

## CITY OF NEWCASTLE

### Minutes of the Ordinary Council Meeting held via Audio visual platform Zoom on Tuesday 28 September 2021 at 6.03pm.

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#### PRESENT

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

#### IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), K Hyland (Acting Director Strategy and Engagement), F Leatham (Director People and Culture), J Rigby (Acting Director Infrastructure and Property), A Jones (Director City Wide Services), H Sexton (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), S Moore (Manager Finance), L Morton (Art Gallery Director), A Knowles (Councillor Services/Minutes), K Sullivan (Councillor Services/Meeting Support), L Stanhope (Councillor Services/Meeting Support) and G Axelsson (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.

#### ATTENDANCE VIA AUDIO VISUAL MEANS

##### PROCEDURAL MOTION

Moved by Cr Luke, seconded by Cr Mackenzie

That Council:

1. Notes the current Public Health Orders applicable to all of NSW;
2. Notes tonight's Ordinary Council meeting is livestreamed on Council's website providing for access to members of the public;
3. Notes the unprecedented public health risks facing the community and in the interests of public health and safety, permits all Councillors to attend the Ordinary Council meeting of 28 September 2021 by audio visual means.

**Carried  
unanimously**

## **APOLOGIES**

### **MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

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

**Carried  
unanimously**

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

### **Councillor Clausen**

Councillor Clausen declared a non-significant, non-pecuniary interest in Item 91 – Newcastle Art Gallery Foundation – Memorandum of Understanding as he was the Councillor appointed Director on the Newcastle Art Gallery Foundation Board and remained in the meeting for discussion on the item.

### **Councillor Clausen**

Councillor Clausen declared a non-significant, non-pecuniary interest in Item 92 - Adoption of Wickham Masterplan 2021 Update as he had a friend who lived in the Wickham area and remained in the meeting for discussion on the item.

### **Councillor Dunn**

Councillor Dunn declared a non-pecuniary interest in Item 92 - Adoption of Wickham Masterplan 2021 Update as he had clients with land holdings in the vicinity and left the meeting for discussion on the item.

## **CONFIRMATION OF PREVIOUS MINUTES**

### **MINUTES - ORDINARY COUNCIL MEETING 24 AUGUST 2021**

### **MOTION**

Moved by Cr Duncan, seconded by Cr Mackenzie

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

**Carried  
unanimously**

## LORD MAYORAL MINUTE

### ITEM-22                      LMM 28/09/21 - BYPASSING FREIGHT FROM RESIDENTIAL NEWCASTLE

#### MOTION

Moved by Lord Mayor, Cr Nelmes

#### PART A

That City of Newcastle:

- 1 Notes that Transport for NSW has been consulting on a recommended corridor option for the much anticipated and long-awaited Lower Hunter Freight Corridor, aimed at establishing a future dedicated freight rail line between Fassifern and Hexham, bypassing residential Newcastle;
- 2 Reiterates that the Lower Hunter Freight Corridor would dramatically alleviate traffic congestion experienced at locations such as the Adamstown and Clyde Street level crossing gates;
- 3 Notes that City of Newcastle has made a detailed submission (**Attachment A**) to Transport for NSW, requesting that:
  - a) The future alignment of the corridor responds to the Hunter Region's needs over the long term, particularly in servicing the Port of Newcastle, which is identified in the Greater Newcastle Metropolitan Plan (GNMP) as a catalyst area and "global gateway, providing international freight connections" and our emerging Black Hill industrial precinct, also identified as a catalyst area in the GNMP;
  - b) The NSW Government assures that implementation of our key infrastructure projects, such as the Richmond Vale Rail Trail, will not be more onerous or costly as a result of the long-term reservation of the corridor;
  - c) There is project integration between the Lower Hunter Freight Corridor, the proposed M1 Motorway extension to Raymond Terrace and our emerging Black Hill industrial precinct; and
  - d) The preferred option at Hexham ensures that the corridor crosses over Maitland Road and the Hunter River to Ash Island and continues south on the northern side of the river, maintaining a reasonable distance from the suburb of Mayfield to a point where it can cross the river again on Kooragang Island, delivering on the concept of 'Port Side Rail'.
- 4 Emphasises the strong benefits of delivering the rail corridor alongside the port as both future proofing the freight rail corridor and significantly minimising community impacts and supporting future economic growth.

