

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 July 2018 at 5.34pm.

PRESENT

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

IN ATTENDANCE

J Bath (Chief Executive Officer), A Jones (Interim Director Governance), K Liddell (Director Infrastructure and Property / Interim Director Strategy and Engagement), F Leatham (Interim Director People and Culture), S Gately (Interim Director City Wide Services), E Kolatchew (Interim Manager Legal), K Hyland (Manager Major Events and Corporate Affairs), P McCarthy (Interim Manager Regulatory and Assessment), J Rigby (Interim Manager Assets and Projects), J Cleare (Interim Manager Property), I Challis (Manager Projects and Contracts), B Johnson (Communications Manager), C Field (Executive Officer, Lord Mayor's 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

Nil.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Luke

Councillor Luke declared a non-pecuniary less than significant conflict of interest in Item 65 - Executive Monthly Performance Report as it included the re-investment Surplus Funds Report which mentions multiple financial institutions that he had dealings with in his business. The declaration is less than significant as he noted he was not involved in determining where funds are invested and was just receiving a report.

Councillor Clausen

Councillor Clausen declared a less than significant non-pecuniary interest in Lord Mayoral Minute Item 13 - National Second City Policy Framework Development stating that his employer was involved and would remain in the Chamber for discussion on the item.

Councillor Clausen

Councillor Clausen declared a less than significant non-pecuniary interest in Item 68 - Adoption of the Newcastle Coastal Zone Management Plan (Revised 2018) - Stockton and Coastline South of the Harbour stating that his employer was involved and would remain in the Chamber for discussion on the item.

Councillor Dunn

Councillor Dunn declared a less than significant non-pecuniary interest in Item 68 - Adoption of the Newcastle Coastal Zone Management Plan (Revised 2018) - Stockton and Coastline South of the Harbour stating that he owned property in the Stockton area and would remain in the Chamber for discussion of the item.

Councillor Dunn

Councillor Dunn declared a significant non-pecuniary interest in Notice of Motion Item 18 - Newcastle Light Rail Small Business Assistance which was due to his employment. He removed himself for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - ORDINARY COUNCIL MEETING 26 JUNE 2018

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

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

Carried

LORD MAYORAL MINUTE

ITEM-11 LMM 24/07/18 - OUR FAIR SHARE OF SNOWY SALE

MOTION

Moved by Lord Mayor, Cr Nelmes

That Council:

- 1 Notes that the Federal Government is proposing to purchase the NSW Government's share of the Snowy Hydro Scheme for \$4.15 billion. Notes that on 27 June 2018 the NSW Government legislated the *Snowy Hydro Legacy Fund Act 2018* which specifically quarantines the proceeds of the Snowy Hydro Sale for investment in regional infrastructure outside of the metropolitan areas of Sydney, Wollongong and Newcastle.
- 2 Notes the letter from the NSW Government's representative for the Hunter, Parliamentary Secretary Scot MacDonald MLC, published in the Newcastle Herald on 9 July 2018 indicates that: "[N]o worthwhile, productive project should be excluded from consideration just because it touches on an excluded metro council area. Inevitably major infrastructure projects have a large footprint and cross over multiple local government areas."

- 3 Produces a feasibility report identifying projects from Council's 2018 NSW Budget submission which meet the requirements and eligibility criteria to apply for funding under the *Snowy Hydro Legacy Fund Act 2018* (including specific assessment of the Lower Hunter freight rail corridor between Fassifern and Hexham, Newcastle Airport expansion, the expansion of the Light Rail network, Newcastle Port diversification, and Broadmeadow Sports and Entertainment Precinct) and collaborates with the *Greater Newcastle Metropolitan Plan Standing Committee* of the Hunter Joint Organisation (JO) to pursue regional collaboration on identified integrated and accessible transport networks.
- 4 Upon endorsement of the feasibility report, applies for funding under the *Snowy Hydro Legacy Fund Act 2018* and writes to the NSW Premier, NSW Deputy Premier and Parliamentary Secretary MacDonald requesting consideration of Council's identified and endorsed infrastructure projects aimed at delivering significant benefits to the City of Newcastle and the broader region.

For the Motion:

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

Against the Motion:

Councillor Elliott.

