

## CITY OF NEWCASTLE

### Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 27 February 2018 at 5.39pm.

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#### 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 Rufo, E White and P Winney-Baartz.

#### IN ATTENDANCE

J Bath (Chief Executive Officer), A Baxter (Interim Director Corporate Services), K Liddell (Director Infrastructure), J Gaynor (Manager Strategic Planning), B Johnson (Media Officer), E Kolatchew (Interim Manager Legal and Governance), M Murray (Policy Officer), C Field (Executive Officer - Lord Mayors Office), A Leach (Council Services/Minutes) and A Knowles (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.

#### APOLOGIES

##### MOTION

Moved by Cr Rufo, seconded by Cr Luke

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

**Defeated**

Councillor Clausen requested it be recorded in the minutes that he was an apology for the wedding of a colleague and made the following statement:

*'Lord Mayor, I request your indulgence. By being in attendance at this evening's Council meeting, I am unable to attend the wedding of our local government colleague, Cessnock City Councillor Mark Lyons. At 5.30pm this evening Mark will be marrying his long-term partner Daniel at the Cessnock Local Courts.*

*Mark is an advocate for equality and his leadership in regional NSW must be commended. Sixty four per cent of his community in the federal electorate of Hunter returned a 'yes' vote for marriage equality at the recent postal plebiscite. Activism from local elected representatives like Mark helped deliver the overwhelming yes vote which made marriage equality law.*

*As a city that stands for equality, I would ask that our best wishes for Mark and Daniel be recorded in the minutes and I wish them the very best as they embark on their life together as a legally married couple.'*

## **DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS**

### **Councillor Brad Luke**

Councillor Luke declared a non-pecuniary less than significant conflict of interest in Item 4 - Executive Monthly Performance Report as it included the re-investment 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 John Church**

Councillor Church declared a conflict of interest both significant and pecuniary in Item-2 Confidential Property Matter and stated he would give further detail of the conflict of interest during confidential session.

## **WELCOME**

The Lord Mayor introduced and welcomed to The City of Newcastle a delegation from the Kenyan Public Service Commission for the Australian Awards Fellowship Program including the Vice Chairman of the Board, Peter Nkuraiya, CEO Alice Otwala, Head of Research and Policy Analysis and Alumni of the University of Newcastle Dr Sylvester Obongo and from the University of Newcastle Professor Jim Jose, Mr David Wise, Associate Professor Graham Brewer and Dr Patricia Johnson who were integral in obtaining a DEFAT grant which made the delegation's visit possible.

The Lord Mayor acknowledged and welcomed former Lady Mayoress Wendy Heys and her family to the Chamber.

## **PRESENTATION**

The Lord Mayor presented a 15 year Service Award to former Councillor and Deputy Lord Mayor Michael Osborne for service to The City of Newcastle. The Lord Mayor read a statement of former Councillor Osborne's many achievements whilst in office and thanked him on behalf of The City of Newcastle.

## **CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - PUBLIC VOICE COMMITTEE 5 DECEMBER 2017**

**MINUTES - ORDINARY COUNCIL MEETING 12 DECEMBER 2017**

**MINUTES - EXTRAORDINARY COUNCIL MEETING 23 JANUARY 2018**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

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

**Carried**

**LORD MAYORAL MINUTE****ITEM-2                      LMM 27/02/18 - THE NEWCASTLE AND HUNTER ENDING HOMELESSNESS PLEDGE****PROCEDURAL MOTION**

Moved by Cr Elliott, seconded by Cr Luke

Council be permitted a five minute recess to allow Councillors to read the two Lord Mayoral Minutes tabled at the meeting.

**Carried**

Council went into recess at 5.54pm and reconvened at 5.59pm.

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That Newcastle City Council:

1. Ratifies the Newcastle and Hunter Ending Homelessness Pledge and commits to working toward actions that reduce homelessness in Newcastle and the Hunter Region; and
2. Publishes a copy of The Pledge on appropriate communications channels, advising our partners, and the community, that we support the Newcastle and Hunter Ending Homelessness Pledge.

**Carried  
unanimously**

**ITEM-3                      LMM 27/02/18 - ESTABLISHMENT OF A COMMITTEE FOR GREATER NEWCASTLE****MOTION**

Moved by Lord Mayor, Cr Nelmes

That Newcastle City Council:

1. Supports the establishment of a Committee for Greater Newcastle, to advise on metropolitan-scale collaboration between community, industry and government;

2. Works with partners, including the NSW Department of Planning and Environment, and the Committee for Cities and Regions Secretariat to establish the vision and structure of a Committee for Greater Newcastle; and
3. Notes that establishing a Committee for Greater Newcastle is an important mechanism aimed at enhancing collaborative governance and driving the emergence of Newcastle as a metropolitan city on the global stage.

