

## CITY OF NEWCASTLE

**Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 26 March 2019 at 5.30pm.**

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### PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors, J Church, D Clausen, C Duncan, J Dunn (*arrived 5.41pm*), K Elliott, B Luke, J Mackenzie, A Robinson (*arrived 5.32pm*), 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), A Murphy (Director City Wide Services), J Vescio (Executive Officer, Chief Executive Office), E Kolatchew (Manager Legal), M Murray (Policy Officer, Lord Mayor's Office), C Field (Executive Officer, Lord Mayor's Office), M Bisson (Manager Regulatory, Planning and Assessment), K Hyland (Manager Major Events and Corporate Affairs), B Johnson (Communications), D Mills (Communications), L Duffy (Manager Parks and Recreation), P McCarthy (Interim Manager Corporate and Community Planning), K Arnott (Corporate Strategist), A Knowles (Council Services/Minutes) and K Sullivan (Council Services/Webcast).

### 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 White, seconded by Cr Duncan

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

**Carried**

### DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

#### Councillor Luke

Councillor Luke declared a non-pecuniary less than significant conflict of interest in Item 16 - 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.

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4. Joins the Newcastle Muslim community in calling for peace, unity and respect following these evil, hate-filled and cowardly attacks on innocent worshippers;
5. Writes to Mayor Lianne Dalziel, Christchurch City Council, and New Zealand Prime Minister, the Rt Hon. Jacinda Ardern, on behalf of all Novocastrians, offering the City of Newcastle's sincerest sympathies and our admiration for the strength and resilience shown by the people of Christchurch and New Zealand;
6. Holds a Two Minute's Silence to pay respect to those who have been killed and injured, their families and friends, the City of Christchurch and New Zealand communities.

**Carried  
unanimously**

The Lord Mayor welcomed the Imam of Newcastle Mosque, Mohamed Khames and invited him to address Council and offer a prayer which was followed by two minutes silence in respect to those who were killed and injured in the Christchurch terrorist attacks.

## **REPORTS BY COUNCIL OFFICERS**

**ITEM-18                      CCL 26/03/19 - APPOINTMENT OF VOTING DELEGATE TO  
THE 2019 NATIONAL GENERAL ASSEMBLY OF LOCAL  
GOVERNMENT**

**MOTION**

Moved by Cr White, seconded by Cr Mackenzie

That Council:

Appoint the Lord Mayor to exercise Council's voting rights at the 2019 Australian Local Government Association's National General Assembly or appoint a voting delegate from among the Councillor attendees.

**Carried  
unanimously**

**ITEM-21                      CCL 26/03/19 - 233 WHARF ROAD AND 150 & 150A SCOTT  
STREET NEWCASTLE - ENDORSEMENT OF AMENDMENT TO  
NEWCASTLE LEP 2012**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

- 1 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).

- 2 Forward the Planning Proposal to the Minister for Planning and Environment for Gateway Determination pursuant to Section 3.34 of the EP&A Act.
- 3 Receive a report back on the Planning Proposal following public exhibition and public hearing.

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

**Against the Motion:** Nil.

**Carried**

**ITEM-22 CCL 26/03/19 - FORT WALLACE, STOCKTON - ADOPTION OF AMENDMENT TO NEWCASTLE LEP 2012 AND NEWCASTLE DCP 2012 SECTION 6.15**

**MOTION**

Moved by Cr White, seconded by Cr Winney-Baartz

That Council:

- 1 Adopts the Planning Proposal for Fort Wallace Stockton (**Attachment A**) prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend NLEP 2012.
- 2 Forwards the Planning Proposal to the Department of Planning and Environment (DPE) requesting that a draft plan be prepared and made.
- 3 Adopts the new draft Section 6.15 - Fort Wallace, Stockton of NDCP 2012 (**Attachment B**).

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

**Against the Motion:** Nil.

**Carried  
unanimously**

**ITEM-25 CCL 26/03/19 - MOBILE FOOD VENDING VEHICLES - LOCAL APPROVALS POLICY**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr White

That Council:

Adopts the Local Approvals - Mobile Food Vending Vehicles Policy at **Attachment A**.

**Carried  
unanimously**

**ITEM-14                    CCL 26/03/19 - SIX MONTH PERFORMANCE REPORT ON THE  
2018-2022 DELIVERY PROGRAM**

**MOTION**

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

That Council receives the Six Month Performance Report on the 2018-2022 Delivery Program, as per **Attachment A**.

