

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on 28 February 2017 at 5.52pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors D Clausen, D Compton, T Doyle, J Dunn, B Luke, M Osborne, S Posniak, A Robinson and A Rufo.

IN ATTENDANCE

F Cordingley (Acting Interim Chief Executive Officer), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), M Blackburn-Smith (Manager Building and Development), F Giordano (Manager Legal and Governance), A Glauser (Manager Finance), K Hyland (Manager Communications and Engagement), K Baartz (Communications Manager), B Johnson (Media Officer), N Bavinton (Smart City Co-ordinator), 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.

Especially remembered were Kristen Keegan and Michael Rauch. Ms Keegan was the Hunter's first female Hunter Business Chamber Chief Executive and passed away at 46 following a short battle with brain cancer.

Michael Rauch was a veteran NBN news cameraman and passed away following a brave battle with cancer.

APOLOGIES

MOTION

Moved by Cr Luke, seconded by Cr Rufo

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor B Luke

Councillor Luke declared a non-pecuniary less than significant interest in Item-5 - Executive Monthly Performance Report as Council may invest with businesses he is associated with. Councillor Luke said the interest was less than significant as the report to Council was to be received and he was not involved in any decision making processes.

Councillor Clausen

Councillor Clausen declared a less than significant non-pecuniary interest in Notice of Motion Item 2 - Ward 4 Capital Works. He stated that the Notice of Motion and accompanying Officers report referenced water mains owned by his employer. He understood his employer to have been in contact with Councillors in respect of the item, however, he had no direct involvement in relation to the matters raised.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - ORDINARY COUNCIL MEETING 20 DECEMBER 2016

The adopted minutes of the Ordinary Council Meeting held on 20 December 2016 were resubmitted to Council for the purpose of seeking Council approval to adopt a corrected version of the procedural motion tabled by the Lord Mayor regarding the Lord Mayoral Minute on the appointment of an Interim Chief Executive Officer.

The draft minutes of the Ordinary Council Meeting held on 20 December 2016 were adopted by Council at the Ordinary Council Meeting held on 24 January 2017 as follows:

That the Lord Mayoral Minute on the appointment of an Interim Chief Executive Officer lay on the table until the next Ordinary Council Meeting, and that the matter be referred to the Office of Local Government for review.....

The tabled procedural motion on 20 December 2016 was as follows:

*That the Lord Mayoral Minute on the appointment of an Interim Chief Executive Officer lay on the table until the next Ordinary Council Meeting, and that the matter be referred to **an independent** Office of Local Government **accredited conduct reviewer** for review.....*

The five previously omitted words are as bolded and underlined above.

MOTION

Moved by Cr Osborne, seconded by Cr Dunn

The revised and corrected minutes as circulated lay on the table in order to confirm the exact wording from the recording / webcast.

Carried

LORD MAYORAL MINUTE

ITEM-4 LMM 13/12/16 - SELECTION AND APPOINTMENT OF INTERIM CHIEF EXECUTIVE OFFICER

The Lord Mayor stated that the matter was before Council in accordance with Council's resolution of 24 January 2017 that the matter lay on the table with the expectation that Council could discuss the matter at the Ordinary Council Meeting of 28 February 2017.

The Lord Mayor stated that she was of the understanding the investigation was not complete, however, having spoken to both the Office of Local Government and Acting Interim Chief Executive Officer, she received advice that the report may be available in the coming days.

PROCEDURAL MOTION

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

Council lay the matter on the table until Tuesday 7 March 2017 when Council will hold an Extraordinary Council meeting at commencing at 5.30pm to discuss the matter if the investigation report can be reported back to Council.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-5 CCL 28/02/17 - EXECUTIVE MONTHLY REPORT - JANUARY 2017

MOTION

Moved by Cr Clausen, seconded by Cr Osborne

The report be received.

