

## CITY OF NEWCASTLE

**Minutes of the Ordinary Council Meeting held via video conferencing platform Zoom on Tuesday 25 August 2020 at 6.02pm.**

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### **PRESENT**

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, J Dunn (*arrived 6.07pm*), K Elliott, B Luke, J Mackenzie, 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), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), A Jones (Interim Director City Wide Services), E Kolatchew (Manager Legal), S Moore (Acting Chief Financial Officer), M Bisson (Manager Regulatory, Planning and Assessment), J Rigby (Manager Assets and Projects), L Duffy (Manager City Wide Services), Joe Vescio (Executive Officer), E Horder (Councillor Services, Minutes), K Sullivan (Councillor Services Meeting Support), G Axelsson, (Information Technology Support) and S Ray (Information Technology Support).

### **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 Elliott, seconded by Cr Luke

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

**Carried**

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

Nil.

## CONFIRMATION OF PREVIOUS MINUTES

### MINUTES - PUBLIC VOICE COMMITTEE 21 JULY 2020 MINUTES - ORDINARY COUNCIL MEETING 28 JULY 2020

#### MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

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

**Carried  
unanimously**

## LORD MAYORAL MINUTE

### ITEM-17 LMM 25/08/20 - BUILD THEM HERE - SUPPORTING OUR LOCAL MANUFACTURING INDUSTRY

#### MOTION

Moved by Lord Mayor, Cr Nelmes.

That City of Newcastle:

#### Part A

- 1 Notes with disappointment that Sydney's new ferries, which were built in Indonesia, have been found to contain asbestos while docked at Carrington awaiting testing in Newcastle Harbour;
- 2 Reiterates that in 2016, the NSW Government gave a commitment in the NSW Parliament that it "will use its best endeavours" to source local content on transport infrastructure projects and that City of Newcastle passed a unanimous motion calling on the NSW Government to abandon its plans to offshore local manufacturing jobs;
- 3 Notes that since this commitment, the NSW Government has offshored the manufacturing of Newcastle Light Rail rolling stock, the NSW Intercity Fleet of trains that services the Newcastle to Sydney service and Sydney's ferries;
- 4 Calls on the NSW Government to commit to building the state's vital transport infrastructure in NSW, to avoid disastrous consequences such as billion dollar blow outs on trains that don't fit through tunnels on the intercity line and ferries that contain asbestos and are too tall for their planned routes.

#### Part B

- 1 Congratulates Novocastrian Cory Wright on his election as State Secretary of the NSW Branch of the Australian Manufacturing Workers Union (AMWU), and ex-Novocastrian Steve Murphy on his recent election as the Federal Secretary of the AMWU, noting that both officials began their union careers organising manufacturing workers in Newcastle and the Hunter Region;

- 2 Notes that Newcastle and the Hunter's manufacturing industries strongly contribute to the regions diverse economy with particular strengths across advanced manufacturing, aerospace, defence, and mining contributing more than \$34 billion to the NSW economy;
- 3 Notes that supporting a strong manufacturing sector will be a key component to Newcastle and the Hunter Region's recovery from the COVID-19 global pandemic, as well as the transition to a net-zero carbon economy.
- 4 Notes that any plans for economic recovery and energy transition are most likely to be successful when workers are part of the decision making and are supported in the transition.
- 5 Writes to both the NSW and Federal Secretaries of the AMWU, seeking their input into protecting and strengthening manufacturing and supporting manufacturing workers in Newcastle, both through the COVID recovery and transition to net-zero carbon economy.

**Carried  
unanimously**

**ITEM-18 LMM 25/08/20 - CITY OF NEWCASTLE'S SUBMISSION TO THE PUBLIC ACCOUNTABILITY COMMITTEE'S INQUIRY INTO THE INTEGRITY, EFFICACY AND VALUE FOR MONEY OF NSW GOVERNMENT GRANT PROGRAMS**

**MOTION**

Moved by Lord Mayor, Cr Nelmes.

That City of Newcastle:

- 1 Notes that on 21 August 2020 our submission (Attachment A) to the NSW Parliamentary Inquiry into the integrity, efficacy and value for money of NSW Government grant programs was lodged with the Public Accountability Committee, following a Lord Mayoral Minute of 27 July 2020;
- 2 Asks the Public Accountability Committee to:
  - a) Establish a consistent geography and classification across all NSW Government funding sources that enables equitable access for all LGAs. This would provide more integrity to the process and enable new opportunities for LGAs like Newcastle, who have been effectively shut out from a range of funding sources; and to
  - b) Create a Gateway City classification to recognise that LGAs like Newcastle and Wollongong are major regional economic centres that sit between a metropolitan and regional classification. Gateway Cities will play a critical role in the future economic resilience and competitive opportunities of the state, particularly with the ongoing impacts of COVID-19. This would improve the efficiency and value for money of NSW Government grants.

