

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 22 May 2018 at 5.39pm.

PRESENT

The Lord Mayor (Councillor N Nelmes *arrived 5.59pm*), Councillors M Byrne, J Church, D Clausen, C Duncan, J Dunn, K Elliott, J Mackenzie, A Robinson, A Rufo, E White and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), A Jones (Interim Director Corporate Services), K Liddell (Director Infrastructure), T Askew (Acting Director Planning and Regulatory), E Kolatchew (Interim Manager Legal and Governance), M Cherry (Manager - Rates, Debt Management), D North (Manager Waste Services), I Challis (Interim Manager Projects and Contracts), I Rhodes (Acting Manager Strategic Planning), P Burke (Acting Manager Infrastructure), B Johnson (Media Officer), C Field (Executive Officer - Lord Mayor's Office), M Murray (Policy Officer, Lord Mayor's Office), K Sullivan (Council Services/Minutes) and A Leach (Council Services/Webcasting).

CHAIRPERSON

The Deputy Lord Mayor, Councillor Clausen, stated that the Lord Mayor was running late due to her involvement in a school excursion to Sydney and had requested the meeting commence in her absence.

The Deputy Lord Mayor took the Chair and opened the meeting.

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

The Deputy 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 Church, seconded by Cr Rufo

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - ORDINARY COUNCIL MEETING 1 MAY 2018

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

The draft minutes as circulated be taken as read and confirmed subject to Councillor Elliott's name being spelt correctly in the apology moved on her behalf (ie, ~~Elliott~~ to Elliott).

Carried

LORD MAYORAL MINUTE

ITEM-8 LMM 22/05/18 - CITY OF NEWCASTLE NEW SOUTH WALES BUDGET SUBMISSION

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr White

Lord Mayoral Minute Item 8 - *City of Newcastle New South Wales Budget Submission*, be moved to the end of the Officers Reports to follow Item 51.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-39 CCL 22/05/18 - EXECUTIVE MONTHLY PERFORMANCE REPORT - APRIL 2018

MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

The report be received.

Carried

ITEM-41 CCL 22/05/18 - TABLING PECUNIARY INTEREST RETURNS - PERIOD BETWEEN 1 FEBRUARY 2018 AND 30 APRIL 2018

MOTION

Moved by Cr Mackenzie, seconded by Cr Dunn

Council to note the pecuniary interest returns as tabled by the Chief Executive Officer received from designated persons between 1 February 2018 and 30 April 2018.

Carried

ITEM-50 **CCL 22/05/18 - ENDORSEMENT OF EXHIBITION OF AMENDMENT TO ALCOHOL FREE ZONE IN MAYFIELD**

MOTION

Moved by Cr Mackenzie, seconded by Cr White

Council resolves to:

- i) Place the updated Mayfield Alcohol Free Zone (AFZ) as provided in **Attachment A** on public exhibition for 30 days.
- ii) Receive a report back on the outcomes of the public exhibition.

Carried

ITEM-40 **CCL 22/05/18 - QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2018**

MOTION

Moved by Cr Dunn, seconded by Cr Winney-Baartz

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

Carried

ITEM-42 **CCL 22/05/18 - PUBLIC EXHIBITION OF DRAFT DOGS IN OPEN SPACES STRATEGY**

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

- 1 Place the draft Newcastle City Council Dogs in Open Spaces Strategy as outlined at **Attachment A** on public exhibition for a period of 90 days.
- 2 That the Lord Mayor writes to Newcastle dog owners who have their email/postal details registered with council with a newsletter summary of the draft Dogs in Open Spaces Strategy for feedback, and information on responsible pet ownership.
- 3 Receive a report following the public exhibition period.

AMENDMENT

Moved by Cr Elliott, seconded by Cr Church

- 1 Place the draft Newcastle City Council Dogs in Open Spaces Strategy as outlined at **Attachment A** on public exhibition for a period of 90 days.
- 2 That Council writes to Newcastle dog owners who have their email/postal details registered with council with a newsletter summary of the draft Dogs in Open Spaces Strategy for feedback, and information on responsible pet ownership.