Carried

ITEM-8 CCL 28/02/17 - STOCKTON LOCAL CENTRE PUBLIC DOMAIN PLAN - PROPOSED TRAFFIC PLAN

MOTION

Moved by Cr Osborne, seconded by Cr Rufo

Council approve the traffic management plan as set out at **Attachment A**.

Carried

ITEM-9 **CCL 28/02/17 - LLEWELLYN STREET NEIGHBOURHOOD CENTRE, MEREWETHER - PROPOSED TRAFFIC PLAN**

MOTION

Moved by Cr Doyle, seconded by Cr Luke

Council approve the Llewellyn Street traffic plan with the following measures:

- Raised threshold with pedestrian crossings and kerb extensions in Llewellyn Street at the corner of Merewether and Dent Streets and in Dent Street east of Llewellyn Street;
- Raised threshold and speed cushions in Llewellyn Street fronting No. 65 and 48; and
- Endorse the 40 km/h hour High Pedestrian Activity Area (HPAA) in Llewellyn Street between Morgan and Merewether Street and forward the matter to Roads and Maritime Services (RMS) for approval and implementation.

Carried

ITEM-11 **CCL 28/02/17 - SMART CITIES INTERNATIONAL COLLABORATION**

MOTION

Moved by Cr Doyle, seconded by Cr Compton

That Council resolves to endorse the Lord Mayor to sign the MOU with the GSC3.

Carried

ITEM-12 **CCL 28/02/17 - TEMPORARY SUSPENSION OF ALCOHOL FREE ZONES FOR UPCOMING EVENTS**

MOTION

Moved by Cr Osborne, seconded by Cr Posniak

- i) Council approve the temporary suspension of the AFZ for Beaumont, Cleary, James, Lindsay and Denison Streets, Hamilton, on Sunday 12 March 2017 from 6am to 8pm for the purpose of holding the Beaumont Street Carnivale. This suspension is subject to the event organiser, Hamilton Chamber of Commerce, meeting all requirements of the NSW Police - Newcastle Local Area Command (NSW Police) and Council.
- ii) Council approve the temporary suspension of the AFZ for Birdwood Park, Newcastle West, from 18 to 30 March 2017 10am to 10pm for the purpose of holding the Newcastle Fringe Festival - Circus Avalon performances. This suspension is subject to the event organiser, Circus Avalon, meeting all requirements of the NSW Police and Council.

- iii) Council approve the temporary suspension of the AFZ in Civic Park, Newcastle, from 17 May 2017 to 4 June 2017 from 8pm to midnight for the purpose of holding Velvet, a Spiegeltent event presented by Newcastle Civic Theatre. This suspension is subject to the event promotor and Newcastle Civic Theatre, meeting all the requirements of the NSW Police and Council.
- iv) Council approve the temporary suspension of the AFZ in Keightley Lane, Newcastle on Tuesday 25 April 2017 from 6am to 6pm for the purpose of allowing ANZAC Day activities. This suspension is subject to the event organiser, Newcastle Diggers Club, meeting all the requirements of the NSW Police and Council.

Carried

**ITEM-6 CCL 28/02/17 - QUARTERLY BUDGET REVIEW STATEMENT -
DECEMBER 2016**

MOTION

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

Council receives the December Quarterly Budget Review Statement (**Attachment A**) and adopts the revised budget as detailed therein and as amended below:

Council decrease coastal revitalisation from \$1,000,000 to \$850,000 and hypothecates \$150,000 towards the coastal building and structures budget, in particular, the refurbishment of Cooks Hill Surf Club.

A report to come back to Council reporting on the Stage 1 building works at the Surf Club that Council has funded.

For the Motion: Lord Mayor, Cr Nelmes, Councillors Clausen, Compton, Doyle, Dunn, Osborne, Posniak, Robinson and Rufo.

Against the Motion: Councillor Luke.

Carried

**ITEM-7 CCL 28/02/17 - BERESFIELD LOCAL CENTRE PUBLIC
DOMAIN PLAN - PROPOSED TRAFFIC PLAN**

MOTION

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

Approve the traffic management plan as set out in **Attachment A**.