- 4 Raises our strong concerns that City of Newcastle is significantly disadvantaged in both its eligibility and access to a large number of NSW Government Grant programs, noting that the independent Hunter Research Foundation Centre (HRFC) has identified government grant funding sources totalling **\$5.86 billion where City of Newcastle has been deemed ineligible to access funding due to our classification** - If Newcastle's share of these funds was in line with its share of Gross State Product in 2019, the region might have received or be receiving an extra **\$170.4 million in funds**.
- 5 Notes that City of Newcastle has received 0.06% of Restart NSW Funds allocated to date, well below our share of the state's population (2.11%) and our share of Gross State Product (2.91%);
- 6 Raises our strong concerns that City of Newcastle been effectively shut-out of all NSW cultural infrastructure grants, noting that Newcastle is ineligible to access the Regional Cultural Fund, as it is defined as 'metropolitan', but there is no equivalent opportunity within metropolitan funding rounds, significantly stifling opportunities to improve our local cultural infrastructure, such as the redevelopment of Newcastle Art Gallery;
- 7 Sends a copy of our submission to the Premier, the Hon. Gladys Berejiklian MP, the Prime Minister, the Hon. Scott Morrison MP, local Members of Parliament, State Member for Newcastle, Mr Tim Crakanthorp MP, Federal Member for Newcastle, Ms Sharon Claydon MP, and Parliamentary Secretary for the Hunter, the Hon. Catherine Cusack MLC.

**Carried  
unanimously**

## REPORTS BY COUNCIL OFFICERS

### ITEM-50                      CCL 25/08/20 - TABLING OF PECUNIARY INTEREST RETURNS - 1 MAY TO 31 JULY 2020

#### MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

- 1 Note the tabling of the pecuniary interest returns (for the period 1 May to 31 July 2020) by the CEO.

**Carried  
unanimously**

**ITEM-52**                      **CCL 25/08/20 - VARIATIONS TO DEVELOPMENT STANDARDS**

**MOTION**

Moved by Cr Elliott, seconded by Cr Winney-Baartz

That Council:

- 1 Receives the report on development variations approved between January 2020 and July 2020 at **Attachment A** in accordance with the requirements of Planning Circular PS 20-002 Variations to development standards at **Attachment B**.

**Carried  
unanimously**

**ITEM-53**                      **CCL 25/08/20 - EMERGENCY EGRESS FOR HIGH-RISE OCCUPANTS WITH A DISABILITY**

**MOTION**

Moved by Cr Elliott, seconded by Cr Mackenzie

That Council:

- 1 Writes to the Council of Australian Governments' Building Ministers' Forum and the Australian Building Codes Board, seeking that they reconsider the creation of provisions that improve emergency egress for people with a disability, particularly with respect to emergency egress from high-rise buildings. In this respect, reference is made to the limited initiatives arising from the 2014/15 Regulation Impact Statement process for '*Emergency Egress for Occupants with a Disability*' and the apparent lack of further progress on the matter since then.
- 2 Writes to the NSW Minister representing the State on the Council of Australian Governments' Building Ministers' Forum (currently the Hon Kevin Anderson MP, Minister for Better Regulation and Innovation), to seek their support in relation to the creation of provisions that improve emergency egress for people with a disability, particularly with respect to emergency egress from high-rise buildings.
- 3 Writes to the NSW Building Commissioner to seek their support in relation to the creation of formal administrative arrangements that marry in with the Commonwealth's disability discrimination provisions, as was foreshadowed in the Commonwealth's '*Guideline to the Application of the Premises Standards*', particularly as a means of ensuring compliance with respect to alterations to buildings.
- 4 Investigates amending City of Newcastle's (CN) Development Control Plans / Planning Guidelines to include consideration of emergency egress from high-rise buildings for people with disabilities.

**Carried  
unanimously**

**ITEM-55**                      **CCL 25/08/20 - ADOPTION OF ASSET MANAGEMENT POLICY 2020**

**MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1     Adopts the revised Asset Management Policy (Policy) as at **Attachment A.**

**Carried  
unanimously**

**ITEM-57**                      **CCL 25/08/20 - AUTHORISATION FOR SIGNING OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020**

**MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1     Notes the preparation of CN's Financial Statements for the year ended 30 June 2020 is underway and upon completion they will be referred to CN's Auditors, NSW Audit Office, in accordance with Section 413(1) of the Act.
- 2     Authorises the Lord Mayor, a Councillor, the Chief Executive Officer and the responsible Accounting Officer to sign the Statements by Councillors and Management in accordance with Section 413(2) of the Act at the conclusion of the external audit (**Attachments A and B**).

**Carried  
unanimously**

**ITEM-58**                      **CCL 25/08/20 - INVESTMENT AND BORROWING POLICY ANNUAL REVIEW**

**MOTION**

Moved by Cr Clausen, seconded by Cr Winney-Baartz

- 1     That Council adopts the updated Investment and Borrowing Policy (Policy) as at **Attachment A.**

**Carried  
unanimously**

**ITEM-59**                      **CCL 25/08/20 - EXECUTIVE MONTHLY PERFORMANCE REPORT**

**MOTION**

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Council:

- 1     Receives the Executive Monthly Performance Report for July 2020.