**Carried**

**ITEM-15                    CCL 26/03/19 - SUMMERHILL WASTE MANAGEMENT  
CENTRE PROPOSED COMMERCIAL FEES AND CHARGES  
2019/20**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council:

- 1 Approve the draft amended 2019/20 Schedule of Commercial Fees and Charges for Waste Services collection, disposal and associated services at **Attachment A** being placed on public exhibition for 28 days.
- 2 Approve the adoption of the 2019/20 Schedule of Commercial Fees and Charges for Waste Services collection, disposal and associated services at **Attachment A**, if no significant adverse submissions are received during the public exhibition period. If significant adverse comments are received, then a further report to Council seeking approval will be required at the end of the public exhibition period.

**Carried  
unanimously**

**ITEM-16                    CCL 26/03/19 - EXECUTIVE MONTHLY PERFORMANCE  
REPORT**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

Receives the executive monthly performance report for February 2019.

## **PROCEDURAL MOTION**

Moved by Cr Elliott, seconded by Cr Rufo

Councillor Church be granted an extension of one minute to address Council.

**Defeated**

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

**Carried**

## **ITEM-17                    CCL 26/03/19 - ADOPTION OF REVISED INSTRUMENTS OF DELEGATIONS TO THE LORD MAYOR AND CHIEF EXECUTIVE OFFICER**

### **MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Adopts the revised Instrument of Delegations to the Lord Mayor at **Attachment A**; and
- 2 Adopts the revised Instrument of Delegations to the Chief Executive Officer at **Attachment B**.

### **AMENDMENT**

Moved by Cr Elliott, seconded by Cr Church

- 3 The Chief Executive Officer and the Lord Mayor donate their respective directors' fees associated with the appointments to Council's nominated charity, Got Your Back Sista.

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

**For the Amendment:**            Councillors Church, Elliott, Luke, Robinson and Rufo.

**Against the Amendment:**    Lord Mayor, Cr Nelmes, Councillors Clausen, Duncan, Dunn, Mackenzie, White and Winney-Baartz.

**Defeated**

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

**For the Motion:**

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

**Against the Motion:**

Councillors Church, Elliott, Luke, Mackenzie, Robinson and Rufo.

As there were equal votes for and against the motion, the Lord Mayor exercised the Chairperson's casting vote and declared the motion carried.

**Carried**

**ITEM-19                    CCL 26/03/19 - APPOINTMENT OF REPLACEMENT  
COUNCILLOR REPRESENTATIVE TO THE AUDIT AND RISK  
COMMITTEE**

**MOTION**

Moved by Cr Clausen, seconded by Cr Dunn

That Council:

- 1 through a process of nomination and simple majority vote, appoints one Councillor member to the Audit and Risk Committee for the remaining term of Council; and
- 2 appoints Councillor Byrne to the Audit and Risk Committee.

Councillor Church nominated Councillor Elliott as Councils representative on the Audit and Risk Committee.

The Lord Mayor accepted Councillor Elliott's nomination as a foreshadowed motion.

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

**Carried**

**ITEM-20                    CCL 26/03/19 - ADOPTION OF AMENDMENT TO NEWCASTLE  
DCP 2012 SECTION 6.02 HERITAGE CONSERVATION AREAS**

**MOTION**

Moved by Cr Duncan, seconded by Cr Dunn

That Council:

- 1 Adopts the draft Section 6.02 Heritage Conservation Areas (**Attachment A**) of the NDCP 2012 and associated amendments to Section 9.0 Glossary of the NDCP 2012 and provide public notice advising that this development control plan takes effect on the business day following the date upon which the amendment to the Newcastle Local Environmental Plan 2012 (NLEP 2012) is made to create a Heritage Conservation Area for the Hamilton Residential

Precinct pursuant to Section 3.36(1) of the Environmental Planning and Assessment Act (EP&A Act).

- 2 Exhibit further amendments to Section 6.02 Heritage Conservation Areas of the NDCP 2012 and associated amendments to Section 9.0 Glossary of the NDCP 2012 (**Attachment B**).

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

**Against the Motion:** Councillor Luke.

**Carried**

**ITEM-23 CCL 26/03/19 - CHINCHEN STREET ISLINGTON - PROPOSED TRAFFIC SIGNALS AT CLYDE STREET AND RELATED TRAFFIC, PEDESTRIAN AND CYCLEWAYS IMPROVEMENTS**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

Approve the installation of traffic control signals at the intersection of Chinchon and Clyde Streets, Islington; kerb extensions at Nelson Street and realignment of the intersection of Clyde Street and Chatham Road as shown in the exhibited concept plan at **Attachment A**.