3 Receive a report following the public exhibition period.

Defeated

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

Carried

ITEM-43 CCL 22/05/18 - ADOPTION OF WALLSEND PUBLIC DOMAIN AND TRAFFIC PLANS

MOTION

Moved by Cr Dunn, seconded by Cr Byrne

Adopt the Wallsend Public Domain Plan and associated Traffic Management Plan as set out in **Attachment A** subject to the deletion of the proposed 10 timed car parking spaces in the Kemp Street car park.

The Lord Mayor arrived at the meeting at 5.59pm.

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

Carried

At 6.03pm, Council resolved for a short recess to allow the Deputy Lord Mayor to step down from the Chair.

The Lord Mayor took the Chair at 6.04pm.

ITEM-44 CCL 22/05/18 - HARRIET STREET, WARATAH - PROPOSED PEDESTRIAN CROSSING NORTH OF HIGH STREET

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

Approve the proposed pedestrian crossing on Harriet Street, Waratah as shown in **Attachment A**.

**Carried
unanimously**

ITEM-45 CCL 22/05/18 - PUBLIC EXHIBITION OF DRAFT OUTDOOR EXERCISE FACILITY STRATEGY

MOTION

Moved by Cr Winney-Baartz, seconded by Cr White

- 1 Place the draft Newcastle City Council Outdoor Exercise Facility Strategy on public exhibition for a period of 28 days.
- 2 Receive a report following the public exhibition period.

**Carried
unanimously**

ITEM-46 CCL 22/05/18 - DELEGATION TO PUBLICLY EXHIBIT THE NEWCASTLE COASTAL ZONE MANAGEMENT PLAN - STOCKTON

MOTION

Moved by Cr Mackenzie, seconded by Cr Church

Council delegate authority to the Lord Mayor and Chief Executive Officer to publicly exhibit the draft Newcastle Coastal Zone Management Plan - Stockton.

**Carried
unanimously**

ITEM-47 CCL 22/05/18 - CALL FOR NOMINATIONS FOR THE COMMUNITY PLACE MAKING PROJECT GRANT PANEL

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

- 1 That Council appoints representatives as follows:

Councillors appointed	Panel	Term of membership
Ward 1 Cr John Mackenzie Ward 2 Cr Carol Duncan Ward 3 Cr Andrea Rufo Ward 4 Cr Matthew Byrne	Community Place Making Grant Panel	22 May 2018 to 11 September 2020

- 2 Panel Facilitator will contact nominated Councillors and advise of the inaugural meeting date.

**Carried
unanimously**

ITEM-48

CCL 22/05/18 - ADOPTION OF NEWCASTLE AFFORDABLE LIVING PLAN

MOTION

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

- A Council resolves to adopt the Newcastle Affordable Living Plan (Plan) as provided in **Attachment A**.
- B That Council writes to the NSW Minister for Planning, Minister for Housing and Special Minister of State, the Hon Anthony Roberts MP, requesting a review of *State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)* to include The City of Newcastle so that Council can consider opportunities to levy contributions to deliver additional affordable housing in the Newcastle Local Government Area.

Councillor Church identified a significant pecuniary conflict of interest in respect to Part B of the motion in that his employer dealt with a number of developers who may at some time in the future receive a levy contribution request.

He also identified the same interest in Lord Mayoral Minute Item 8 - *City of Newcastle New South Wales Budget Submission*, as it included mentions of affordable living.

Councillor Church stated that he would leave the Chamber for deliberations on both items and left the Chamber at 6.24pm.

The motion moved by Councillor Clausen and seconded by Lord Mayor, Councillor Nelmes was put to the meeting.

**Carried
unanimously**

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

ITEM-49

CCL 22/05/18 - WICKHAM AMENDMENTS - ENDORSEMENT OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

MOTION

Moved by Cr White, seconded by Cr Mackenzie

Council resolves to:

- i) Endorse the attached Planning Proposal (**Attachment A**), prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979.

- ii) Forward the Planning Proposal to the Minister for Planning and Environment for Gateway Determination pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.
- iii) Receive a report back on the Planning Proposal following the public exhibition.