Carried

**ITEM-12 LMM 24/07/18 - BICENTENARY OF THE LAYING OF THE
MACQUARIE PIER FOUNDATION STONE**

MOTION

Moved by Lord Mayor, Cr Nelmes

That Council:

- 1 Notes that 5 August 2018 marks 200 years since the laying of the Macquarie Pier Foundation Stone, marking the beginning of construction works for the Macquarie Pier;
- 2 Acknowledges that Macquarie Pier was proposed to connect Coal Island (later Nobbys Island, now Nobbys Head) with the mainland, creating a safer passageway for ships coming into Newcastle Harbour that would often get caught on Stockton's oyster banks;
- 3 Notes that the construction of Macquarie Pier significantly shaped the landscape of colonial Newcastle, forming Nobbys Beach and surrounds, Nobbys Breakwall as well as ensuring safer passage into Coal River, now known as the Hunter River;
- 4 Establishes a working party with representatives from Council, the Port of Newcastle, the Port Authority of NSW, NSW Roads and Maritime Services, NSW Office of Environment and Heritage, the University of Newcastle's Hunter Living Histories Group, Parks and Playgrounds Inc. and the Coal River Working Party to explore opportunities to recognise significant milestones that should be marked regarding the history and heritage of the Coal River Precinct, including Macquarie Pier.

- 5 Marks the Bicentenary of the laying of the Macquarie Pier Foundation Stone on 5 August 2018 with an event about the significance of the Macquarie Pier to the City of Newcastle's history and heritage.

**Carried
unanimously**

**ITEM-13 LMM 24/07/18 - NATIONAL SECOND CITY POLICY
FRAMEWORK DEVELOPMENT**

MOTION

Moved by Lord Mayor, Cr Nelmes

That Newcastle City Council:

- 1 Notes that the Committee for Geelong is calling for Expressions of Interest – Scope Development from National Second Cities, to assist in the development of a proposed National Second City Policy Framework;
- 2 Re-affirms the City of Newcastle's status as a Second City of New South Wales;
- 3 Notes that following the City of Newcastle Second Cities Roundtable a delegation from Newcastle, including from the University of Newcastle, Hunter Research Foundation Centre, Port of Newcastle and Newcastle based Commonwealth Bank representatives are currently in Geelong for the launch of the national call for a Second Cities policy.
- 4 Supports a partnership with the Committee of Geelong in the development of a proposed National Second City Policy Framework with a \$25,000 contribution towards the research report, noting the collaboration includes the City of Wollongong who has resolved to support the development of a proposed National Second City Policy Framework and will make a financial contribution to this project;
- 5 Supports, in principle, a partnership with the University of Newcastle to deliver the Second Cities Symposium being planned for 3-5 October 2018, in the City of Newcastle (**Attachment B**).

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-65 CCL 24/07/18 - EXECUTIVE MONTHLY REPORT

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

The report be received.

For the Motion:

Lord Mayor, Cr Nelmes, Councillors Byrne, Clausen, Duncan, Dunn, Mackenzie, Luke, White and Winney-Bartz.

Against the Motion:

Councillors Church, Elliott, Robinson and Rufo.

Carried

ITEM-66

**CCL 24/07/18 - ADOPTION OF GLEBE RD FEDERATION
COTTAGES HERITAGE CONSERVATION AREA -
AMENDMENT TO NEWCASTLE LEP 2012 AND NEWCASTLE
DCP 2012**

MOTION

Moved by Cr Duncan, seconded by Cr Mackenzie

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 the LEP to create a Heritage Conservation Area for the Glebe Road Federation Cottages on the following land:
 - a) Lot 1 DP 7356435, Lots 10 DP 1049694, Lot 1 DP 1188026, Lot 0 SP 0053274, and Lots 112 to 117 and 120 to 121 DP 95005, Nos 53 - 75 Glebe Road, The Junction.
 - b) Lot 11 DP 1049694, 4 Watkins Street, The Junction.
- ii) Forward the Planning Proposal to the Department of Planning and Environment (DPE) requesting that a draft LEP be prepared and made pursuant to Section 3.36(1) of the EP&A Act.
- iii) Advise the Secretary of the Department of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 3.36(1) of the EP&A Act.
- iv) Adopt Section 6.02 Heritage Conservation Areas (**Attachment B**) of the DCP and provide public notice advising that this development control plan take effect on the business day following the date upon which the abovementioned amendment to the LEP is made.

For the Motion:

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

Against the Motion:

Councillor Luke.