**Carried  
unanimously**

## REPORTS BY COUNCIL OFFICERS

### ITEM-3                      CCL 27/02/18 - QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2017

#### **MOTION**

Moved by Cr Clausen, seconded by Cr Dunn

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

In response to a question from Councillor Church regarding Part 4 and the timescale for current liabilities, the Director Corporate Services indicated he would take the question on notice.

#### **PROCEDURAL MOTION**

Moved by Cr Elliott, seconded by Cr Church

Lay the item on the table until the next Ordinary Council Meeting.

**Defeated**

Following a question from Councillor Elliott regarding whether Council was required to notify the elected Council if a contract had a \$200,000 or 20% variation, the Lord Mayor indicated that Council staff would take the question on notice.

#### **For the Motion:**

The Lord Mayor and Councillors Byrne, Clausen, Duncan, Dunn, Mackenzie, Winney-Baartz and White

#### **Against the Motion:**

Councillors Church, Elliott, Luke and Rufo.

**Carried**

**ITEM-4****CCL 27/02/18 - EXECUTIVE MONTHLY PERFORMANCE REPORT - JANUARY 2018****MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Dunn

The report be received.

**Carried**

**ITEM-5****CCL 27/02/18 - APPOINTMENT OF COUNCILLOR REPRESENTATIVES TO EXTERNAL COMMITTEES****MOTION**

Moved by Cr Clausen, seconded by Cr Winney-Baartz

**PART A**

1 That Council appoints representatives as follows:

<b>Councillor/s appointed</b>	<b>External Committee</b>	<b>Term of membership</b>
<i>Councillor Winney-Baartz</i>	Hunter Sports Centre Incorporated	27 February 2018 to 11 September 2020
<i>Councillor MacKenzie</i>	Newcastle Bush Fire Coordinating Committee	27 February 2018 to 11 September 2020
<i>Councillor Byrne and Councillor Winney-Baartz</i>	Lower Hunter Councils Transport Group	27 February 2018 to 11 September 2020

- 2 That the Chief Executive Officer appoints staff representatives to the Newcastle Bushfire Coordinating Committee and the Lower Hunter Councils Transport Group (in addition to the Councillor representative/s) for the period 27 February 2018 to 11 September 2020.
- 3 Council staff write to the chairperson of each of the above advising of the new Councillor members/representative(s) and the term of their membership.
- 4 Council does not appoint a Councillor member to the NSW Association of Mining Related Councils.

**PART B**

- 1 Council notes that the Chief Executive Officer is presently undertaking a review of the corporate structure as required under Section 333 of the *Local Government Act 1993*.
- 2 That the composition and structure of advisory committees be reviewed following the completion of this review to ensure effective Councillor and community input into decisions, and appropriate oversight and governance of the organisation.

**Carried**





**ITEM-11                    CCL 27/02/18 - MAITLAND ROAD, MAYFIELD -  
INVESTIGATION INTO POTENTIAL PEDESTRIAN REFUGES  
AND INTERSECTION REALIGNMENTS AT SEVEN  
INTERSECTIONS**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr White

Council refer proposals for a pedestrian refuge at the intersection of Woodstock Street with Maitland Road Mayfield and a raised pedestrian crossing at the intersection of Tourle Street with Maitland Road Mayfield to the Newcastle City Traffic Committee for consideration.

**Carried  
unanimously**

**ITEM-12                    CCL 27/02/18 - SUBMISSION ON DRAFT GREATER  
NEWCASTLE METROPOLITAN PLAN**

**MOTION**

Moved by Lord Mayor, Cr Nelmes, seconded by Cr Winney-Baartz

Council endorses the draft submission at **Attachment A** (including the table) to be made by the Lord Mayor and the Chief Executive Officer on the Draft Greater Newcastle Metropolitan Plan for lodgment with the Department of Planning and Environment.

Councillor Clausen distributed a copy of The Australian Industry Group's response to the Draft Greater Newcastle Metropolitan Plan 2036 to Councillors.

**Carried  
unanimously**

**ITEM-13                    CCL 27/02/18 - ADOPTION OF COMMUNITY GRANT AND  
SPONSORSHIP POLICIES**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

- 1 Council adopts the Events Sponsorship Program policy, the Economic Development Sponsorship policy and the Community Place Making policy.
- 2 Council rescinds the existing Place Making Grant and Community Assistance Grant policies.

**Carried  
unanimously**



**ITEM-14**

**CCL 27/02/18 - EXHIBITION OF DRAFT SECTION 6.03  
WICKHAM OF NEWCASTLE DEVELOPMENT CONTROL PLAN  
2012**

**MOTION**

Moved by Cr White, seconded by Cr Duncan

1 Council resolves to:

- i) Publicly exhibit the draft DCP for 28 days in accordance with the requirements of Clause 18 of the Environmental Planning and Assessment Regulation 2000.
- ii) Receive a report on written feedback provided by stakeholders during the public exhibition period and any further amendments arising from these as per Clause 21 of the Environmental Planning and Assessment Regulation 2000.