## **AMENDMENT**

Moved by Cr Mackenzie

### **PART B**

That the City of Newcastle:

- 1 Includes the port side freight rail proposal in the City of Newcastle's infrastructure priorities for state and federal budget submissions and seeks future inclusion on the Infrastructure Australia Priority List.
- 2 Writes to the Prime Minister, the Hon. Scott Morrison MP; Treasurer, the Hon. Josh Frydenberg MP; Senator Hollie Hughes, Senator for NSW; NSW Premier, the Hon. Gladys Berejiklian MP; NSW Treasurer, the Hon. Dominic Perrottet MP, Parliamentary Secretary for the Hunter, the Hon Taylor Martin MLC, seeking support and endorsement for the port side freight rail proposal as essential priority infrastructure.

Lord Mayor, Cr Nelmes as mover of the motion accepted Councillor Mackenzie's amendment to the motion.

The motion moved by Lord Mayor, Cr Nelmes, as amended, was put to the meeting.

**Carried  
unanimously**

## **ITEM-23                      LMM 28/09/21 - THE CITIES RACE TO ZERO AND CITIES RACE TO RESILIENCE CAMPAIGNS**

### **MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that we continue to be recognised as a leading local government authority in Australia when it comes to implementing our strong and decisive initiatives to address climate change, including the adoption of our Climate Action Plan 2021-2025 and becoming the first NSW Council to be powered by 100 per cent renewable electricity in January 2020;
- 2 Reinforces our strong view that there is a global climate emergency and an urgent need for real action on climate change and that we have formally committed to the principles and targets of the Paris Climate Agreement;
- 3 Notes that we have received correspondence from Steve Gawler, Director, ICLEI Oceania inviting us to join the Cities Race to Zero and Cities Race to Resilience campaigns in the lead up to the International Climate Conference (COP26) in Glasgow in 2026;

- 4 Takes the Cities Race to Zero Pledge, which asks Council to do the following:
  - a Publicly endorse the following principles:
    - i We recognise the global climate emergency.
    - ii We are committed to keeping global heating below the 1.5°Celsius goal of the Paris Agreement.
    - iii We are committed to putting inclusive climate action at the centre of all urban decision-making, to create thriving and equitable communities for everyone.
    - iv We invite our partners – political leaders, CEOs, trade unions, investors, and civil society – to join us in recognising the global climate emergency and help us deliver on science-based action to overcome it.
  - b Pledge to reach (net)-zero in the 2040s or sooner, or by mid-century at the latest, in line with global efforts to limit warming to 1.5°Celsius.
  - c In advance of COP26, explain what steps will be taken toward achieving net zero, especially in the short- to medium-term. Set an interim target to achieve in the next decade, which reflects a fair share of the 50% global reduction in CO2 by 2030 identified in the IPCC Special Report on Global Warming of 1.5°Celsius.
  - d Immediately proceed to planning at least one inclusive and equitable climate action as listed on [www.citiesracetozero.org](http://www.citiesracetozero.org) that will help to place your city on a resilient pathway consistent with the 1.5°Celsius objective of the Paris Agreement and begin implementation no later than 2022.
  - e Report progress annually, beginning no later than 2022 to your usual reporting platform.
- 5 Takes the Cities Race to Resilience Pledge, which asks Council to do the following:
  - a Integrate climate change adaptation and resilience in all aspects of urban planning and undertake a community-wide climate risk and vulnerability assessment that also includes all vulnerable communities.
  - b Plan to use available knowledge and scientific evidence, including data and spatial analysis, for decision-making and action, and outline interim targets and milestones as part of a long-term commitment for citywide action.
  - c Immediately proceed to taking action by committing to at least one of the resilience actions as listed on [www.citiesracetoresilience.org](http://www.citiesracetoresilience.org) by COP26.
  - d Report commitments by COP26 - and progress annually thereafter, to an existing or recommended reporting platform. If you have not reported before, you will be contacted by partners for support.

**For the Motion:**

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

**Against the Motion:**

Councillor Luke.

**Carried**

**ITEM-24**

**LMM 28/09/21 - PROGRESS PRIDE FLAG**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes our long held and consistent advocacy for Newcastle as a diverse and inclusive City, and our proud activism in support of our LGBTQI+ community, including raising the Pride Flag in support of Marriage Equality and sponsorship of Newcastle's Pride Festival;
- 2 Notes with pride that City of Newcastle received the highest 'Yes' vote in Regional Australia in support of Marriage Equality;
- 3 Notes that on 20 September, City of Sydney resolved to fly the Progress Pride Flag in Sydney during Mardi Gras Festival and Pride Week annually, and at other times significant to the gay, lesbian, bisexual and transgender community as required or requested, noting that the Progress Pride Flag was designed by non-binary artist and graphic designer Daniel Quasar in 2018 and incorporates the existing six-colored Rainbow Flag, widely recognised as the symbol of lesbian, gay, bisexual and transgender (LGBT) communities, designed by Gilbert Baker for the 1978 San Francisco Freedom Day Parade by adding a chevron (a V shaped element) comprising black and brown for Indigenous people and people of colour and white, pink and blue, the colours of the Trans Pride Flag designed by American trans woman Monica Helms in 1999 - to represent trans, nonbinary and gender diverse people.
- 4 Joins City of Sydney in celebrating our gay, lesbian, transgender, bisexual, queer, intersex and sexually and gender diverse communities, by flying the Progress Pride Flag at City Hall, Civic Park, the City Administration Centre, and other appropriate locations, during Mardi Gras, Pride Week and other times significant to Newcastle's LGBTQI+ community.

