

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 1 May 2018 at 5.33pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors J Church, D Clausen, C Duncan, J Dunn (arrived 5.38pm), B Luke, J Mackenzie, A Robinson, E White and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), A Jones (Interim Director Corporate Services), J Rigby (Acting Director Infrastructure), J Gaynor (Interim Director Planning and Regulatory), S Moore (Manager Business Partnering), K Arnott (Corporate Strategist), M Cherry (Manager Rates and Debt Management), E Kolatchew (Interim Legal and Governance Manager), M Murray (Policy Officer), C Field (Executive Assistant to the Lord Mayor), B Johnson and N Keene (Communications), A Leach (Council Services/Minutes) and K Sullivan (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 Clausen, seconded by Cr Duncan

The apologies submitted on behalf of Councillors Byrne and Rufo be received and leave of absence granted.

Carried

MOTION

Moved by Cr Luke, seconded by Cr Church

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

Defeated

ITEM-6**LMM 01/05/18 - INTERNATIONAL WORKERS' DAY 2018****MOTION**

Moved by Lord Mayor, Cr Nelmes

That Newcastle City Council:

- 1 Notes that 1 May 2018 marks the occasion of International Workers' Day 2018, otherwise known as Labour Day, or May Day;
- 2 Recognises that International Workers' Day is an important occasion to recognise the role of workers and the organised Labour movement in achieving significant workplace rights such as an eight hour working day, annual leave, sick and carers leave, long service leave, maternity leave, superannuation, penalty rates, health and safety and workers' compensation, meal and rest breaks, collective bargaining and equal pay for women; leading to the quality of life that Novocastrians enjoy today;
- 3 Acknowledges that 28 April 2018 marked International Day of Mourning, remembering those who lost their life through a workplace incident or occupational disease.
- 4 Reaffirms our commitment to doing all that we can to ensure that every Novocastrian worker is safe and protected, and able to return home safely to their families after each day at work.

For the Motion:

Lord Mayor, Cr Nelmes and Councillors Clausen, Duncan, Dunn, McKenzie, White and Winney-Bartz

Against the Motion:

Councillors Church and Luke.

Carried

Councillor Robinson left the Chamber at 5.51pm and returned at 5.59pm and was absent from the Chamber for the vote on this item.

ITEM-7**LMM 01/05/18 - LOW COST INFRASTRUCTURE LOAN INITIATIVE****MOTION**

Moved by Lord Mayor, Cr Nelmes

That Council:

- 1 Notes that the NSW Government has announced the creation of the *Low Cost Loan Initiative*, aimed at assisting councils to fund critical infrastructure projects that support new homes;
- 2 Notes that Local Government NSW President Cr Linda Scott has encouraged all eligible councils to consider applying for funding through the Initiative;
- 3 Explores opportunities that may exist to apply for Infrastructure loans under the *Low Cost Loans Initiative*, to fund critical new infrastructure to support new housing within the Newcastle Local Government Area (LGA), noting that applications must be received by 1 July 2018.

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-33 CCL 01/05/18 - EXECUTIVE MONTHLY PERFORMANCE REPORT - MARCH 2018

MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

The report be received.

Carried

ITEM-34 CCL 01/05/18 - EXHIBITION OF DRAFT 2018/19 OUR BUDGET AND DRAFT 2018/19 FEES AND CHARGES REGISTER

MOTION

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

- 1 Council places the draft 2018/19 Our Budget (2018-2022 Delivery Program and 2018/19 Operational Plan) and the draft 2018/19 Fees and Charges Register on public exhibition for 28 days prior to final consideration by Council.
- 2 The following additional wording be added to page 67 of Attachment A - Our 2018/19 Budget - Rating Structure:

'Property owners who pay the City Centre benefit (special rate) may apply for rate assistance of an amount up to 50% of the special rate levied for 2018/19. This assistance is conditional on the property owner committing this reimbursement to their tenant/s whose business is suffering financial hardship due to the light rail construction.'

'Property owners and tenants will be required to complete and submit an application form with supporting evidence to Council to be eligible'.

- 3 The fees and charges for Beresfield Swimming Centre as outlined on pages 26 to 28 of the Draft 2018/19 Fees and Charges Register are to remain the same as the 2017/18 budget with the exception of life guard fees within the document to be exhibited.

