

## CITY OF NEWCASTLE

**Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 23 July 2019 at 5.37pm.**

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### **PRESENT**

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne (*arrived 5.42pm*), J Church, D Clausen, C Duncan, J Dunn, K Elliott, B Luke, J Mackenzie, A Robinson, A Rufo and P Winney-Baartz.

### **IN ATTENDANCE**

J Bath (Chief Executive Officer), D Clarke (Director Governance), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), K Liddell (Director Infrastructure and Property), A Murphy (Director City Wide Services), E Kolatchew (Manager Legal), A Jones (Chief Financial Officer), M Bisson (Manager Regulatory, Planning and Assessment), A Abbott (Manager Corporate and Community Planning), L Duffy (Manager Parks and Recreation), J Rigby (Manager Assets and Projects), K Hyland (Manager Major Events and Corporate Affairs), A Vine (Manager Property and Facilities), K Neveldsen (Interim Governance and Council Executive Support Co-ordinator), M Murray (Policy Officer, Lord Mayor's Office), C Field (Executive Officer, Lord Mayor's Office), D Mills (Media Officer), 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 Luke, seconded by Cr Mackenzie

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

**Carried**

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

#### **Councillor Elliott**

Councillor Elliott declared a non-pecuniary significant interest in Item 50 - Endorsement of Motions for Submission to the 2019 Local Government NSW Annual Conference - Attachment A - motion to the Local Government NSW regarding the emergency service levy. Councillor Elliott stated that she had undertaken strategic planning work with the State Emergency Service who had been her client and

indicated she would manage the conflict by leaving the Chamber for discussion on the item.

**Councillor Clausen**

Councillor Clausen declared a non-significant pecuniary interest in Notice of Motion Item 26 - Rehabilitation of Throsby Creek stating that he was the secretary of the Throsby Creek Government Agencies Committee and wrote the plan referenced in his work role and would manage the conflict by leaving the Chamber for discussion on the item.

**Councillor Church**

Councillor Church declared a significant pecuniary interest in Item 53 - Adoption of Amendment to Newcastle DCP 2012 - Section 6.02 Heritage Conservation Areas stating that he lived in The Hill which was one of the conservation areas and would manage the conflict by leaving the Chamber for discussion on the item.

**CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - ORDINARY COUNCIL MEETING 25 JUNE 2019**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Duncan

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

**Carried  
unanimously**

**LORD MAYORAL MINUTE**

**ITEM-13                      LMM 23/07/19 - NSW PARLIAMENTARY JOINT SELECT  
COMMITTEE ON SYDNEY'S NIGHT TIME ECONOMY**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

- 1      Notes that the NSW Parliament has established a Joint Select Committee on Sydney's night time economy;
- 2      Notes that the Committee held a roundtable forum with City of Newcastle on 18 July 2019;
- 3      Makes a late submission to the Committee before its first formal hearing on 5 August 2019 based on:
  - a.      Council's unanimous resolution of 23 January 2018 and submission to the NSW Independent Liquor and Gaming Authority's 2017 Review of the Newcastle CBD Liquor Licence Conditions ('Horton Review');
  - b.      City of Newcastle's adopted Night-time Economy Strategy: Newcastle After Dark (adopted 27 November 2018);
  - c.      City of Newcastle's Live Music Strategy (adopted 16 April 2019).

Councillor Mackenzie declared a non-significant non-pecuniary interest in Lord Mayoral Minute Item 13 - NSW Parliamentary Joint Select Committee on Sydney's Night Time Economy stating that he worked with Cate Faehrmann, NSW Upper House, who was a member of that inquiry and did so in a paid capacity. Councillor Mackenzie left the Chamber for discussion on the item.

The Lord Mayoral minute was put to the meeting.

**Carried  
unanimously**

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

**ITEM-14                    LMM 23/07/19 - NSW LEADER OF THE OPPOSITION**

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1     Congratulates Jodi McKay MP on her election as the NSW Leader of the Opposition, and Yasmin Catley MP, on her election as the NSW Deputy Leader of the Opposition;
- 2     Notes that both Jodi McKay MP and Yasmin Catley MP, have strong connections to Newcastle and the Hunter Region;
- 3     Welcomes the NSW Oppositions renewed focus on manufacturing and regional jobs;
- 4     Commits to working with both the NSW Government and the NSW Opposition to ensure City of Newcastle is at the forefront of the decision making in the State Parliament;
- 5     Consistent with recent correspondence to NSW Premier, the Hon. Gladys Berejiklian MP, and Prime Minister, the Hon. Scott Morrison MP, writes to the Leader of the Opposition requesting a meeting to outline City of Newcastle's funding priorities at the state level.

**Carried**

**REPORTS BY COUNCIL OFFICERS**

**ITEM-50                    CCL 23/07/19 - ENDORSEMENT OF MOTIONS FOR  
SUBMISSION TO THE 2019 LOCAL GOVERNMENT NSW  
ANNUAL CONFERENCE**

Councillor Elliott left the Chamber for discussion on the item.

## MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Council:

- 1 Endorse the motions for submission to the 2019 LGNSW Annual Conference as set out at **Attachment A**.
- 2 Amend the meeting cycle for October 2019 with meetings to commence at 5:30pm:

<b>Week 1 – Tuesday</b> (1 October 2019)	No scheduled meetings
<b>Week 2 – Tuesday</b> (8 October 2019)	Committee Meetings and Workshops (as required): <ul style="list-style-type: none"><li>• Public Voice Committee</li><li>• Briefings Committee</li><li>• Development Applications Committee</li><li>• Councillor Workshops</li></ul>
<b>Week 3 – Tuesday</b> (15 October 2019)	No scheduled meetings (LGNSW Conference)
<b>Week 4 – Tuesday</b> (22 October 2019)	Ordinary Council Meeting
<b>Week 5 – Tuesday</b> (29 October 2019)	No scheduled meetings

**For the Motion:**

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

**Against the Motion:**

Councillors Church and Luke.

**Carried**

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

## ITEM-53

### **CCL 23/07/19 - ADOPTION OF AMENDMENT TO NEWCASTLE DCP 2012 - SECTION 6.02 HERITAGE CONSERVATION AREAS**

Councillor Church left the Chamber for discussion on the item.

## **MOTION**

Moved by Cr Mackenzie, seconded by Cr Duncan

That Council:

- 1 Adopts the draft Section 6.02 Heritage Conservation Areas (**Attachment A**) and associated amendments to Section 9.0 Glossary for inclusion into the NDCP 2012.

### **For the Motion:**

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

### **Against the Motion:**

Councillor Luke.

**Carried**

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

## **ITEM-51                    CCL 23/07/19 - SUPPLEMENTARY REPORT - PUBLIC EXHIBITION OF THE CODE OF MEETING PRACTICE**

## **MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Places the revised Code of Meeting Practice as set out at **Attachment B** on public exhibition for a period of 42 days.

## **AMENDMENT**

Moved by Cr Elliott, seconded by Cr Robinson

The revised Code of Meeting Practice as set out at **Attachment B** be placed on public exhibition with the removal of the words "with the approval of the CEO" from Clause 30.2, *Councillors, CEO and CN staff*.

The Manager Legal stated that the requirement for staff attendance to be approved by the Chief Executive Officer was required under the Office Local Government Model Code of Meeting Practice and as such the clause could not be removed.

Councillor Elliott withdrew the amendment.

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

**Carried  
unanimously**

**ITEM-52                    CCL 23/07/19 - EXHIBITION OF DRAFT COMMUNITY PARTICIPATION PLAN**

**MOTION**

Moved by Cr Elliott, seconded by Cr Mackenzie

That Council:

- 1 Places the Draft Community Participation Plan (**Attachment A**) on exhibition for a period of 28 days.
- 2 Receives a report back to Council following the public exhibition period.

**Carried  
unanimously**

**ITEM-54                    CCL 23/07/19 - SPECIAL BUSINESS RATE EXPENDITURE POLICY**

**MOTION**

Moved by Cr Clausen, seconded by Cr Dunn

That Council:

- 1 Place the draft Special Business Rate Policy at **Attachment A** on public exhibition from 24 July to 13 August 2019.

**Carried**

**ITEM-55                    CCL 23/07/19 - ADOPTION OF THE WEST END STREETScape - STAGE 2 PLAN**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Byrne

That Council:

- 1 Resolves to adopt the West End Streetscape - Stage 2 Plan as shown at **Attachment A**.

**Carried  
unanimously**

**ITEM-56                    CCL 23/07/19 - AFFIXING COUNCIL SEAL TO DEEDS OF INDEMNITY FOR NEWCASTLE AIRPORT COMPANIES**

**MOTION**

Moved by Cr Clausen, seconded by Cr Dunn

That Council:

- 1 Enter into, and affix Council's seal, to the following:

- (i) Deeds of Indemnity between Newcastle City Council and Port Stephens Council indemnifying the officers of Greater Newcastle Aerotropolis Pty Ltd:
  - (a) Jeremy Robert Bath
  - (b) Edward Keith Campbell
  - (c) William Kirby Clark
  - (d) Peter Lawrence Cock
  - (e) Peter Gregory Gesling
  - (f) Andrew Stuart Gill
  - (g) Louise Karen Hicks
  - (h) Cameron Alexander Macphee
  - (i) Judith Rose Munro
  - (j) Nuatali Josephine Nelmes
  - (k) Ryan Philip Palmer
  - (l) Morgan Benn Parker
  - (m) Wayne Anthony Wallis
  
- (ii) Deeds of Indemnity between Newcastle City Council and Port Stephens Council indemnifying the officers of Newcastle Airport Pty Limited:
  - (a) Andrew Stuart Gill
  - (b) Nuatali Josephine Nelmes
  - (c) Morgan Benn Parker
  - (d) Ryan Philip Palmer

on the grounds that the Deeds of Indemnity relate to the business of Council.