**Carried  
unanimously**

**ITEM-24 CCL 26/03/19 - DOGS IN OPEN SPACE PLAN**

**MOTION**

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

Adopt the Dogs in Open Space Plan (**Attachment A**).

**AMENDMENT**

Moved by Cr Rufo, seconded by Cr Church

Adopt the Dogs in Open Space Plan (**Attachment A**) with the removal of the southwest corner of Lambton Park as a fenced off-leash area, until further engagement with all stake holders/park user's has taken place and alternative locations within the Park are considered.

Following discussion the amendment was amended as follows:



1. *Further engagement on Fenced Off-Leash areas at Lambton Park with all stake holders / park users to occur and alternative locations within the area are considered.*
2. *That a report come back to Council before implementation.*

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

The motion moved by Councillor Clausen and seconded by Councillor Winney-Baartz, as amended, was put to the meeting.

**Carried  
unanimously**

## **NOTICES OF MOTION**

### **ITEM-10                      NOM 26/03/19 - LIGHT RAIL EXPANSION - JOHN HUNTER HOSPITAL AND THE NEWCASTLE INNER CITY BYPASS**

#### **MOTION**

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

1. Reiterates its support for an expanded light rail network, as previously articulated in Council's Connecting Newcastle vision.
2. Notes commitments from both sides of Government for a \$780 million upgrade to the John Hunter Hospital, and \$280 million for the final stage of the Newcastle Inner City Bypass (Rankin Park to Jesmond).
3. Advocates with the incoming NSW Government for appropriate allowance to be made within these projects for the future expansion of light rail to connect the City centre with John Hunter Hospital and the University of Newcastle.

**Carried  
unanimously**

**ITEM-11                      NOM 26/03/19 - MOBILE BLACK SPOT FUNDING FOR  
NEWCASTLE TO SYDNEY TRAIN**

**MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

Works with the Hunter Joint Organisation (JO), the Commonwealth, Transport for NSW and Sydney Trains to advocate for mobile black spot funding to address gaps in reception between Newcastle and Sydney along the inter-city rail line.

**Carried  
unanimously**

**ITEM-12                      NOM 26/03/19 - AFFORDABLE HOUSING SCHEME FOR  
NEWCASTLE**

Councillor Church left the Chamber for discussion on the item.

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That the City of Newcastle:

1. Notes the decision of the NSW Government to extend the operation of State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes) (SEPP 70) to all LGAs in NSW in February 2019.
2. Notes the direction issued by the Planning Minister *Environmental Planning and Assessment (Planning Agreements) Direction 2019* specifying matters for consideration when negotiating a planning agreement with a developer for the purposes of affordable housing in connection with a development application.
3. Advises the Department of Planning and Environment that it is preparing an affordable housing contribution scheme.
4. Develops an affordable housing contribution scheme consistent with the requirements of s7.32 of the Environmental Planning and Assessment Act 1979.
5. Develops a policy regarding the arrangements for negotiating planning agreements for provision affordable housing in areas of the LGA not covered by the affordable housing contribution scheme, consistent with requirements of the Ministerial Direction.

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

**Against the Motion:** Councillor Luke.

**Carried**

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

**ITEM-13                      NOM 26/03/19 - BEAUMONT STREET CARNIVALE**

**MOTION**

Moved by Cr Elliott, seconded by Cr Robinson

That Council acknowledges the diligent work undertaken by a range of groups and individuals to conduct Carnivale in Beaumont Street, Hamilton on Sunday, 10 March 2019.

More than 30,000 people attended Carnivale and the event was an outstanding success.

This is testament to the partnership between City of Newcastle and the Hamilton Business Chamber and its member businesses.

This team also included a number of Council support staff who worked hard to make the event possible.

Council thanks all of those people and organisations concerned.

**Carried  
unanimously**

**ITEM-14                      NOM 26/03/19 - COWPER STREET BRIDGE LIGHTING**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Church

That the City of Newcastle:

1. Notes the proposal from the Throsby Villages Alliance regarding the installation of LED strip lighting under the Cowper St Bridge as the first step in providing a strong visual connection between Honeysuckle, Wickham and Carrington.
2. Notes the support of this proposal from the Committees and Volunteers working for Throsby Basin Villages, Newcastle MP Tim Crackanthorp, Thales, HCCDC, Port of Newcastle, Hunter Business Chamber and the Throsby Basin Business Chamber.

3. Investigates this proposal, including detailed lighting design and associated costs.
4. Prepare a costed, detailed report for the installation of underbridge LED for the consideration of Council as part of the preparation of the 2019/20 Budget.

**Carried  
unanimously**

**The meeting concluded at 7.50pm.**