**Carried  
unanimously**

## REPORTS BY COUNCIL OFFICERS

### ITEM-93                    CCL 28/09/21 - EXECUTIVE MONTHLY PERFORMANCE REPORT

#### MOTION

Moved by Cr Clausen, seconded by Cr White

That Council:

- 1     Receives the Executive Monthly Performance Report for August 2021.

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

**Against the Motion:**                Councillors Church, Elliott, Luke and Robinson.

**Carried**

### ITEM-90                    CCL 28/09/21 - COMMUNITY AND ECONOMIC RESILIENCE PACKAGE EXTENSION

#### MOTION

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

That Council:

- 1     Notes that City of Newcastle (CN) has developed a second phase of the Community and Economic Resilience Package (CERP) in response to the impact caused by the continuing lockdown of the Newcastle local government area (LGA) since 5 August 2021.
- 2     Notes that this response includes an increase in the 2021/22 works program of at least \$10 million, to be brought to the October Ordinary Council Meeting as part of the September Quarterly Review.

**Carried  
unanimously**

### ITEM-91                    CCL 28/09/21 - NEWCASTLE ART GALLERY FOUNDATION - MEMORANDUM OF UNDERSTANDING

#### MOTION

Moved by Cr Clausen, seconded by Cr Dunn

That Council:

- 1     Endorses the Memorandum of Understanding with the Newcastle Art Gallery Foundation as provided in **Attachment A** and delegates authority to the Chief Lord Mayor to sign the document on its behalf.

**Carried  
unanimously**

**ITEM-92**

**CCL 28/09/21 - ADOPTION OF WICKHAM MASTERPLAN 2021 UPDATE**

Councillor Dunn left the meeting for discussion on the item.

**MOTION**

Moved by Cr Clausen, seconded by Cr White

That Council:

- 1 Adopts the Wickham Masterplan 2021 Update.

**AMENDMENT**

Moved by Cr Mackenzie, seconded by Cr Luke

Remove action item nine from Key Priorities '*Ensure built environment is functional, responsive and resilient*' - Attachment A - Wickham Masterplan 2021 Update (page 23).

**For the Amendment:** Councillors Church, Elliott, Luke, Mackenzie and Robinson.

**Against the Amendment:** Lord Mayor, Cr Nelmes and Councillors Clausen, Duncan, White and Winney-Baartz.

The Lord Mayor exercised the Chair's casting vote and declared the amendment defeated.

**Defeated  
casting vote**

The Lord Mayor proposed that only the words "as town housing" (from Action 9, page 23) be removed from action nine and the remainder of the paragraph be included in the motion.

The mover and seconder of the motion accepted the Lord Mayor's amendment to the motion.

The motion moved by Councillor Clausen, seconded by Councillor White, as amended was put to the meeting (as follows).

**MOTION**

Moved by Cr Clausen, seconded by Cr White

That Council:

- 1 Adopts the Wickham Masterplan 2021 Update, and that only the words "as town housing" be removed from action item nine from Key Priorities '*Ensure build environment is function, responsive and resilient*' – Attachment A – Wickham Masterplan 2021 Update (page 23).

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

**Against the Motion:** Councillor Luke.

**Carried**

Councillor Dunn returned to the meeting at the conclusion of the item.

## **NOTICES OF MOTION**

### **ITEM-29                    NOM 28/09/21 - INNER CITY BYPASS - PEATTIE'S ROAD DEPOT**

In moving the motion, Councillor Winney-Baartz stated she was moving an additional Part B.

#### **MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Duncan

#### **PART A**

That Council:

- 1 Notes advocacy from residents regarding Transport for NSW's proposed Peattie's Road Depot. Notes that Council has made a submission to the Department of Planning, Industry and Environment;
- 2 Notes that this matter crosses Council boundaries and that Lake Macquarie City Council has considered a complimentary Notice of Motion;
- 3 Writes to the Minister for Transport and Roads seeking his intervention to ensure the proposed Peattie's Road depot does not proceed. Further that to facilitate this, we request that the Minister enter into discussions with the Minister for Health to ensure that a complementary timetable for the construction of the Inner City Bypass and the John Hunter Hospital (JHH) expansion can be developed to ensure that the original proposal for a construction depot for the Bypass on site behind JHH can be implemented; and
- 4 Writes to local MPs whose electorates are affected by this proposal, and to the Parliamentary Secretary for the Hunter, seeking their support to ensure the Peattie's Road proposal does not proceed.

