

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 28 August 2018 at 5.36pm.

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), D Clarke (Director Governance), K Liddell (Director Infrastructure and Property and Interim Director Strategy and Engagement), F Leatham (Interim Director People and Culture), S Gately (Interim Director City Wide Services), L Morton (Art Gallery Director), E Kolatchew (Manager Legal), A Jones (Chief Financial Officer), K Hyland (Manager Major Events and Corporate Affairs), J Gaynor (Manager Corporate and Community Planning), 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 Leach (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 71 - 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 Item 77 - Draft Planning Agreement - 5 Hall Street Maryville stating that the land (5 Hall Street Maryville) was adjacent land owned by his employer Hunter Water Corporation and as the VPA did not pertain to land ownership he would remain in the Chamber for discussion on the item.

Councillor Clausen

Councillor Clausen declared a significant non-pecuniary interest in Notice of Motion Item 21 - Sewerage Services Required for Hexham stating that the item related to his employer Hunter Water Corporation and he would leave the Chamber for discussion on the item.

Councillor Church

Councillor Church declared a conflict of interest in Item 78 - Draft Planning Agreement - 464-470 King Street Newcastle stating that his employer had a commercial relationship with the applicant, or sister company of the applicant and that he would leave the Chamber for discussion on the item.

Councillor Church

Councillor Church declared a conflict of interest in Item 79 - Exhibition of Indicative Lot Layout and Staging Plan - Blackhill Employment Lands stating that his employer had a commercial relationship with the applicant, or sister company of the applicant and that he would leave the Chamber for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 17 JULY 2018

MINUTES - BRIEFING COMMITTEE 17 JULY 2018

MINUTES - ORDINARY COUNCL MEETING 24 JULY 2018

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-14 LMM 28/08/18 - CLEAN ENERGY FUNDING TO REDUCE
POWER BILLS**

MOTION

Moved by Lord Mayor, Cr Nelmes

That Newcastle City Council:

- 1 Notes that on 20 August 2018, the NSW Premier Gladys Berejiklian announced \$85 million, including \$72 million from the NSW Climate Change Fund, for clean energy projects aimed at helping businesses and households reduce their energy costs;
- 2 Welcomes the announcement that includes \$12.5 million for local councils for LED Lighting upgrades;
- 3 Notes that 50 per cent of our electricity consumption comes from streetlighting, at a cost of approximately \$1.5 million to the city annually;

- 4 Notes that we have achieved a 20 per cent reduction in electricity usage through a number of measures including LED lighting upgrades, with the aim of reducing our total electricity usage by 30 per cent by 2020;
- 5 Reiterates our goal of ensuring that 80 per cent of our street lights are LED by 2020;
- 6 Applies for funding from the NSW Government's clean energy program, to continue reducing the City of Newcastle's energy consumption through further LED lighting upgrades.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-70 CCL 28/08/18 - FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018 TO BE REFERRED TO COUNCIL'S AUDITOR

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

- 1 That Council notes the preparation of its Financial Statements for the year ended 30 June 2018 are underway and upon completion they will be referred for audit in accordance with the requirements of s.413(1) of the Act.
- 2 Council authorises the Lord Mayor, a Councillor, the Chief Executive Officer and the Responsible Accounting Officer to sign the relevant statements in accordance with s.413(2)(c) of the Act at the conclusion of the external audit.

Carried

ITEM-71 CCL 28/08/18 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

The executive monthly performance report for July 2018 be received.

Carried

ITEM-72 CCL 28/08/18 - ADOPTION OF REVISED INVESTMENT AND BORROWING POLICY

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

Council adopts the 2018 Investment and Borrowing Policy at **Attachment A**.

Carried

ITEM-74 CCL 28/08/18 - TABLING OF PECUNIARY INTEREST RETURNS

MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

Council to note the pecuniary interest returns as tabled by the Chief Executive Officer received from designated persons between 1 May 2018 and 31 July 2018.

Carried

ITEM-76 CCL 28/08/18 - ADOPTION OF THE REVISED PUBLIC VOICE AND PUBLIC BRIEFING POLICY

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

Council adopts the revised Public Voice and Public Briefing Policy at **Attachment A.**

Carried

ITEM-82 CCL 28/08/18 - TEMPORARY SUSPENSION OF ALCOHOL FREE ZONES FOR UPCOMING EVENTS

MOTION

Moved by Cr Robinson, seconded by Cr Rufo

- i) Council approves the temporary suspension of the AFZ for Beaumont, Cleary, James, Lindsay and Denison Streets, Hamilton on Sunday 23 September 2018 from 6am to 7pm for the purpose of Newcastle China Week Festival. This suspension is subject to the event organiser, the University of Newcastle, meeting all requirements of the NSW Police - Newcastle Local Area Command (NSW Police) and Council.
- ii) Council approves the temporary Suspension of the AFZ for Laman Street between Darby and Dawson Streets, Cooks Hill on Friday 16 November 2018 from 5pm to 11pm for the purpose of 'Olsen Ormandy: a creative force' exhibition opening night. This suspension is subject to the event organiser, Newcastle Art Gallery, meeting all requirements of the NSW Police - Newcastle Local Area Command (NSW Police) and Council.
- iii) Council approves the temporary suspension of the AFZ for Keightley Lane, Newcastle from 10am to 6pm on Friday 23 November, Saturday 24 November and Sunday 25 November 2018 for the purpose of allowing a promotional weekend. This suspension is subject to the event organiser, Newcastle Diggers Club, meeting all requirements of the NSW Police - Newcastle Local Area Command (NSW Police) and Council.

