

## CITY OF NEWCASTLE

**Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 24 September 2019 at 5.36pm.**

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### **PRESENT**

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church (*left the meeting at 6.28pm*), D Clausen, J Dunn, K Elliott, J Mackenzie, A Robinson (*left the meeting at the commencement of Supplementary Notice of Motion Item 32*), A Rufo, E White and P Winney-Baartz.

### **IN ATTENDANCE**

J Bath (Chief Executive Officer), K Liddell (Director Infrastructure and Property), F Leatham (Director People and Culture), A Jones (Interim Director City Wide Services), D Guest (Acting Manager Legal), S Moore (Acting Chief Financial Officer), J Rigby (Manager Assets and Projects), L Duffy (Manager Parks and Recreation), D Moldrich (Manager Customer Experience), T Uren (Waste Manager), D Manderson (Manager Civil Construction and Maintenance), K Hyland (Manager Major Events and Corporate Affairs), E Dowswell (Media and Communications Advisor), J Vescio (Executive Officer, Chief Executive Office), M Murray (Policy Officer, Lord Mayor's Office), K Sullivan (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 Byrne, seconded by Cr Rufo

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

**Carried**

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

#### **Councillor Robinson**

Councillor Robinson declared a significant non-pecuniary interest in Supplementary Notice of Motion Item 32 - Sexism and Homophobia and stated that he would leave the Chamber for discussion on the item.

### **Councillor Church**

Councillor Church declared a significant pecuniary interest in Item No. 70 - Adoption of Boundary Adjustments to Cooks Hill, The Hill and Hamilton South Heritage Conservation Areas stating that he lived adjacent to one of the conservation areas and would leave the Chamber for discussion on the item.

## **CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - ORDINARY COUNCIL MEETING 27 AUGUST 2019**

**MINUTES - PUBLIC VOICE COMMITTEE MEETING 20 AUGUST 2019**

### **MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

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

**Carried**

## **LORD MAYORAL MINUTE**

**ITEM-19**

**LMM 24/09/19 - STOCKTON COASTAL EROSION**

### **MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes with concern the devastation to Stockton Beach following ongoing and sustained coastal erosion, acknowledging the effects that the loss of much of Stockton Beach is having on the local community;
- 2 Reassures the Stockton community that the City of Newcastle stands with them, noting that we want Stockton Beach to be a useable beach enjoyed by the public, and that we will undertake all actions that are permissible by the NSW Government to achieve this goal;
- 3 Notes that any long-term solution to address coastal erosion at Stockton requires both approval and funding from the NSW Government, and that this was discussed at a recent meeting at Parliament House with the Minister for Local Government, the Hon. Shelley Hancock MP;
- 4 Writes to the NSW Premier, the Hon. Gladys Berejiklian; the Deputy Premier, the Hon. John Barilaro MP; the Minister for Local Government, the Hon. Shelley Hancock MP; and the Minister for Energy and the Environment, the Hon. Matt Kean MP, inviting them to Stockton to inspect the devastating coastal erosion occurring at Stockton Beach; and

- 5 Joins with Federal Member for Newcastle, Sharon Claydon MP, who has called on the Morrison Federal Government to intervene and provide support to address coastal erosion at Stockton at the Federal level, and writes to the Prime Minister, the Hon. Scott Morrison MP, seeking support from the Commonwealth Government.

**Carried  
unanimously**

**ITEM-20                                    LMM 24/09/19 - CITY OF NEWCASTLE SUBMISSION TO 20-YEAR WASTE STRATEGY FOR NSW**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that the NSW Government, through the Department of Planning, Industry and Environment, including the EPA, is currently calling for submissions regarding the development of a 20-Year Waste Strategy (20YWS) for NSW;
- 2 Recognises the need for a comprehensive Waste Strategy for NSW, particularly regarding the future of recycling, which is currently being impacted by the China 'Green Sword Policy', noting the Morrison Federal Government's vow to establish a plastic recycling industry in Australia;
- 3 Notes Newcastle Herald article 'Problems with plastic that can't be ignored', which outlines that only 12 per cent of the 103 kilograms of plastic waste generated per person in Australia each year was recycled, mostly overseas; and
- 4 Prepares a submission for the NSW Government's 20YWS, including:
  - a Strong support for the establishment of a plastic recycling industry in Australia;
  - b Calls for continued government assistance to further support organics recycling strategies for local government;
  - c Noting the need for additional resourcing requirements for Assisted Household Waste Collection Service for elderly and disabled ratepayers, particularly given our ageing population;
  - d Noting City of Newcastle's continued commitment to weekly kerbside general waste collection; and

- e Noting that Recommendation 4 of the NSW Legislative Council Portfolio Committee No. 6 – Planning and Environment report ‘Energy from waste’ technology report states that “the NSW Government hypothecate 100 per cent of the waste levy funds contributed by local councils back to these organisations to provide waste management services, including waste reduction, avoidance and re-use programs, and environmental programs to encourage the development of innovative waste management technology.”

**Carried  
unanimously**

## **REPORTS BY COUNCIL OFFICERS**

### **ITEM-69 CCL 24/09/19 - ADOPTION OF CODE OF MEETING PRACTICE**

#### **MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council:

- 1 Adopts the Code of Meeting Practice at **Attachment A**.