Following a question from Councillor Duncan whether the relevant and appropriate controls were in place with regard to protecting the social and industrial heritage of Wickham, the Manager Strategic Planning indicated she would take the question on notice.

**For the Motion:**

The Lord Mayor and Councillors Byrne, Church, Clausen, Duncan, Dunn, Elliott, Luke, Mackenzie, Rufo, Winney-Baartz and White

**Against the Motion:**

Nil.

**Carried**

**ITEM-15**

**CCL 27/02/18 - EXHIBITION OF THE DRAFT ABORIGINAL  
HERITAGE MANAGEMENT STRATEGY**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr White

Council resolves to:

- i) Place the draft *Aboriginal Heritage Management Strategy Attachment A* on public exhibition for 4 weeks.
- ii) Receive a report back on the outcomes of the public exhibition.

**Carried  
unanimously**



**ITEM-19****CCL 27/02/18 - NOMINATION FOR MEMBERSHIP OF A HUNTER JOINT ORGANISATION OF COUNCILS****MOTION**

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

- 1 That Council informs the Minister for Local Government (Minister) of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation.
- 2 That the Joint Organisation includes Newcastle City Council and any two or more of the following councils as additional members of the Joint Organisation: Cessnock, Dungog, Lake Macquarie, Maitland, MidCoast, Muswellbrook, Port Stephens, Singleton or Upper Hunter.
- 3 That the Lord Mayor and Chief Executive Officer take all necessary steps to finalise Council's Joint Organisation Nomination – Forming a Joint Organisation Checklist including finalisation of membership with preference to form a Joint Organisation with the five Lower Hunter Council's based on our joint advocacy to deliver the Greater Newcastle Metropolitan Plan.
- 4 That before 23 March 2018, the Chief Executive Officer provides the Minister with a copy of this resolution and Council's Joint Organisation Nomination – Forming a Joint Organisation Checklist.
- 5 That, on the expiry of a period of 28 days from the making of this resolution, the Chief Executive Officer informs the Minister whether this resolution has been rescinded.

**Carried  
unanimously**

**NOTICES OF MOTION****ITEM-2****NOM 27/02/18 - CARRINGTON PARKLANDS CONCEPT PLAN****MOTION**

Moved by Cr White, seconded by Cr Church

That Newcastle City Council:

Seek funding within the 2018/2019 Operation Plan to commence community engagement towards the future development of a Carrington Parkland Concept Plan.

**Carried  
unanimously**

**ITEM-3****NOM 27/02/18 - OFFSHORE COAL, OIL AND GAS EXPLORATION AND MINING**

Councillor Elliott stated that she worked for a company currently undertaking seismic testing offshore from Melbourne and declared a non-pecuniary interest and retired from the Chamber for this item.

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Byrne

That Council:

1. Reaffirms its opposition to both offshore exploration and mining activity due to unacceptable environmental impacts, and negative economic impacts on the recreational and commercial fishing and tourism industries.
2. Makes a formal submission to the NSW Government and the Federal Government to request:
  - a. The current approval for exploration activity associated with Petroleum Exploration Permit 11 (PEP 11) be reviewed based on a full assessment of the environmental impact of both the exploration activity and the potential mining activity associated with this approval; and
  - b. That future offshore oil and gas development on the NSW Coast from Illawarra to Port Stephens be prohibited.
3. Liaise with the Port Stephens, Lake Macquarie and Central Coast Councils to communicate this decision and identify opportunities for collaboration on this matter.

Councillor Church indicated that he would be abstaining from the vote due to his belief that the motion was a matter for State Government. The Lord Mayor advised that in Council's Code of Meeting Practice abstaining from a vote would be recorded as voting in the negative.

Councillor Duncan gave notice of a foreshadowed motion. The Lord Mayor advised that as it was similar to the motion before the Chair it could be moved as an amendment.

**AMENDMENT**

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

1. Notes previous opposition to offshore exploration on the grounds of environmental and economic impacts on recreational and commercial fishing and tourism.

2. Makes a formal submission to the NSW Government and the Federal Government to request:

The current approval for exploration activity associated with Petroleum Exploration Permit 11 (PEP 11) be reviewed based on a full assessment of the environmental and economic impacts of the exploration activity associated with this approval.