**Carried**

**ITEM-49**                      **CCL 25/08/20 - KING STREET STOCKTON - MARINE RESCUE LAND ONLY LEASE**

**MOTION**

Moved by Cr Clausen, seconded by Cr Luke

That Council:

- 1     Endorse the subdivision of Lot 7318, DP 1164949 to create a separate Lot (Proposed Land) as shown at **Attachment A**.
- 2     Endorse entering into a Land Only Lease with Marine Rescue NSW for the Proposed Land, for a term of 21 years at \$1 per annum.

**Carried  
unanimously**

**ITEM-51**                      **CCL 25/08/20 - PUBLIC EXHIBITION OF THE DRAFT SECTION 7.12 NEWCASTLE LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2019 (UPDATE AUGUST 2020))**

**MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

- 1     That Council places the draft Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019 (Update August 2020) (**Attachment A**) on public exhibition for 28 days and considers a report on submissions received following the public exhibition.

**For the Motion:**

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

**Against the Motion:**

Nil.

**Carried  
unanimously**



**For the Motion:**

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

**Against the Motion:**

Councillor Church.

**Carried**

**ITEM-60**

**CCL 25/08/20 - APPOINTMENT OF DEPUTY LORD MAYOR**

**PROCEDURAL MOTION**

Moved by Cr Mackenzie, seconded by Cr Byrne

The motion be dealt with seriatim.

**Carried**

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

**PART 1**

**MOTION**

Lord Mayor, Cr Nelmes seconded by Cr Dunn

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) (Regulation).

**Carried  
unanimously**

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

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

Councillor Rufo - Councillors Church, Elliott, Luke and Rufo.

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

**PART 2**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Byrne

That Councillor Clausen is elected Deputy Lord Mayor for the period 13 September 2020 until the day before the next ordinary election.

**Carried**

**ITEM-61****CCL 25/08/20 - TRANSFER OF CIVIC HOTEL LIQUOR LICENCE****MOTION**

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

- 1 Endorse running an Expression of Interest (EOI) for the transfer of the former Civic Hotel Liquor Licence (Licence).
- 2 Endorse the transfer to a successful proponent for an amount that meets or exceeds the current valuation of the Licence.
- 3 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the transaction.
- 4 Endorse the proceeds be transferred to City of Newcastle's (CN) 'Works Program: Specific Projects' internally restricted reserves.
- 5 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 the Chief Executive Officer determines otherwise.

**AMENDMENT**

Moved by Cr Elliott, seconded by Cr Church

That Council surrender the Civic Hotel Liquor Licence to NSW Liquor and Gaming as selling of the licence for profit would not be in alignment with the intent of Council's stated and endorsed Investment and Borrowing Policy, which includes alcohol in the category of socially harmful activity.

Councillor Luke raised a point of order on the amendment.

The Lord Mayor upheld the point of order stating the amendment was contrary to the motion before the meeting and was considered a foreshadowed substantive motion.

**PROCEDURAL MOTION**

Moved by Cr Luke, seconded by Cr Rufo

Council move into confidential session to discuss the confidential attachment for the reasons outlined in the business paper.

**Carried**

Council moved into confidential session at 7.19pm.

During confidential session Councillor Elliott declared a non-significant pecuniary interest in Item 61 – Transfer of Civic Hotel Liquor Licence stating she had regularly purchased from the business that had expressed an interest in purchasing the liquor licence.

## **PROCEDURAL MOTION**

Moved by Cr Luke, seconded by Cr Mackenzie

Council move into open session.

**Carried  
unanimously**

Council moved into open session at 7.25pm.

The motion moved by Councillor Duncan and seconded by Councillor Winney-Baartz was put to the meeting.

**Carried**

## **NOTICES OF MOTION**

### **ITEM-18                      NOM 25/08/2020 - NEWCASTLE INNER CITY BYPASS**

#### **MOTION**

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

- 1 Notes its previous resolutions of 28 June 2016 and 26 March 2019 (unanimously carried) regarding the Newcastle Inner City Bypass and need to incorporate planning for future transport connections.
- 2 Notes that Transport for NSW (TfNSW) has recently released revised designs for the Bypass.
- 3 Notes that the revised designs include a range of minor amendments to the designs, many of which deliver improvements requested by City of Newcastle.
- 4 Despite many improvements, notes that the 2020 design plan still does not include a left turn ramp from McCaffrey Drive into the bypass (traffic from west to north).
- 5 Notes the immediate strategic importance of urgently reviewing the road design to ensure that allowance is made to incorporate a future rapid transport connections between the University of Newcastle at Callaghan and John Hunter Hospital, noting the strategic research and innovation links, and significant upgrades proposed at both campuses.
- 6 Engages with the University of Newcastle and Hunter New England Health, and writes to the NSW Government (Minister for Transport and Roads, Minister for Regional Transport and Roads, Minister for Health and Medical Research, and Parliamentary Secretary for the Hunter) and the Member for Wallsend, seeking inclusion of a rapid transport connection between John Hunter Hospital and the University of Newcastle on the new road.

**Carried  
unanimously**

**The meeting concluded at 7.34pm.**