**Carried**

### **ITEM-71 CCL 24/09/19 - ACQUISITION OF 250 SCOTT STREET, NEWCASTLE**

#### **MOTION**

Moved by Cr Byrne, seconded by Cr Mackenzie

That Council:

- 1 Resolves to accept the transfer of 250 Scott Street Newcastle (Lot 9 DP 1251435) from HCCDC for nil consideration.
- 2 Delegates to the Chief Executive Officer (CEO) authority to execute all relevant documentation to effect the transfer.
- 3 To publicly notify the proposal to classify the acquired land as Operational Land in accordance with Section 34 of the Local Government Act 1993 (Act).
- 4 If no public submissions are received objecting to the classification proposal, to classify the acquired land as Operational Land.

**Carried  
unanimously**

**ITEM-72**                      **CCL 24/09/19 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1    Receives the Executive Monthly Performance Report for August 2019.
- 2    Resolves to receive only the current month's Schedule of Investments as part of the Executive Monthly Performance Report.

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

**Against the Motion:**                Councillors Church and Elliott.

**Carried**

**ITEM-70**                      **CCL 24/09/19 - ADOPTION OF BOUNDARY ADJUSTMENTS TO COOKS HILL, THE HILL AND HAMILTON SOUTH HERITAGE CONSERVATION AREAS**

Councillor Church left the Chamber for discussion on this item.

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Byrne

That Council:

- 1    Endorse the Planning Proposal (**Attachment A**) to amend the Newcastle Local Environmental Plan 2012 (NLEP 2012) to make boundary adjustments to the existing Cooks Hill, The Hill and Hamilton South Garden Suburb Heritage Conservation Areas (HCAs).
- 2    Forward the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) requesting that a draft NLEP 2012 be prepared and made pursuant to Section 3.36(1) of the Environmental, Planning and Assessment Act (EP&A Act).
- 3    Advise the Secretary of the DPIE that City of Newcastle (CN) does not seek to exercise delegations for undertaking the plan making steps pursuant to Section 3.36(1) of the EP&A Act.

**For the Motion:**

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

**Against the Motion:**

Nil.

**Carried**

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

**NOTICES OF MOTION**

**ITEM-32**

**SUPPLEMENTARY NOTICE OF MOTION - NOM 27/08/19 - SEXISM AND HOMOPHOBIA**

At the Ordinary Council meeting of 27 August 2019, an amended Notice of Motion Item 32 - Sexism and Homophobia was moved by Councillor Clausen and seconded by Councillor Duncan.

A procedural motion moved by Councillor Winney-Baartz and seconded by Councillor Byrne, to lay the motion on the table until the next meeting was resolved.

Council reconvened debate on Notice of Motion Item 32 - Sexism and Homophobia.

Councillor Robinson left the Chamber for discussion on the item.

**MOTION**

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That City of Newcastle

- 1 Notes the letter received from the United Services Union (USU), on behalf of the employees of City of Newcastle (**Attachment A**);
- 2 Notes that sexism and homophobia are never acceptable in any workplace, including at City Hall or in the Council Chamber during meetings, which require a number of staff to attend to administer;
- 3 Reiterates its commitment to equality, and preventing homophobia and sexism; and
- 4 Notes that the new OLG Model Codes restricts the use of censure provisions.

**AMENDMENT**

Moved by Cr Mackenzie, seconded by Cr Byrne

- 5 Joins City of Newcastle employees in condemning in the strongest possible terms language and behaviour that is sexist and homophobic, including recent comments attributed to Councillor Allan Robinson.

The mover and seconder of the motion accepted the amendment to the motion.

The Lord Mayor clarified the motion before the Chair consisted of Parts 1 to 5.

Councillors Church, Elliott and Rufo left the Chamber at 6.28pm.

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

**Against the Motion:** Nil.

**Carried  
unanimously**

Councillors Elliott and Rufo returned to the Chamber at the conclusion of this item.

### **ITEM-35 NOM 24/09/19 - FEDERAL INFRASTRUCTURE SPENDING**

#### **MOTION**

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

1. Notes that in the most recent quarter, the Australian economy recorded its lowest rate of growth since the Global Financial Crisis (GFC);
2. Notes the repeat comments from the Reserve Bank Governor calling for the Commonwealth Government to increase federal infrastructure spending;
3. Notes that the Commonwealth Government has access to record low borrowing rates for infrastructure investment;
4. Notes Council's record infrastructure spend in 2018-19 as an outstanding local result, delivering wider economic benefits, and notes that Council does not have fiscal tools of the Commonwealth Government;
5. Writes to the Prime Minister, Scott Morrison, calling on the Commonwealth Government to act on the RBA Governor's advice by speeding up infrastructure spending, especially outside of Sydney and Melbourne, including by prioritising Commonwealth investment on the Lower Hunter Freight Corridor, Newcastle Airport Expansion, Port of Newcastle diversification, Broadmeadow Sports and Entertainment Precinct, Newcastle Art Gallery Expansion, and active transport, as per City of Newcastle's recent submission to the Commonwealth Infrastructure Priority List.

**Carried  
unanimously**

**The meeting concluded at 6.46pm.**