Carried

ITEM-67

**CCL 24/07/18 - HAMILTON RESIDENTIAL PRECINCT
HERITAGE CONSERVATION AREA - ENDORSEMENT OF
AMENDMENT TO NEWCASTLE LEP 2012**

MOTION

Moved by Cr Duncan, seconded by Cr Mackenzie

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 the LEP to create a Heritage Conservation Area for the Hamilton Residential Precinct.
- ii) Forward the Planning Proposal to the Minister for Planning for Gateway determination pursuant to Section 3.34 of the EP&A Act.
- iii) Advise the Secretary of the Department of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 3.36(1) of the EP&A Act.
- iv) Consult with the community and relevant government agencies as instructed by the Gateway determination.
- v) Place draft Section 6.02 Heritage Conservation Areas (**Attachment B**) of the DCP on public exhibition for a minimum period of 28 days, concurrently with the Planning Proposal.
- vi) Receive a report back on the Planning Proposal and draft Development Control Plan guidelines as per the requirements of Section 3.34 of the EP&A Act.

For the Motion:

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

Against the Motion:

Councillor Luke.

Carried

ITEM-68 **CCL 24/07/18 - ADOPTION OF THE NEWCASTLE COASTAL ZONE MANAGEMENT PLAN (REVISED 2018) - STOCKTON AND COASTLINE SOUTH OF THE HARBOUR**

MOTION

Moved by Cr White, seconded by Cr Robinson

Council adopts the draft Newcastle Coastal Zone Management Plan 2018 (**Attachment A**) and endorses submission of the Plan to the Office of Environment and Heritage for certification under the *Coastal Protection Act 1979*.

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

Against the Motion: Nil.

**Carried
unanimously**

NOTICES OF MOTION

ITEM-16 **NOM 24/07/18 - LAMBTON PARK MEMORIAL GATES - TIME CAPSULE**

MOTION

Moved by Cr Rufo, seconded by Cr Clausen

That Council:

- Acknowledges the contribution of community historian Robert Watson, who is a member of the Lambton Residents Group, in researching the history of the World War I (WWI) Memorial Gates in Lambton Park, and in particular the burying of a time capsule beneath them on 19 October 1918.
- Notes the work conducted by Council staff in facilitating a heritage and engineering assessment of the Gates.
- Supports the proposal to unearth the Time Capsule and hold a ceremony commemorating the event on or around 19 October 2018.
- Supports the sourcing of grant funds from the State and Federal Governments towards the removal of the time capsule, the burying of a new time capsule, and celebratory centennial event.
- Establishes a working group to further develop and progress the both the removal of the original time capsule and burying of a new time capsule, including completion of the heritage and engineering assessments, determination of costs involved, securing of necessary funding, and organisation of the celebratory event. Membership of the Committee to include Ward 3 Councillors, Council staff nominated by Newcastle City Council's Chief Executive Officer, two representatives from the Lambton Residents' Group, a representative from the Lambton New Lambton RSL Sub-Branch and other members as required.

**Carried
unanimously**

ITEM-17**NOM 24/07/18 - SANDSTONE MEGAREGION****MOTION**

Moved by Cr Clausen, seconded by Cr White

That Council:

- 1 Notes the release of the Committee for Sydney's Sandstone Megaregion Report, developed by its Steering Committee Chair Kyle Loades (former President of the NRMA) and Professor Paul Wellings CBE (Vice Chancellor of the University of Wollongong) which advocates for transport and economic development planning across the three Cities of Sydney, the City of Wollongong and the City of Newcastle.
- 2 Endorses the Report's recommendations, namely that the "NSW Government investigate fast rail and a 70-minute connection between Sydney and Newcastle", and notes that in March 2018 the Federal and NSW Governments jointly announced \$6 million to investigate faster trains from Newcastle to Sydney to cut the journey from three hours to two.
- 3 Writes to the Prime Minister, NSW Premier, Federal Minister for Urban Infrastructure and Cities, NSW Minister for Transport and Infrastructure, and NSW Minister for Planning requesting that the committed Federal/NSW Government 'faster train' investigation also consider the business case of a 70 minute or less rail journey between Newcastle and Sydney.

**Carried
unanimously**

ITEM-18**NOM 24/07/18 - NEWCASTLE LIGHT RAIL SMALL
BUSINESS ASSISTANCE**

Councillor Dunn declared a significant non-pecuniary interest in Notice of Motion Item 18 - Newcastle Light Rail Small Business Assistance and retired from the Chamber for discussion on the item.

MOTION

Moved by Cr Church, seconded by Cr Elliott

That Newcastle City Council

1. Notes that many small businesses along the Light Rail route in Newcastle have suffered financial hardship as a result of construction reducing access.
2. Provides approval to Newcastle Business Improvement Association to use funds received from Council to deliver financial assistance to businesses as detailed in the small business assistance program attached as an addendum to this motion.

3. Commits to the release of \$100,000 from the restricted funds held in reserve by Council on behalf of Newcastle Business Improvement Association to provide immediate assistance to eligible businesses impacted by the Light Rail construction.
4. Commits a further \$100,000 of Council funds in support of the small business assistance program attached as an addendum to this motion (**Attachment A**).