3. Notes the NSW Government's Minister for Resources, Energy and Utilities, the Hon. Don Harwin MLC, has publically opposed exploration off the Newcastle coast, asserting that federal approval processes are not robust and do not adequately consider the environment risks of testing, while the Federal Government's National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), under direction of the Federal Minister for Resources, has approved exploration.
4. Writes to Federal Minister for Resources, Senator the Hon. Matthew Canavan, seeking Minister Canavan's guarantee that Minister Harwin's comments are incorrect, and his assurance that exploration will have no negative impacts on the local environment, marine life or industry around Newcastle.

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

**Carried**

The motion moved by Councillors Mackenzie and Byrne, as amended, was put to the meeting.

**Carried unanimously**

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

**ITEM-4                      NOM 27/02/18 - HAMILTON CONCEPT MASTER PLAN FOR JAMES STREET PLAZA**

**MOTION**

Moved by Cr Duncan, seconded by Cr Clausen

That Newcastle City Council:

1. Develops a Hamilton Concept Masterplan, focussing initially on James Street Plaza and noting that the approximate cost will be a minimum \$20,000 plus possible crime prevention through environmental design and heritage reviews and if the BIA can contribute \$10,000, this project can be put in next year's budget.

2. Explores the need for an assessment of Crime Prevention through Environmental Design (CPTED) techniques to improve amenity and safety at James Street Plaza; and
3. Council consults with the Hamilton BIA through the development of the concept plan taking into consideration the BIA's views and experience.

**Carried  
unanimously**

**ITEM-5                      NOM 27/02/18 - NEWCASTLE CITY COUNCIL LIVE MUSIC STRATEGY**

Councillor Duncan tabled a letter from Brian and Jo Lizotte, owners of Lizotte's live music venue addressed to Councillor Duncan and Tim Crakanthorp MP, Member for Newcastle regarding "Lizotte's continued role in Newcastle live music and entertainment".

**MOTION**

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

That Newcastle City Council:

1. Notes that the City of Newcastle has a proud and rich history of celebrating and promoting live music;
2. Notes that the City of Newcastle's night time economy is now worth \$1.4 billion and employs over 12,000 people, including many in the live music industry;
3. Supports the creation of a *Newcastle Local Live Music Industry Advisory Group* to advise all three tiers of government on policy development aimed at supporting the growth and sustainability of Newcastle's live music industry;
4. Embeds a commitment to a vibrant live music scene in the next iteration of the Community Strategic Plan (CSP) and works to finalise the draft Newcastle After Dark Night-time Economy Strategy, including a detailed Live Music Strategy, guided by best practice local government principles for live music policy as developed by the New South Wales Government's Live Music Office;
5. Implements actions to achieve the protection of the Newcastle live music industry and the Newcastle night-time economy including changes to S149 Certificates and consideration of Acoustic Privacy Conditions; and
6. Develops a process to make available Council owned venues like the Civic Playhouse and City Hall Banquet Room for in-kind use on certain days by live music providers catering for all-ages gigs.

The action plan and its recommendations could be considered by the City of Newcastle for adoption and implementation.

**For the Motion:**

The Lord Mayor and Councillors Byrne, Church, Clausen, Duncan, Dunn, Elliott, Luke, Mackenzie, Rufo, Winney-Baartz and White

**Against the Motion:**

Nil.

**Carried**

**CONFIDENTIAL REPORTS**

**PROCEDURAL MOTION**

Moved by Cr White, seconded by Cr Winney-Baartz

Council move into confidential session for the reasons outlined in the business papers.

**Carried**

Council moved into confidential session at 8.15pm.

During confidential session:

- Councillor Church declared a significant pecuniary interest in Item 2 - Confidential Property Matter - Road Closure and Sale of Road Reserve Adjoining Lot 1 DP 715924 and retired from the Chamber at 8.17pm.
- A procedural motion was moved by Councillors Duncan and Byrne to reconvene open Council and carried.

Council reconvened at 8.19pm and the Chief Executive Officer reported the resolution of confidential session with regard to Item 2 Confidential Property Matter - Road closure and sale of Road Reserve Adjoining LOT 1 DP 715924.

**ITEM-2                      CON 27/02/18 - CONFIDENTIAL PROPERTY MATTER - ROAD CLOSURE AND SALE OF ROAD RESERVE ADJOINING LOT 1 DP 715924**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Dunn

- 1 (a) Council endorses the closure of the road reserve adjoining Lot 1 DP 715924;
- (b) Subject to receiving approval for the road closure from the Crown (NSW Department of Industry - Crown Lands and Water), Council approves the sale of the parcel of land to the adjoining owner for the valuation determined by an independent certified valuer. All costs including legal, survey and service relocation will be borne by the applicant;
- (c) Authority be granted to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the transactions; and
- (d) The revenue received by Council from the sale of the land be transferred to the Land and Property Reserve.

- 2 This confidential report relating to the matters specified in s. 10A(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 8.20pm**