- iv) Council approves the temporary suspension of the AFZ for the car park adjacent to the eastern side of Queens Wharf, Wharf Road, Newcastle from 6am Monday 31 December 2018 to 1am Monday 1 January 2019 for the purpose of staging Newcastle City Council's New Year Eve event. This suspension is subject to Council's Events Management Team, meeting all requirements of the NSW Police - Newcastle Local Area Command (NSW Police) and Council.

Carried

ITEM-83 CCL 28/08/18 - COMPASSIONATE CITIES CHARTER

MOTION

Moved by Cr Byrne, seconded by Cr Rufo

Council notes the Compassionate Communities Charter and recommends that Council officers work with the Newcastle Compassionate Communities Collaboration as a participatory member to further refine the Compassionate Communities Charter to address Australian and NSW local government scope and responsibilities.

Carried

ITEM-73 CCL 28/08/18 - APPOINTMENT OF DEPUTY LORD MAYOR

PROCEDURAL MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

The motion be dealt with seriatim.

Carried

PART 1

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Council resolves the term of the Deputy Lord Mayor be for the period taking effect from 26 September 2018 and concluding 12 September 2020.

Carried

PART 2

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Council elects a Deputy Lord Mayor by open voting in accordance with the process set out in the *Local Government (General) Regulation 2005* (NSW).

Carried

The Chief Executive Officer, as the returning officer, announced that nominations had been received for the position of Deputy Lord Mayor from Councillors Rufo and Clausen.

The Lord Mayor called for a vote by show of hands and voting resulted as follows:

Councillor Rufo - 5 votes
Councillor Clausen - 8 votes

Councillor Clausen was declared elected as Deputy Lord Mayor on the result of eight votes to five votes.

PART 3

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Councillor Clausen is elected Deputy Lord Mayor for the period 26 September 2018 until 12 September 2020.

Carried

ITEM-75 CCL 28/08/18 - ADOPTION OF COUNCILLOR EXPENSES AND FACILITIES POLICY

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

Council adopts the Councillor Expenses and Facilities Policy at **Attachment A**.

AMENDMENT

Moved by Cr Church, seconded by Cr Elliott

Reference, Clause 17 - *Additional facilities, support and expenses for the Lord Mayor*

That the following words be added to Clause 17.2: "That this be consistent with the agreed annual budget for the Lord Mayor's Office."

Defeated

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

Carried

ITEM-77**CCL 28/08/18 - DRAFT PLANNING AGREEMENT - 5 HALL STREET MARYVILLE****MOTION**

Moved by Cr Mackenzie, seconded by Cr Robinson

Council resolves to:

- i) Place the draft Planning Agreement - 5 Hall Street Maryville on public exhibition for 28 days.
- ii) Receive a report back on the draft Planning Agreement following the public exhibition period.

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

ITEM-78**CCL 28/08/18 - DRAFT PLANNING AGREEMENT - 464-470 KING STREET NEWCASTLE**

Councillor Church left the Chamber for the determination of Items 78 and 79.

MOTION

Moved by Cr Elliott, seconded by Cr Robinson

Council resolves to:

- i) Place the draft Planning Agreement for 464-470 King Street, Newcastle on public exhibition for 28 days.
- ii) Receive a report back on the draft Planning Agreement following the public exhibition period.

For the Motion:

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

Against the Motion:

Nil.

Carried

ITEM-79 CCL 28/08/18 - EXHIBITION OF INDICATIVE LOT LAYOUT AND STAGING PLAN - BLACKHILL EMPLOYMENT LANDS

MOTION

Moved by Cr Robinson, seconded by Cr Mackenzie

Council resolves to:

- i) Place draft staging and lot layout plan for Blackhill Employment Lands on public exhibition for a minimum period of 28 days.
- ii) Receive a report back following the exhibition and detailing any comments received prior to making a determination on the staging and lot layout plan.

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

Against the Motion: Nil.

Carried

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

ITEM-80 CCL 28/08/18 - PUBLIC EXHIBITION OF THE DRAFT CITY MARKETING AND ENGAGEMENT STRATEGY

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

Council resolves to endorse a draft 2018-2021 City Marketing and Engagement Strategy as at **Attachment A** for public exhibition for a period of 28 days.