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-51 CCL 22/05/18 - AA COMPANY HOUSE - ENDORSEMENT OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

MOTION

Moved by Cr Duncan, seconded by Cr Mackenzie

Council resolves to:

- i) Note the attached Gateway Determination (**Attachment B**), issued by the Department of Planning and Environment on 22 January 2018 to amend Newcastle Local Environmental Plan 2012 (LEP) as outlined in the following table:

Schedule 5 Environmental Heritage					
Part 1 Heritage Items					
Suburb	Item Name	Address	Property Description	Significance	Item No
Hamilton	AA Company House	195 Denison	Lot 211, DP 1122139	State	I126
Hamilton	AA Company House (curtilage)	195A Denison	Lot 212, DP1122139 and Lot 3, DP 153592	Local	I701
Hamilton	AA Company House (curtilage)	197 Denison	Lot 3, DP 153592	Local	I702

- ii) Exhibit the planning proposal (**Attachment A**) for 14 days in accordance with gateway determination.

- iii) Receive a report back if a written objection is received during consultation with the community as per the requirements of Section 3.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), otherwise forward the Planning Proposal to the Secretary, for Planning and Environment requesting the proposed amendment to the LEP be made.

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

LORD MAYORAL MINUTE

ITEM-8 LMM 22/05/18 - CITY OF NEWCASTLE NEW SOUTH WALES BUDGET SUBMISSION

Councillor Church left the Chamber having regard to his declaration of interest made during Item 48 - *Adoption of Newcastle Affordable Living Plan*.

MOTION

Moved by Lord Mayor, Cr Nelmes

That Council:

- 1 Notes that the New South Wales Government will hand down the 2018-19 Budget on Tuesday, 19 June 2018;
- 2 Calls on the New South Wales Government to deliver a number of key priority projects that would benefit the City of Newcastle;
- 3 Writes to the New South Wales Treasurer, the Hon Dominic Perrottet MP, outlining key projects that should be delivered in the 2018-19 New South Wales Budget, prior to 1 June 2018 including that The City of Newcastle advocates to be included in SEPP 70.

**Carried
unanimously**

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

NOTICES OF MOTION

ITEM-9 NOM 22/05/18 - PENSIONER REBATES

MOTION

Moved by Cr Church, seconded by Cr Elliott

- 1 That Newcastle City Council introduce an additional \$100 voluntary annual rebate for eligible pensioners who have lived in the City of Newcastle for five full financial years and that this rebate would be available starting in financial year 2018/2019.
- 2 That this rebate would be in addition to the Mandatory Pensioner Rebate of \$250 per annum which is funded 45% by council and 55% by the NSW State Government
- 3 That this voluntary rebate would be reviewed each financial year based on council's financial position and with regard to the cost of living pressures faced by eligible pensioners at that time.

AMENDMENT

Moved by Cr Clausen, seconded by Cr Dunn

- 1 Council writes to the State Government and recommends that it consider an improved pensioner concession scheme by indexing the amount of the concession annually in accordance with movements in the CPI or rate-peg - whichever is greater. This scheme should be fully funded by the State Government as is the case with all other States.
- 2 Council promotes the existing rates assistance provisions available to pensioners by inclusion of advertised material to accompany the annual rates and charges notices.

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

Carried

The amendment then became the motion.

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

For the Motion:

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

Against the Motion:

Councillors Church, Elliott, Robinson and Rufo.

Carried

ITEM-10**NOM 22/05/18 - SOLAR UPTAKE**

Councillor Robinson left the Chamber at 7.25pm and returned at 7.29pm.

Councillor Rufo left the Chamber at 7.26pm and returned at 7.29pm.