At this stage of the meeting Councillor Robinson declared a non-pecuniary non-significant interest in this item stating that he and a family member had purchased property in Beresfield.

Councillor Robinson left the Chamber for the remainder of discussion on the item.

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

Carried

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

**ITEM-10 CCL 28/02/17 - MINMI EAST PRECINCT (STAGE 1B)
DEVELOPMENT - PROPOSED UPGRADE WORKS TO
MINMI ROAD**

MOTION

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

Approve the upgrade works, as in **Attachment A**, proposed by the applicant in the Minmi Road reserve with the following three amendments recommended by the Newcastle City Traffic Committee (NCTC):

- i) Installation of a traffic signal instead of the proposed central roundabout adjoining the proposed mixed-use land uses and bus stops.
- ii) Installation of a second set of bus stops near the eastern boundary of the development.
- iii) Upgrade of the Blue Gum Hills Regional Park intersection to a Channelised Right-Turn (CHR) intersection instead of the proposed carriageway widening on the northern side of the intersection.

PROCEDURAL MOTION

Moved by Cr Dunn, seconded by Cr Osborne

The matter lay on the table until such time as a proposal is received by Council which includes provision for two lanes either way along this stretch of Minmi Road.

Carried

**ITEM-13 CCL 28/02/17 - DA2016/01457 - 73 DARLING STREET
HAMILTON SOUTH - DEMOLITION OF STRUCTURES,
ERECTION OF GRANDSTAND / CLUBHOUSE, ASSOCIATED
CAR PARK AND SITE WORKS**

MOTION

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

- 1 That the application for the demolition of structures, erection of grandstand / clubhouse, associated car park and site works be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions (refer to Attachment B of the development assessment report, which is **Attachment A** to this report).
- 2 That those persons who made submissions be advised of Council's determination.

For the Motion: Lord Mayor, Cr Nelmes, Councillor Clausen, Compton, Doyle, Dunn, Luke, Osborne, Posniak, Robinson and Rufo.

Against the Motion: Nil.

Carried

ITEM-14 CCL 28 02 17 - NEWCASTLE EAST BUILDING HEIGHTS - ADOPTION OF AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

In moving the motion Councillor Osborne added a part (iii).

MOTION

Moved by Cr Osborne, seconded by Cr Posniak

Council resolves to:

- i) endorse the attached planning proposal (**Attachment A**) to amend the Height of Building Maps of the Newcastle LEP 2012 in relation to land bounded by Hunter, Newcomen, King and Perkins Streets, Newcastle.
- ii) forward the planning proposal to the Department of Planning and Environment (DPE) requesting that a draft Local Environmental Plan be prepared and made pursuant to section 59(1) of the *Environmental Planning & Assessment Act 1979 (EP&A Act)*.
- iii) The building heights be amended in line with the decision of the Joint Regional Planning Panel of 28 April 2016.

At this stage of the meeting Councillor Luke declared a non pecuniary conflict of interest in Item 14 - Newcastle East Building Heights - Adoption of Amendment to Newcastle Local Environmental Plan. He stated that although the motion now referenced a past decision of the JRPP, as a member of the JRPP Councillor Luke advised he would leave the Chamber for the remainder of discussion.

For the Motion: Lord Mayor, Cr Nelmes, Councillors Clausen, Compton, Doyle, Dunn, Osborne, Posniak, Rufo and Robinson.

Against the Motion: Nil.

**Carried
unanimously**

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

NOTICES OF MOTION

ITEM-1 **NOM 28/02/17 - LIGHTING COWPER STREET BRIDGE CARRINGTON**

MOTION

Moved by Cr Posniak, seconded by Cr Dunn

- 1 Council review the choice of pedestrian lighting on the Cowper Street Bridge with the aim to replace it with a type that is energy efficient and more in keeping with the original design and shape and respects the heritage values of the entrance to the heritage community of Carrington.