## PART B

That Council:

- 1 Notes recent correspondence from TfNSW and DPIE provided to affected residents that the location of the proposed depot off Peatties Road is a matter for City of Newcastle as the landowner.
- 2 Confirms that City of Newcastle will not enter into a lease or licence with TfNSW to occupy its land off Peatties Road for the depot associated with the construction of the Inner City Bypass Rankin Park to Jesmond.

**Carried  
unanimously**

### **ITEM-30                      NOM 28/09/21 - PRINCIPAL PEDESTRIAN NETWORK**

In moving the motion, Councillor Elliot stated she was moving the officer's recommendation as printed in the business papers.

#### **MOTION**

Moved by Cr Elliott, seconded by Cr Church

That Council:

- 1 Notes work underway towards development of the Principal Pedestrian Network and draft Walking Plan, and that a Councillor workshop will be held in early 2022.

**Carried  
unanimously**

### **ITEM-31                      NOM 28/09/21 - CHANGES TO 2022 NEWCASTLE 500 SUPERCARS**

#### **MOTION**

Moved by Cr Mackenzie, seconded by Cr Duncan

That the City of Newcastle

- 1 Notes the cancellation of the Gold Coast 500 Supercars event in December "due to ongoing safety and logistic concerns brought about by the COVID-19 pandemic", as reported by the Newcastle Herald on September 14<sup>th</sup>, 2021.
- 2 Notes the comments in the same article by the Supercars chief executive officer Sean Seamer that "given the evolving and unpredictable COVID situation, it has become increasingly challenging to stage a complex multi-faceted event", and that Supercars would likely publish its 2022 calendar in the next two months.

- 3 Recognises the public health arrangements for large-scale public events such as a Supercars street race have yet to be determined by the NSW Government under its 'reopening NSW road map'.
- 4 Notes that a City of Newcastle spokesperson was quoted in the Newcastle Herald on 25 March 2021 stating that the Newcastle 500 would be held in March 2022.
- 5 Require any changes to the current agreement with Supercars in relation to the timing, staging, access or other aspects of the 2022 Newcastle 500 event be reviewed and approved by the elected Council prior to approval.

**Carried  
unanimously**

**ITEM-32                      NOM 28/09/21 - NEWCASTLE PORTSIDE FREIGHT RAIL-LINE**

Councillor Mackenzie withdrew Notice of Motion Item 32 – Newcastle Portside Freight Rail-Line as it was dealt with in conjunction with Lord Mayoral Minute Item 22.

**ITEM-33                      NOM 28/09/21 - WOODCHIP EXPORTS FROM THE PORT OF  
NEWCASTLE**

In moving the motion, Councillor Mackenzie stated that he was moving an amendment to paragraph three.

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

That the City of Newcastle

- 1 Opposes the export of woodchips from the Port of Newcastle.
- 2 Opposes the proposal to export 60,000 tonnes of native forest woodchips per annum to Japan over 20 years through the Port of Newcastle.
- 3 Notes the correspondence to all Councillors from the Port of Newcastle on 28 September which confirms:
  - a The Port of Newcastle has not had any discussions with the group raising this idea.
  - b The Port of Newcastle would not lease facilities for this purpose.
  - c Existing lease arrangements exist with stevedores and logistics companies that the Port of Newcastle does not own or control.

- d Use of the port for this proposal as the Port of Newcastle understands it from media reports does not fit within their values or aspirations for the future of the Port.

#### **AMENDMENT**

Moved by Cr Clausen

- 4 Opposes the accompanying proposal for a woodchip-fed hydrogen plant in the Greater Newcastle region, noting the significant potential for our region in generating Green Hydrogen, manufactured by electrolysis with renewable energy.
- 5 Notes correspondence received from the Port of Newcastle, confirming that they do not support the export of woodchips from the Port, noting that they have separately declined interest in using Port land and facilities for the export of live cattle, radioactive waste and woodchips.
- 6 Writes to the NSW Minister for the Environment and the Minister for Primary Industries expressing Council's concerns with the proposed use of woodchip from native forests, and requesting their support to prohibit the export of woodchips from native forests

Councillor Mackenzie accepted Councillor Clausen's additional paragraphs four to six to the motion.

The motion moved by Councillor Mackenzie and seconded by Councillor Clausen, as amended, was put to the meeting.

**Carried  
unanimously**

**The meeting concluded at 8.59pm.**