused landfill for renewable energy and power Council operations by renewables.
- ii) **Action 2:** Energy Efficiency - Roll out LED street-lighting across the Local Government Area (LGA).
- iii) **Action 3:** Transport - Providing for adequate cycle lanes (both space and connectivity) in road design and supporting cyclists through providing parking, and end-of-ride facilities (covered, secure bike storage, showers, bicycle maintenance and incentives).
- iv) **Action 4:** Transport - Provide fast-charging infrastructure throughout the city at key locations for electric vehicles.
- v) **Action 5:** Renewable Energy - Install renewable energy (solar PV and battery storage) on Council buildings for example libraries, sporting grounds and Council offices.

AMENDMENT

Moved by Cr Rufo, seconded by Cr Luke

That Council receive the report and **adopt** the five key actions recommended for Council to pursue under the Cities Power Partnership **and the potential cost involved in pursuing the initiatives**. The recommended actions selected from the CPP list of pledges are:

- i) **Action 1:** Renewable Energy - Open up unused landfill for renewable energy and power Council operations by renewables.
- ii) **Action 2:** Energy Efficiency - Roll out LED street-lighting across the Local Government Area (LGA).
- iii) **Action 3:** Transport - Providing for adequate cycle lanes (both space and connectivity) in road design and supporting cyclists through providing parking, and end-of-ride facilities (covered, secure bike storage, showers, bicycle maintenance and incentives).
- iv) **Action 4:** Transport - Provide fast-charging infrastructure throughout the city at key locations for electric vehicles.

- v) **Action 5:** Renewable Energy - Install renewable energy (solar PV and battery storage) on Council buildings for example libraries, sporting grounds and Council offices.

Defeated

The Motion moved by Councillors Doyle and Osborne was put to the meeting.

Carried

**ITEM-83 CCL 25/07/17 - UNITED NATIONS GLOBAL COMPACT
CITIES PROGRAM - AUSTRALIAN CITIES PARTNERSHIP
PROGRAM**

MOTION

Moved by Lord Mayor Cr Nelmes, seconded by Cr Osborne

Council supports participation in the Australian City Partnerships Program 2017-2019, part of the United Nations Global Compact Cities - Cities Partnership Program.

Carried

LATE ITEMS OF BUSINESS

**ITEM-85 CCL 25/07/17 - PERMANENT EFFECTIVE FULL TIME (EFT)
ESTABLISHMENT**

The Lord Mayor allocated time for Councillors to read the report.

The Interim Chief Executive Officer provided a short briefing.

MOTION

Moved by Cr Doyle, seconded by Cr Osborne

Council notes the increase of budgeted Equivalent Full Time (EFT) employee establishment from 935 to 957 (increase of 22 EFT) as a result of the Industrial Relations Commission agreement in July 2017.

**Carried
unanimously**

NOTICES OF MOTION

ITEM-16

NOM 25/07/17 - NEWCASTLE LOVES LIVE MUSIC

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

That Council:

- 1 Notes that Newcastle has a long and proud history of embracing and fostering the creative arts, in particular, live music. Newcastle has more artists per capita than any other city in Australia.
- 2 Works with partners to submit an expression of interest to Create NSW, to stage a *Live and Local* micro-music festival in the Newcastle Local Government Area during 2017/18.
- 3 Notes that hosting a *Live and Local* micro-music festival has the potential to benefit the broader Newcastle community by creating jobs, increasing custom for local cafes and business and bringing people of diverse backgrounds together, as well as providing an opportunity to showcase Newcastle's diverse and talented local musicians.

**Carried
unanimously**

ITEM-17

NOM 25/07/17 - RECOMMENDATION FROM THE CYCLING ADVISORY COMMITTEE

MOTION

Moved by Cr Doyle, seconded by Cr Clausen

The Council and its Cycling Advisory Committee note the release of the Newcastle City Centre Cycleway Network Strategy. Council and members of the Cycling Advisory Committee commend Transport for NSW in undertaking this work and recognising the key role of cycleways in a well-functioning city centre. The spatial scope of the network, consideration of end of trip facilities and the emphasis on safe, separated facilities are commended. However, Council and committee members have several concerns and consider that the document has several notable limitations that will detract from an effective outcome.

Council and the Cycling Advisory Committee consider that the strategy should, at a minimum:

- 1 Nominate a clear, continuous, linear connection from west to east, including from Wickham Interchange to the NewSpace/Civic precinct and from there to Parnell Place.
- 2 Define clear connections to the Wickham Interchange from all key directions Connect to existing cycleways.

- 3 Ensure that the "pedestrian bridge" at Railway Street west of the Interchange be bike-friendly.
- 4 Request answers to the following questions:
 - i) What standing does the document Newcastle City Centre Cycleway Network Strategy have?
 - ii) How will the Newcastle City Centre Cycleway Network Strategy be implemented?
 - iii) How will implementation be funded?
 - iv) What is the timeframe for implementation of the Newcastle City Centre Cycleway Network Strategy?
- 5 That Council write to Transport for NSW and the Hunter Development Corporation (as coordinator of Revitalising Newcastle) seeking advice and clarification of matters raised in this motion.

Carried

ITEM-18 NOM 25/07/17 - COMMUTER PARKING

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

That Council:

- 1 Notes that the NSW Parliament Standing Committee on Transport and Infrastructure is undertaking an inquiry into Commuter Car Parking in NSW.
- 2 Writes to the Committee requesting that a Hearing be held in Newcastle.
- 3 Makes a submission to the Inquiry reiterating Council's support for an integrated transport solution for Newcastle, including:
 - a. support for an expanded light rail network connecting the CBD to the University, Hunter Stadium, John Hunter, Airport, and Glendale Interchange
 - b. the need for dedicated park and ride facilities to be included in an expanded light rail network (as per Council's Connecting Newcastle Vision – adopted March 2016)
 - c. the integration of active transport such as dedicated cycleways and end of use facilities within new transport infrastructure across the Lower Hunter
 - d. the removal of hundreds of inner city car parks including along Hunter Street due to Government's decision to progress with separated running light rail, and loss of parking to development (such as at the Hunter Development Corporation's sites in Honeysuckle)

- e. the popularity of the park and ride facility that previously serviced John Hunter Hospital from Hunter Stadium, which has since been removed.

Carried

ITEM-19

NOM 25/07/17 - PERMISSIBLE BUILDING CLADDING

MOTION

Moved by Cr Clausen, seconded by Cr Doyle

That Council:

- 1 Notes the devastating loss of life following the recent fire at London's Grenfell Tower, and that the recently added exterior cladding appears to have contributed to the extreme speed with which the fire spread.
- 2 Conduct a review and reports to Council on permissible building cladding in Newcastle under NSW and Australian regulation, including the existing regulations for fire resistance, and opportunities for Council to stipulate more rigid controls for development to reduce the likelihood of a similar tragedy in Newcastle; and
- 3 Assesses the feasibility of undertaking an audit of the number of properties in the Newcastle Local Government Area where potentially at-risk aluminium composite panels have been used in external building cladding.

**Carried
unanimously**

The meeting concluded at 8.17pm.