**Carried
unanimously**

ITEM-81 CCL 28/08/18 - ORGANISATION NAMING CONVENTION

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Byrne

Council endorses the title of the organisation as 'City of Newcastle' for branding and trading purposes from 1 September 2018.

For the Motion: The 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-84 CCL 28/08/18 - RESIDENTIAL ROADS STREET LIGHTING
UPGRADE**

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

Council resolves to engage Ausgrid at the cost of \$3,425,000 to replace all non-efficient residential road street lighting with Light Emitting Diode lighting.

**Carried
unanimously**

**ITEM-85 CCL 28/08/18 - REVISED ACQUISITIONS AND
DEACCESSIONING POLICY**

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council adopts the revised Art Gallery Acquisitions and De-accessioning Policy at **Attachment A**.

**Carried
unanimously**

NOTICES OF MOTION

**ITEM-21 NOM 28/08/18 - SEWERAGE SERVICES REQUIRED FOR
HEXHAM**

Councillor Clausen left the Chamber for determination of this item.

MOTION

Moved by Cr Robinson, seconded by Cr Dunn

That Council:

- 1 Reiterates its support for Hexham being connected to Hunter Water's sewerage services based on its proximity to the Hunter River and Ramsar listed SEPP14 Wetlands, and the significant health and environmental risk posed from sewage contamination to these water bodies.
- 2 Write to Hunter Water's portfolio Minister requesting that the sewerage of Hexham be considered for inclusion in Hunter Water's future capital works program on the grounds of environmental and health risk to those that live and work in the township.
- 3 Write to NSW Health and the NSW Environment Protection Authority (EPA) confirming their continued support for the sewerage of Hexham on the grounds of environmental and health risk to those that live and work in the township.

**Carried
unanimously**

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

**ITEM-22 NOM 28/08/18 - SUPPORT FOR THE EXPANSION OF THE
REFUGEE COMMUNITY SUPPORT PROGRAM**

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Newcastle City Council:

- 1 Acknowledges that the City of Newcastle is a Refugee Welcome Zone **(Attachment A)** and has a well-established commitment to support and encourage refugees to settle here;
- 2 Welcomes the Federal Government's positive decision to support refugees coming to Australia by announcing a Community Support Program (CSP), with an intake of 1,000 per annum from 1 July 2017;
- 3 Notes with concern that:
 - a. for each refugee supported under the CSP, one place is removed from the Australian Government Humanitarian intake;
 - b. the CSP intake is set at only 1,000 per annum;
 - c. the eligibility criteria for the CSP are restrictive and exclude many of the refugees who are most in need of resettlement;
 - d. the fees imposed by Government that are borne by the community sponsor may create a barrier to sponsorship;
- 4 Writes to the Prime Minister, the Minister for Home Affairs, and the Secretary of the Department of Home Affairs, calling on the Federal Government to improve the Community Support Program (CSP) by making the following changes:
 - a. make CSP places additional to the existing humanitarian intake;
 - b. increasing Australia's annual humanitarian intake of refugees to 27,000 by 2025 to address the global humanitarian crisis;
 - c. revise eligibility criteria to include those in most urgent need of resettlement as identified by the United Nations refugee agency (UNHCR), as well as those seeking family reunion in Australia, and those who Australian employers may wish to sponsor. Priority should be given to UNHCR-referred candidates and employability should not be an eligibility criterion;
 - d. adopt a more affordable visa fee structure for the CSP, to make the program fairer and more accessible;
 - e. allow community, family and businesses to act as sponsors;
 - f. provide adequate support services including access to Medicare, education, and English language tuition, to assist refugees to integrate successfully into our communities.

For the Motion:

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

Against the Motion:

Councillor Luke.

Carried

CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Byrne

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

Carried

Council moved into confidential session at 6.49pm.

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Rufo

Council move back into open session.

Carried

Council reconvened at 6.58pm and the Chief Executive Officer reported the resolutions of confidential session.

ITEM-16 CON 28/08/18 - SALE OF LAND FOR UNPAID RATES AND CHARGES

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Luke

The item lay on the table pending a Councillor workshop identifying (answering) a number of questions posed by Councillors.

**Carried
unanimously**

ITEM-17 CON 28/08/18 - TENDER REPORT HEAVY PATCHING (FLEXIBLE PAVEMENT) - CONTRACT NO 2019/006T

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

- 1 Council accept the tenders of Ian Rich Asphalt Pty Ltd and Accurate Asphalt & Road Repairs Pty Ltd for Heavy Patching (Flexible Pavement) for Contract No. 2019/006T with payments to be made in accordance with the tendered rates.

- 2 This confidential report relating to the matters specified in s10A(2)(d) of the *Local Government Act 1993* be treated as confidential and remain confidential until Council determines otherwise.

Carried

The meeting concluded at 6.59pm.