Such review address budget implications and options and a report come back to Council at the Ordinary Council meeting to be held on 26 April 2017.

- 2 Council adopt an integrated lighting solution, including consideration of iconic areas such as entries to suburbs, around the Throsby Creek area with specific emphasis on improving lighting on the Carrington side of the creek.
- 3 Before any such plan is adopted Council consult with the Throsby Creek community as to their lighting needs.

**Carried
unanimously**

At this stage of the meeting the Lord Mayor declared a less than significant non pecuniary interest in the previously discussed Item 6 - Quarterly Budget Review Statement - December 2016 stating that she held a standing declaration because several family members were members of the Merewether, Cooks Hill and Stockton Surf Clubs. She stated that discussion in relation to this item had concerned Surf Clubs.

Councillor Rufo declared a less than significant non pecuniary interest in the previously discussed Item 6 - Quarterly Budget Review Statement - December 2016 stating that a family member was a member of the Dixon Park Surf Life Club.

ITEM-2 **NOM 28/02/17 - WARD 4 CAPITAL WORKS**

MOTION

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

That Council:

- 1 Identify and treat the following works as a priority:
 - (i) Wallsend bridge replacement/upgrade;
 - (ii) Minmi Road footpath and road widening between Cowper Street and Macquarie Street, Wallsend;
 - (iii) Water main replacement and road re-sealing Anderson Drive, Tarro; and
 - (iv) Wallsend and Beresfield town centre public domain plan.

- 2 Provide Councillors with a detailed timetable for completion of the above works by way of Officers report at the next ordinary Council meeting.
- 3 Provide a monthly update on the progress of the above works with reference to the relevant timetable and provide an explanation for any delay, by way of Officers report at each ordinary Council meeting until the completion of the works.

For the Motion: Lord Mayor, Cr Nelmes, Councillors Clausen, Compton, Doyle, Dunn, Osborne, Posniak and Robinson.

Against the Motion: Councillors Luke and Rufo.

Carried

ITEM-3 NOM 28/02/17 - SAFETY ALONG THROSBY CREEK

ORIGINAL MOTION

Noting that

- a) Newcastle City Council has adopted the *Safe City Plan 2017-2020* which supports Council's *Newcastle 2030 Community Strategic Plan* for Safe and Vibrant Public Spaces and a Caring and Inclusive Community, and
- b) Council staff have previously investigated the installation of lighting along the shared pathway along Throsby Creek from Industrial Drive to Lewis Street and determined that the only option available to Council is to install above ground solar lighting similar to that installed at Honeysuckle,

Council:

- 1 Allocates funding in the 2017/18 Budget to design and install above ground solar lighting along the shared pathway along Throsby Creek from Industrial Drive to Lewis Street, and
- 2 Investigates popular shared pathways across the city that would benefit from the installation of lighting and includes an appropriate budgetary provision in the 2017/18 Budget.

Councillor Osborne moved the recommendation of the accompanying Officers report submitted in Council's Business Papers.

MOTION

Moved by Cr Osborne, seconded by Cr Doyle

Council:

- 1 Allocate funds in the 2017/18 budget to undertake further investigation and develop a concept design for the path from the vicinity of Lewis Street to Hannell Street, which addresses CPTED principles.

Such concept design be in keeping with the review to be undertaken on the Cowper Street lights.

- 2 Commence the Lewis Street to Hubbard Street lighting replacement and upgrade project (estimated cost of \$345,000) in 2017/18.
- 3 Undertake investigation of key shared paths throughout Newcastle and develop a position on the appropriateness of lighting provision.