**Carried**

## **NOTICES OF MOTION**

### **ITEM-25                      NOM 23/07/19 - URBAN HEAT ISLAND RESEARCH PROJECT**

In moving the motion, Councillor Clausen stated that he was moving the recommendation of Council Officers outlined in the business papers and an additional Part B.

#### **MOTION**

Moved by Cr Clausen, seconded by Cr Byrne

A     That Council:

- 1     Notes that the NSW Government recognises air temperatures in cities are expected to increase in the future as a result of climate change and increasing urbanisation.
  
- 2     Recognises the research conducted by Adapt NSW which indicates that cities create their own microclimates by influencing the surrounding atmosphere and interacting with climate process, and that the most striking characteristic of an urban microclimate is the 1 Urban Heat Island (UHI) effect which sees urban areas become significantly warmer than surrounding areas where there is less green cover and more hard surfaces which absorb, store and radiate heat.

- 3 Notes that City of Newcastle (CN) officers are currently partnering with the University of Newcastle (UoN) on a smart city research program examining the urban heat island effect and possible interventions across Newcastle; and that officers have also participated in a 'living laboratory' partnership with University of Western Sydney's 'Where Should All the Trees Go?' program.
  - 4 Notes that CN officers are continuing to work to achieve positive outcomes for the city by delivering on the objectives of the UFP and background paper to build our capacity towards achieving sustainable canopy which is an important factor in making our city liveable and mitigating effects from UHI effect.
  - 5 Receives a Councillor workshop on the delivery of the UFP and the background paper, and an update on the work that is being undertaken in collaboration with UoN and University of Western Sydney on UHI.
  - 6 Facilitates a public forum on the current research and projects being undertaken by UoN and University of Western Sydney on UHI effect, the impact of UHI on cities across Australia, and outlining possible actions that cities such as Newcastle may be able to take to mitigate urban warming.
- B
- 1 Notes that the NSW Government has committed to deliver one million new trees to metropolitan Sydney as a priority project of the Premier.
  - 2 Writes to the Premier and Minister for Planning and Open Space requesting the Government's financial support to match the City of Newcastle's existing commitment to expanding Newcastle's urban forest.

**For the Motion:**

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

**Against the Motion:**

Councillor Luke.

**Carried**

**ITEM-26**

**NOM 23/07/19 - REHABILITATION OF THROSBY CREEK**

Councillor Clausen left the Chamber for discussion on the item.

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Byrne

That the City of Newcastle:

- 1 Notes the release of the Throsby Creek Catchment Agencies Plan 2019-2024, as a culmination of the work of the Throsby Creek Government Agencies Committee.

- 2 Receives a public briefing from a member of the Throsby Creek Government Agencies Committee and from CN staff as appropriate in relation to:
- a) CN commitments to strategic actions listed under the Throsby Creek Catchment Plan; and
  - b) Progress on the implementation of the Newcastle City Wide Flood Risk Management Plan Actions and the Strategic Position for the Low-Lying Suburbs.

**Carried  
unanimously**

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

**ITEM-27                      NOM 23/07/19 - POLLINATOR PLANTING PROGRAM**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Elliott

That the City of Newcastle:

Receive a report on the options for amending the City of Newcastle Urban Forestry Policy and Street Tree Selection Manual to improve the provision of pollinator forage on Council-managed land in Newcastle, including bees and native pollinators.

**Carried  
unanimously**

**ITEM-28                      NOM 23/07/19 - PUBLIC ACCESS AUDIT OF AUTOMATED EXTERNAL DEFIBRILLATORS**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Byrne

That the City of Newcastle

Conduct and publish an audit of publicly accessible automated external defibrillators (AEDs) in the LGA in consultation with Newcastle sporting organisations and community groups which regularly use, hire or license City of Newcastle sporting facilities, to determine the extent of current availability, and future needs, for AEDs at City of Newcastle facilities.

Councillor Clausen proposed the following:

- An additional part B

*Council notes that sporting clubs and organisations are responsible for providing all first aid as the hirer's or lessees of Council owned facilities whether annual fixtures or for one off events.*

- Reference to 'sporting organisations' be amended to 'sporting associations'.

Councillors Mackenzie and Byrne accepted the amendments to the motion.

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

**Carried  
unanimously**

**ITEM-29                      NOM 23/07/19 - GREGSON PARK PLAN OF MANAGEMENT  
AND ENHANCEMENTS**

**MOTION**

Moved by Cr Duncan, seconded by Cr Byrne

That City of Newcastle:

- 1     Notes the historical and cultural significance of Gregson Park, Hamilton, for local Hamilton residents and the broader community;
- 2     Recognises growing community interest in upgrades to Gregson Park, including the playground and open space areas, as well as the former Hamilton Bowling Club site;
- 3     Holds a workshop for Councillors, to outline the Plan of Management process for Gregson Park, including opportunities for the community to provide feedback regarding upgrades and future uses of the park, as well as to advise Councillors of the implications of the *Crown Land Management Act 2018* on Council managed parks and recreation spaces.

**Carried  
unanimously**

**The meeting concluded at 7.23pm.**