Councillor Luke raised the following questions regarding Part 2 of the motion and requested they be taken on notice:

- What was Council's legal basis in order to enact Part 2 of the motion? Could Councillors be provided with the legal documentation supporting this?;
- Who was going to decide which property owners receive the rebate? Was there going to be a body or group that make the decision?;
- How would Council know how property owners have used the rebate?;
- On what legal basis gave Council the power to tell property owners how to use the rebate?;

- How will Council enforce the proposal?; and
- Given the requirement for the Minister for Local Government to approve the Special Rate, had the Minister's approval been sought and received in regard to this change?

Councillor Mackenzie requested clarification on the legality of the rate variation.

The Chief Executive Officer (CEO) advised that Council could legally rebate up to 50% of the Special Rate Levy for those businesses that were situated within the Business Improvement Area (BIA) and that would normally be transferred to Newcastle NOW.

The CEO confirmed that Council was not required to seek approval from the Minister for Local Government to rebate a Special Levy and confirmed that the program would be administered by Council's Finance department. The CEO added that Council was currently determining the resources for this program and further details would be forwarded to Councillors by way of a memo.

The CEO advised that the rebate would be processed and paid after confirming the corresponding amount would be forwarded to tenants.

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

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

Against the Motion: Councillors Church, Luke and Robinson.

Carried

ITEM-35 CCL 01/05/18 - YOUTH COUNCIL REPORT 2016/2017

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

Council receives the Newcastle Youth Council (NYC) Annual Report for 2016/2017.

**Carried
unanimously**

ITEM-36 CCL 01/05/18 - CITIES LEADERSHIP INSTITUTE MEMBERSHIP REPORT

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

Council approves continued membership of the Cities Leadership Institute for 12 months.

For the Motion:

Lord Mayor, Cr Nelmes and Councillors Clausen, Duncan, Dunn, Mackenzie, White and Winney-Baartz

Against the Motion:

Councillors Church, Luke and Robinson.

Carried

ITEM-37 CCL 01/05/18 - ENDORSEMENT OF DRAFT NEWCASTLE 2030 COMMUNITY STRATEGIC PLAN (REVISED 2018) FOR PUBLIC EXHIBITION

Councillor Luke left the Chamber at 6.42pm and returned at 6.44pm.

MOTION

Moved by Cr Nelmes, seconded by Cr Mackenzie

Place the *draft Newcastle 2030 Community Strategic Plan (Revised 2018)* (**Attachment A**) on public exhibition for 28 days.

**Carried
unanimously**

ITEM-38 CCL 01/05/18 - SANCTUARY ESTATE, FLETCHER - ENDORSEMENT OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

MOTION

Moved by Cr Clausen, seconded by Cr Robinson

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 (EP&A Act)*, to amend Newcastle Local Environmental Plan 2012 as outlined in the following table:

Property	Current zoning	Proposed Zoning
280 Minimi Rd	Part E2 & part R2	E2
15 Threkeld	R2	E2
41 Threkeld	Part E2 & part R2	E2
20 Tulkaba St	R2	E2
30 Tulkaba St	R2	E2
40 Tulkaba St	Part E2 & part R2	E2
11 Bulbul	Part E2 & part R2	E2
37 Bulbul Cres	R2	E2
77 Bulbul Cres	R2	E2
6A Katal St	R2	E2
18 Kekul St	R2	E2
14 Kural Cres	Part E2 & part R2	E2
50 Kural Cres	Part E2 & part R2	E2
25 Awabakal Dr	Part E2 & part R2	E2

18 Adeline Cres	Part E2 & part R2	E2
29 Threkeld Cres	R2 & E2	RE1 * includes a heritage listing on Schedule 5 of NLEP
25 Konara Cres	R2	RE1 * includes a heritage listing on Schedule 5 of NLEP
45 Kurraka Dr	R2	RE1
55 Kurraka Dr	R2	RE1
111 Awabakal Dr	R2	RE1
19, 21, 23 & 25 Mowane St	B1	R2
35 Tinbin Dr & 52 Kurraka Dr	Part R2 & part B1	B1

- ii) Forward the Planning Proposal to the Minister for Planning and Environment for Gateway Determination pursuant to Section 3.34 of the *EP&A Act*.
- iii) Advise the Secretary for Planning and Environment that Council does not seek to exercise delegations for undertaking Section 3.36 of the *EP&A Act*.
- iv) 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 *EP&A Act*, otherwise forward the Planning Proposal to the Secretary, for Planning and Environment requesting the proposed amendment to the NLEP be made.