**Carried
unanimously**

ITEM-4 NOM 28/02/17 - PILOT STUDY TO ESTABLISH LOCAL CHARACTER

MOTION

Moved by Cr Osborne, seconded by Cr Doyle

Noting that

The Newcastle Development Control Plan 2012 does not include any common understanding of the existing or desired future local character of Tighes Hill and provisions that would ensure that elements of historical interest that contribute to the character of Tighes Hill are protected,

Council:

- 1 Allocates funding in the 2017/18 Budget to undertake a Pilot Study of the local character of Tighes Hill, and engage with the local community with the following objectives:
 - a) To describe a common understanding about the key significant features of the neighbourhood character of the area,
 - b) To come to an understanding of the desired future character of the area,
 - c) To write Development Control Plan provisions that specify design solutions and controls to ensure that future development is compatible with the existing and desired character of the area and that elements of historical interest that contribute to the character of Tighes Hill are protected,

- d) To provide a project framework to roll out this work to all suburbs of Newcastle, and

With a report back to Council at the Ordinary Council meeting of 26 April 2017.

- 2 Establish a specific Working Party comprising Councillors, local residents/representatives from the Tighes Hill Community Group and the Throsby Villages Alliance, representatives from heritage organisations, planning professionals from the community and council staff to guide the project.

Carried

ITEM-5 NOM 28/02/17 - CLIMATE CHANGE POLICY

MOTION

Moved by Cr Doyle, seconded by Cr Osborne

Noting that

- 1 The NSW Government released its *NSW Climate Change Policy Framework* in December 2016 setting a target of net-zero emissions by 2050;
- 2 Council's current *Strategic Climate Policy* (2010, revised 2012) states Council's intention to:
 - a) Regularly review its plans, strategies, policies and benchmarks, where their content may be affected by climate change, to ensure they remain current as the science of climate change develops.
 - b) Ensure that Council's actions, decisions and policy response to climate change remains current and reflects Council's operational capacity, community expectations and changes in climate change scenarios.

and,

- 3 The 2008 statistics regarding share of carbon emissions from business (83%), residential (15.4%), education (1.3%) and Council (0.4%) quoted in Council's *NEWCASTLE 2020 Carbon and Water Management Action Plan*, indicate that most of the necessary focus in combating climate change in the Newcastle LGA is through working with business and residents.

Council resolves:

- A To prepare a draft policy and associated management plan to address the urgent need for action on climate change and to complement the NSW State Government's Climate Change Policy Framework.

The policy and management plan will revise and augment Council's current *Strategic Climate Policy Carbon and Water Management policy* (2015) and *NEWCASTLE 2020 Carbon and Water Management Action Plan*.

The draft policy and associated management plan will include:

- i) targets of 100% of electricity demand in the form of renewable energy use and zero net emissions for council operations
 - ii) a target timeframe for these objectives that will achieve a balance between the urgency of the climate challenge and council's capacity.
 - iii) Measures to promote and support local renewable energy suppliers
 - iv) Measures that council can adopt for its own operations that reduce emissions
 - v) Schemes that will help small businesses to be water and energy efficient
 - vi) Regulatory measures that will ensure energy efficiency and maximise use of renewable energy sources within the LGA
 - vii) Relevant planning controls and compliance measures
 - viii) Advocacy measures to reduce the large carbon footprint associated with Newcastle's industry, especially those associated with port operations
 - ix) Raising community awareness through educational, promotional and communications projects and materials
- B To receive a report back from officers on how Council can achieve its existing 2020 targets and fast track achieving 100% renewables, zero net emissions and the associated budgetary implications so that we can include these measures in the budget and management plan.
- C To call on the state and federal governments to work together to come with a transition plan to ensure a just transition for workers and communities including increased funding for TAFE and programs especially in areas of energy efficiency and renewable energy.

PROCEDURAL MOTION

Moved by Cr Osborne, seconded by Cr Luke

Parts A - B and C be moved in seriatim.

Carried

MOTION

Moved by Cr Doyle, seconded by Cr Osborne

Council resolves:

- A To prepare a draft policy and associated management plan to address the urgent need for action on climate change and to complement the NSW State Government's Climate Change Policy Framework.

