

## CITY OF NEWCASTLE

### Minutes of the Extraordinary Council Meeting held via video conferencing platform Zoom on Tuesday 1 September 2020 at 6.04pm.

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#### PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, D Clausen, C Duncan, B Luke, J Mackenzie, A Robinson, A Rufo and P Winney-Baartz.

#### IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), K Liddell (Director Infrastructure and Property), F Leatham (Director People and Culture), B Smith (Director Strategy and Engagement), A Jones (Manager City Wide Services), E Kolatchew (Manager Legal), S Moore (Acting Chief Financial Officer), M Bisson (Manager Regulatory, Planning and Assessment), A Abbott (Manager Community Strategy and Innovation), N Bavinton (Innovation and Futures Manager), L Duffy (Manager City Wide Services), K Sullivan (Councillor Services/Minutes), E Horder (Councillor Services/Meeting Support), G Axelsson (Information Technology Support) and S Ray (Information Technology Support).

#### 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 Rufo

The apologies submitted on behalf of Councillor Church, Dunn, Elliott and White be received and leave of absence granted.

**Carried**

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

##### Councillor Rufo

Councillor Rufo declared a non-pecuniary, significant conflict in Item 62 – Activation of Newcastle After Dark Strategy stating that members of his family owned and ran small bars in Newcastle with one being named in the report as one of 27 venues opting to participate in the proposed trial.

### **Councillor Rufo**

Councillor Rufo declared a non-pecuniary, significant conflict in Item 62 – Activation of Newcastle After Dark Strategy stating that the Australian Hotels Association (AHA) Sub-Branch Newcastle and Hunter had generously donated to a fund raiser that he ran which raised funds for Breast Cancer research.

Councillor Rufo stated that he would manage both conflicts by removing himself from the discussion.

## **CONFIRMATION OF PREVIOUS MINUTES**

Nil.

## **REPORTS BY COUNCIL OFFICERS**

### **ITEM-62                      CCL 01/09/20 - ACTIVATION OF THE NEWCASTLE AFTER DARK STRATEGY**

Councillor Rufo left the meeting for discussion on the item at 6.10pm.

In moving the motion, Councillor Clausen moved an additional Part B and Part C to the motion.

### **MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

### **PART A**

That Council:

- 1 Supports a controlled trial of amended late-night trading hours of operation conditions on specific and targeted low-impact and low-risk venues in the Newcastle City Centre to promote the activation and recovery of the Newcastle night-time economy, as proposed in the approved Newcastle After Dark Strategy 2018-2022.
- 2 Endorses the temporary amendment to the Newcastle Local Environment Plan (LEP) to facilitate the trial, as requested by the Minister for Planning, noting that the Department of Planning, Industry and Environment (DPIE) is required to seek public feedback on any draft instrument for a period of 14 days.

### **PART B**

That City of Newcastle:

- 1 Notes correspondence (**Attachment A**) received from a group of concerned Newcastle East residents, asking for the inclusion of an independent residents' representative member on the Committee for Night-time Jobs and Investment (The Committee). The correspondence was received from:

- Keran Davis, Newcastle East Residents Group (NERG)
  - Brian Ladd, Newcastle Inner City Residents Alliance (NICRA)
  - Barb Ferris, Hunter Community Forum (HCF)
  - Neil Allen, Newcastle company director and advocate for inner city businesses
  - Chris Welbourne, Newcastle inner city resident
  - Dr Anthony Cook, Newcastle inner city resident and medical professional
- 2 Supports the inclusion of a Newcastle East resident representative on the Committee for Night-time Jobs and Investment, noting that the correspondence from Newcastle East Residents suggests Dr Anthony Cook as the resident representative on the Committee; and
- 3 Writes to the Minister for Customer Service, the Hon. Victor Dominello MP, requesting the Minister to re-instate Newcastle based Liquor Licensing Compliance Officers, to both assist in overseeing proposed licensing regulatory changes, and to gather crucial data throughout the Newcastle Night-time Economy trial.

### **PART C**

That City of Newcastle:

- 1 Receives a report on the outcome of the DPIE public exhibition period referenced in Part A at the September 2020 Ordinary Council Meeting.

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

**Against the Motion:** Nil.

**Carried  
unanimously**

Councillor Rufo did not return to the meeting prior to conclusion of the meeting.

**The meeting concluded at 6.39pm.**

**Attachment A:** Correspondence from a group of concerned Newcastle inner city residents, requesting a resident representative on the Committee for Night-time Jobs and Investment.

**Councillor Nuatali Nelmes**  
Lord Mayor, City of Newcastle

28 August 2020

**RE: Newcastle Small Bars Review**

Dear Lord Mayor Nelmes,

Thank you for the zoom meeting with members of our combined groups yesterday, to discuss growing community concerns about proposed changes to the operation and regulation of licensed premises in Newcastle. In particular, we appreciated the opportunity to discuss with you and Cr. John Mackenzie, important aspects about the Newcastle Small Bars Review.

Many Newcastle residents are disappointed that the unfolding Newcastle Small Bars Review, which is chaired by Mark Latham MLC, appears driven by interests largely outside of Newcastle.

We understood the Newcastle Small Bars Review was established to investigate the late night operation of seven city bars. However it was recently expanded to include approximately 120 licensed restaurants and cafes. We are concerned that there has been no community consultation for the Newcastle Small Bars Review (apart from the meetings our combined group has initiated). While no Terms of Reference appear to exist, a Newcastle Small Bars Review Committee has already been appointed. The Review Committee appears heavily weighted towards industry participants.

To provide some balance the Review Committee should have an independent residents' representative member, as any changes to city licensing regulations will directly impact residents. Our combined groups have identified an outstanding inner city resident, Dr. Anthony Cook, whom we wish to represent our interests on the Newcastle Small Bars Review Committee. We thank you for your endorsement of this proposal and hope you can assist us achieve this outcome.

We were also very pleased you saw merit in the re-appointment of Liquor Licensing Compliance Officers in Newcastle. Compliance Officers were successfully based in Newcastle prior to 2016.

Our combined groups urge the NSW government, Liquor and Gaming NSW and ILGA to reinstate Newcastle based Liquor Licensing Compliance Officers, to play a vital role overseeing proposed licensing regulatory changes and to gather relevant information /data for the Newcastle Small Bars Review. The roles of licensing compliance officers should operate in “real time”\* during the night-time economy.

We thank you for your support and look forward to your reply to our request for an independent and informed resident’s voice on the Newcastle Small Bars Review Committee and the re-instatement of Liquor Licensing Compliance Officers in Newcastle.

Thank you again.

Kind regards,

**Brian Ladd**, on behalf of the undersigned groups and individuals:

Keran Davis, Newcastle East Residents Group (NERG)

Barb Ferris, Hunter Community Forum (HCF)

Neil Allen, Newcastle company director and advocate for inner city businesses

Chris Welbourne, Newcastle inner city resident

Dr. Anthony Cook, Newcastle inner city resident and medical professional

Brian Ladd, Newcastle Inner City Residents Alliance (NICRA)

\* “real time” means during the evening operating hours of licensed venues.

C.c. Cr. John Mackenzie, Council of Newcastle