PROCEDURAL MOTION

Moved by Cr Church, seconded by Cr Elliott

The matter lay on the table pending the investigation into Newcastle Now BIA announced by the Chief Executive Officer over the weekend.

The procedural motion moved by Councillor Church and seconded by Councillor Elliott was put to the meeting and voting resulted in a tie.

The Lord Mayor exercised the casting vote and declared the procedural motion defeated.

Defeated

Councillor Clausen gave notice of a foreshadowed motion.

The motion moved by Councillor Church and seconded by Councillor Elliott was put to the meeting.

Defeated

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council

Notes that Council has previously resolved to support Newcastle businesses experiencing financial hardship due to light rail constructions by offering a rate reduction and that this support was publicly exhibited and adopted as part of Council's 2018/19 Budget.

Supports the suspension of funding to Newcastle NOW Business Improvement Association pending the outcome of the Independent Investigation.

Requests that the CEO takes steps to ensure that local business support is maintained, and reviews options to continue to make available funding for activities that comply with the Act such as events, projects and activities that promote, beautify or develop the city centre.

For the Motion:

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

Against the Motion:

Councillors Church, Elliott, Luke, Robinson and Rufo.

Carried

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

ITEM-19 NOM 24/07/18 - COMPASSIONATE COMMUNITIES

MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

That Council:

- Notes that the City of Newcastle has been nominated by the *Groundswell Project* to be one of eight 'groundbreakers' regarding the establishment of 'Compassionate Communities' across Australia;
- Recognises the establishment of the Newcastle Compassionate Communities Collaboration, a cross-sector collaborative aimed at supporting all sectors of our community to reduce the negative social, psychological and medical impact of serious illness, caregiving and bereavement; and
- Reviews the Compassionate Cities Charter and provides a report to Councillors at the August Ordinary Council Meeting regarding the benefits of the City of Newcastle ratifying the Charter and joining the Newcastle Compassionate Communities Collaboration.

**Carried
unanimously**

**ITEM-20 NOM 24/07/18 - REDUCING VIOLENCE AGAINST WOMEN
AND CHILDREN - A CITY POSITION**

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

- That Council notes that violence against women and their children is a significant issue in Australia and that local government has a genuine role to play in reducing it.
- That Council develops a policy for the City of Newcastle which states that Newcastle strives to be a safe place for all women and children and takes a proactive leadership role in preventing violence against women and children including urban design, development processes and staff and community education.

- That Council implements relevant initiatives of the [National Plan to Reduce Violence Against Women and their Children](#).
- That Council further support, promote and encourage adoption of relevant initiatives from the Plan across our community.

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-69 CCL 24/07/18 - RELOCATION OF COUNCIL CHAMBER TO 12 STEWART AVENUE (FORMER CONFIDENTIAL ITEM 14 - RELOCATION OF COUNCIL CHAMBER TO 12 STEWART AVENUE)

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

Council discuss Confidential Item 14 - Relocation of Council Chamber to 12 Stewart Avenue in open session and that in accordance with Section 10(A) (2)(c) of the Local Government Act 1993, Council maintains confidentiality on Paragraphs 7 and 12 of the Officer's report as the information would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposed to conduct) business.

Carried

MOTION

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

- 1 Council resolves to relocate the Council Chamber to 12 Stewart Avenue, Newcastle West.
- 2 Council grant authority to the Chief Executive Officer or his delegate to finalise arrangements for the design, fit-out, and relocation of the Council Chamber in consultation with a working group of Council representation (including the Lord Mayor, Deputy Lord Mayor and Councillor Mackenzie).
- 3 Commence the process to protect City Hall and the Council Chamber on the State Heritage Register.

Carried

CONFIDENTIAL REPORTS

ITEM-15 CON 24/07/18 - TENDER FOR STOCKTON BEACH HOLIDAY PARK MANAGEMENT SERVICES

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

Council move into confidential session for the reasons outlined in the business papers.

Carried

Council moved into confidential session at 8.35pm.

PROCEDURAL MOTION

Moved by Cr Rufo, seconded by Cr White

Council move back into open session.

Carried

Council reconvened at 8.38pm and the Chief Executive Officer reported the resolutions of confidential session.

MOTION

Moved by Cr Mackenzie, seconded by Cr White

- 1 Council accepts the tender of Australian Tourist Park Management Pty Ltd for Stockton Beach Holiday Park - Management & Operations Contract No. 2018/380T.
- 2 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 Council determines otherwise.

Carried

The meeting concluded at 8.39pm.