The policy and management plan will revise and augment Council's current *Strategic Climate Policy Carbon and Water Management policy (2015)* and *NEWCASTLE 2020 Carbon and Water Management Action Plan*.

The draft policy and associated management plan will include:

- i) targets of 100% of electricity demand in the form of renewable energy use and zero net emissions for council operations
- ii) a target timeframe for these objectives that will achieve a balance between the urgency of the climate challenge and council's capacity.
- iii) Measures to promote and support local renewable energy suppliers
- iv) Measures that council can adopt for its own operations that reduce emissions
- v) Schemes that will help small businesses to be water and energy efficient
- vi) Regulatory measures that will ensure energy efficiency and maximise use of renewable energy sources within the LGA
- vii) Relevant planning controls and compliance measures
- viii) Advocacy measures to reduce the large carbon footprint associated with Newcastle's industry, especially those associated with port operations
- ix) Raising community awareness through educational, promotional and communications projects and materials

B To receive a report back from officers on how Council can achieve its existing 2020 targets and fast track achieving 100% renewables, zero net emissions and the associated budgetary implications so that we can include these measures in the budget and management plan.

For the Motion: Lord Mayor, Cr Nelmes, Councillors Clausen, Doyle, Dunn, Osborne and Posniak.

Against the Motion: Councillors Compton, Luke, Robinson and Rufo.

Carried

MOTION

Moved by Cr Doyle, seconded by Cr Osborne

C To call on the state and federal governments to work together to come with a transition plan to ensure a just transition for workers and communities including increased funding for TAFE and programs especially in areas of energy efficiency and renewable energy.

For the Motion: Lord Mayor, Cr Nelmes, Councillors Clausen, Compton, Doyle, Dunn, Luke, Osborne, Posniak, Robinson and Rufo.

Against the Motion: Nil.

**Carried
Unanimously**

ITEM-6**NOM 28/02/17 - PERFORMING ANIMALS IN CIRCUSES****MOTION**

Moved by Cr Doyle, seconded by Cr Osborne

That Council:

- A Reaffirms its prohibition of the use of performing exotic animals in circuses on council owned land.
- B Respects widespread community concern that the welfare of animals is given recognition through appropriate regulation and legislation at a local state and national level.
- C Calls on all state government agencies that are responsible for the leasing of land within the Newcastle Local Government Area for circus use to implement a policy of prohibition on the use of performing exotic animals in circuses.

In order to enact this resolution Council's interim Chief Executive Officer will write to relevant state government agencies expressing council's objection to the use of performing animals in circuses anywhere in the Newcastle Local Government Area.

Following discussion Councillor Doyle clarified that the last paragraph was Part D. She amended it to read as follows:

- D Write to our adjacent councils in the Hunter recommending their consideration of a similar position towards exotic circus animals.*

PROCEDURAL MOTION

Moved by Cr Rufo, seconded by Cr Luke

Parts A - C and D be moved in seriatim.

Carried

During discussion on this item Councillor Osborne queried that there was a rumour Councillor Tierney had resigned from Council.

The Acting Interim Chief Executive Officer confirmed that Councillor Tierney had tendered her written resignation to himself prior to the meeting and that the resignation was effective immediately.

MOTION

Moved by Cr Doyle, seconded by Cr Osborne

That Council:

- A Reaffirms its prohibition of the use of performing exotic animals in circuses on council owned land.
- B Respects widespread community concern that the welfare of animals is given recognition through appropriate regulation and legislation at a local state and national level.
- C Calls on all state government agencies that are responsible for the leasing of land within the Newcastle Local Government Area for circus use to implement a policy of prohibition on the use of performing exotic animals in circuses.

Carried

MOTION

Moved by Cr Doyle, seconded by Cr Osborne

- D Write to our adjacent councils in the Hunter recommending their consideration of a similar position towards exotic circus animals.

Carried

The meeting concluded at 8.35pm.