Councillor Dunn left the Chamber at 6.46pm and returned at 6.47pm.

PROCEDURAL MOTION

Moved by Cr Church, seconded by Cr Luke

The item lay on the table pending a Councillor workshop on the item.

Defeated

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

For the Motion:

Lord Mayor, Cr Nelmes and Councillors Clausen, Duncan, Dunn, Luke, Mackenzie, White and Winney-Baartz

Against the Motion:

Councillor Church.

Carried

NOTICES OF MOTION

ITEM-8 **NOM 01/05/18 - PROTECTING THE CITY OF NEWCASTLE'S HERITAGE**

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

Council:

1. Establishes a Newcastle Heritage Working Party, to implement and update Council's Heritage Strategy;
2. Identifies previous Heritage Studies that have been prepared for sites across the City of Newcastle since 2000;
3. Identifies any additional areas which may benefit from inclusion as Heritage Conservation Areas, including areas of industrial heritage significance;

During discussion Councillor Mackenzie expressed concern about who was going to be involved in the Working Party and the reporting process to Council.

The Lord Mayor suggested that Council receive a report on establishing the Working Party.

Councillor Duncan and Winney-Baartz agreed to the suggested change.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Church, Clausen, Duncan, Dunn, Mackenzie, White and Winney-Baartz

Against the Motion: Councillor Luke.

Carried

CONFIDENTIAL REPORTS

ITEM-5 **CON 01/05/18 - CONFIDENTIAL PROPERTY MATTER - NEWCASTLE AIRPORT EXPANSION LAND ACQUISITION**

PROCEDURAL MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

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

Carried

Councillor Dunn was absent from the Chamber at the opening of the Confidential session. Councillor Dunn returned to the Chamber at 7.06pm.

Council reconvened at 7.18pm and the Chief Executive Officer reported the resolutions of confidential session with regard to Item 5 Confidential Property Matter - Newcastle Airport Expansion Land Acquisition and Item 6 Building Better Cities Committee Affordable Housing Tender Recommendation.

MOTION

Moved by Cr Duncan, seconded by Cr Robinson

- 1 That Port Stephens Council (PSC) and Newcastle City Council proceed with the purchase of land known as Lot 11 DP 1036501 and Lot 3 DP 1036690 (Land) as tenants in common in equal shares as operational land on the terms set out in the body of this Council Report.
- 2 That Council approves the implementation of the new structure at **Attachment A** and the transfer of their interests in the Land on the terms set out in the body of this Council Report.
- 3 That Council, jointly with PSC, makes an application to the Minister for approval of the new structure at **Attachment A** in accordance with section 358 of the Local Government Act 1993.
- 4 That Council authorises the Lord Mayor and Chief Executive Officer to affix the Council Seal to any documents associated with the purchase, transfers and new structure/entity, requiring the Council Seal.
- 5 That Council delegates to the Chief Executive Officer the authority to finalise the purchase, transfers and new structure/entity including to execute all documentation not requiring the Council Seal.
- 6 This confidential report relating to the matters specified in section 10A(2)(d) of the Local Government Act 1993 be treated as confidential and remain confidential until Newcastle Airport Pty Limited determines otherwise.

For the Motion:

Lord Mayor, Cr Nelmes and Councillors Church, Clausen, Duncan, Dunn, Robinson, White and Winney-Baartz

Against the Motion:

Councillors Luke and Mackenzie.

Carried

ITEM-6 CON 01/05/18 - BUILDING BETTER CITIES COMMITTEE AFFORDABLE HOUSING TENDER RECOMMENDATION

MOTION

Moved by Cr Mackenzie, seconded by Cr Church

- 1 Accept the Compass Housing Services Co Ltd tender for the construction and ongoing management of 17 (seventeen) Affordable Housing Units (AHUs) at 43 Station Street Wickham through a Building Better Cities (BBC) funding contribution of \$3.01M.

- 2 The \$3.01M contribution from the BBC Housing Program shall be subject to Compass Housing Services entering into a funding agreement with Council.
- 3 This confidential report relating to the matters specified in s10A(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 7.20pm.