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

- 1 Notes the article in the Sun-Herald on 6 May 2018 (Attachment A) which highlights that Newcastle West is in the bottom 4 suburbs in NSW for solar uptake.
- 2 Notes the election commitment from the Newcastle Independents to address solar uptake on residential apartment buildings (Attachment B).
- 3 Notes that 8 months have passed since the September 2017 election and no action has been taken by the Newcastle Independents on this issue.
- 4 Notes the August 2016 report by Pitt and Sherry for City of Sydney titled 'Accelerating Net-Zero High-Rise Residential Buildings in Australia' (Attachment C) which concludes that net-zero residential buildings are technically feasible and cost effective.
- 5 Receives a report outlining opportunities to help boost solar, electric vehicle and battery storage uptake on residential buildings, particularly on high rise apartment complexes and dwellings owned by pensioners, and considered opportunities to support residents in realising the benefits of solar including schemes similar to the Victorian Solar Savers program being delivered in partnership with local councils.

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
unanimously**

ITEM-11 NOM 22/05/18 - RV DISPOSAL POINTS

MOTION

Moved by Cr White, seconded by Cr Winney-Baartz

- 1 Note the media release from the Parliamentary Secretary for the Hunter announcing \$500 thousand in funding for RV disposal points in the Hunter **(Attachment A)**.
- 2 Investigates the installation of new RV Disposal Points within the Newcastle LGA, including by working with the Campervan and Motorhome Club of Australia (CMCA), the NSW Government, Hunter Water, tourism and economic development groups and other stakeholders.
- 3 Receives a report summarising these opportunities, and any funding requirements.
- 4 Invites CMCA to present to Council at a future Briefings Committee meeting, noting that CMCA is based in Newcastle.

Carried

ITEM-12 NOM 22/5/18 - NEWCASTLE AS A WELCOMING CITY AND REFUGEE WEEK

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That Council

- Note the dates for Refugee Week 2018, an initiative of the Refugee Council of Australia, as Sunday 17 June to Saturday 23 June 2018.
- Note the historical leadership of Newcastle Council on refugee and multicultural issues, including as the second city in Australia to declare itself a “refugee welcome zone” in 2004. Further, that Council note the recommitment to that declaration on 28 May 2015.
- Work with the Refugee Council of Australia to promote local community activities that celebrate Refugee Week, as per our commitment in the Newcastle Multicultural Plan (2016-2019).
- Initiate the process of becoming accredited as a Welcoming City by providing a briefing to the Executive and Councillors on key considerations and opportunities of joining the Welcoming City network.
- Prepare a report for the consideration of Councillors, in consultation with local community groups and service providers, that identifies options, opportunities and gaps in Council programs and services that could enhance Council’s support for the settlement of refugees in Newcastle.

**Carried
unanimously**

ITEM-13**NOM 22/5/18 - TIGHES HILL COMMUNITY GARDEN****MOTION**

Moved by Cr Mackenzie, seconded by Cr White

That Council

- Acknowledges and affirms the contributions of the Tighes Hill Community Garden to Newcastle Council's strategic priorities outlined in the draft *Newcastle 2030 Community Strategic Plan*, including through:
 - Providing an accessible, inclusive and supportive place that facilitates diverse activity and strengthens social connections
 - Encouraging and supporting active community participation in local environmental projects
 - Providing facilities that encourage social inclusion and community connections
 - Contributing to active and healthy communities, with regard to personal and community physical and mental health and wellbeing
 - Creating and maintaining sustainable, community-based infrastructure to support a liveable environment
 - Demonstrating the value of active citizen engagement in local planning and decision-making processes and shared responsibility for achieving Council's development goals.
- Provide the Tighes Hill Community Garden with a formal letter of reference in support of their work and achievements to date, and in support of their continuing contributions to the Newcastle community.
- Commit to supporting the relocation of the Tighes Hill Community Garden, if required, through identifying and securing an alternative location and other logistic needs as identified in consultation with the group.

**Carried
unanimously**

CONFIDENTIAL REPORTS**ITEM-7****CON 22/05/18 - CONTRACT 2018/320T - CONSTRUCTION OF
SMALL VEHICLE RECEIVAL CENTRE AT SUMMERHILL
WASTE MANAGEMENT CENTRE****PROCEDURAL MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

Council move into confidential session for the reasons outlined in the Business Papers.

Carried

Council moved into confidential session at 7.59pm.

During confidential session a procedural motion was moved by Councillor Rufo and seconded by Councillor Duncan to move out of confidential session and into open Council.

