

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 25 February 2020 at 6.05pm.

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), 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), S Grierson (Manager Transport and Compliance), J Rigby (Manager Assets and Projects), D O'Hara (Manager Civic Services), T Uren (Manager Waste Services), A Abbott (Manager Corporate and Community Planning), D Moldrich (Manager Customer Experience), E Dowswell (Media and Communications Advisor), J Vescio (Executive Officer, Chief Executive's Office), M Murray (Policy Officer, Lord Mayor's Office), A Knowles (Council Services, Minutes) and K Sullivan (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 less than significant non-pecuniary conflict of interest in Item 12 – Executive Monthly Performance Report as the item included the re-investment of 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.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 3 DECEMBER 2019 MINUTES - ORDINARY COUNCIL MEETING 10 DECEMBER 2019

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

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

LORD MAYORAL MINUTE

ITEM-1 LMM 25/02/20 - STUDY NSW WEBSITE UPDATE

MOTION

Moved by Cr Nelmes, Lord Mayor

That City of Newcastle:

1. Notes that the NSW Government established "Study NSW" in 2014 with the aim of increasing the number of international students studying in Sydney and NSW. The primary vehicle of engagement is a "Study NSW" website with three key categories of information – Learn, Live, Work;
2. Notes the "Study NSW" website is also branded "Study Sydney" and all images / information are specific to Sydney educational institutions. The shortened website URL is www.study.sydney. The "Hunter Region" link on the Study NSW website takes the user to The Hunter region page on the Destination NSW website, which includes images of vineyards and no specific information regarding education institutions in Newcastle / the Hunter;
3. Notes the "Study NSW" website does not enable any promotion of education institutions in Gateway Cities like Newcastle and Wollongong;
4. Notes that other states have supported the development of 'Study' branding, web portals and activities for regions outside of the state capital. Examples include Study Gold Coast, Study Townsville and Study Geelong;
5. In partnership with Professor Alex Zelinsky AO, Vice-Chancellor of the University of Newcastle, writes to The Hon Dominic Perrottet, NSW Treasurer and Minister responsible for Study NSW, requesting NSW promote its regions as study destinations, and resource a Study Hunter web portal and program. Like the Study Sydney equivalent, the new web portal should detail the learn, live and work opportunities of Newcastle and region and should be developed in partnership with the City of Newcastle and other key partners. The letter should also emphasise the City of Newcastle's support for increasing the international student intake, noting the skills, ideas and innovation that skilled migrants bring to a city.

**Carried
unanimously**

This is page 2 of the Minutes of the Ordinary Council Meeting held in the Council Chambers, City Hall, Newcastle on Tuesday, 25 February 2020 at 6.05pm.

ITEM-2 LMM 25/02/20 - NATIONAL COMMUNICATIONS CHARTER: A UNIFIED APPROACH TO MENTAL HEALTH AND SUICIDE PREVENTION

MOTION

Moved by Cr Nelmes, Lord Mayor

1. Notes that in September 2018, Everymind launched the *National Communications Charter: A unified approach to mental health and suicide prevention* (The Charter), aimed at assisting governments, organisations, community groups and individuals to play a role in reducing stigma around mental illness and suicide, while also promoting help-seeking behaviour through its guiding principles and messages;
2. Commends Everymind for developing this important tool, and their incredible work to unite organisations across Australia to promote communicating in ways that promote improving our mental health awareness and suicide prevention;
3. Signs the National Communications Charter: A unified approach to mental health and suicide prevention; and commits to reducing stigmatising language and promoting help-seeking and help-offering behaviour in our City's communications;
4. Takes a leadership role when it comes to breaking down barriers and removing the stigma of mental illness and suicide, both for our staff, and across the broader community.

**Carried
unanimously**

ITEM-3 LMM 25/02/20 - STOCKTON BEACH EROSION NATURAL DISASTER UPDATE

MOTION

Moved by Cr Nelmes, Lord Mayor

That City of Newcastle:

1. Notes that following the severe and ongoing coastal erosion at Stockton Beach, the NSW Government granted City of Newcastle's request to declare a Natural Disaster at Stockton Beach;
2. Notes that this declaration means that City of Newcastle is eligible for assistance through the Commonwealth-State Disaster Recovery Fund Arrangements to help with the cost of cleaning up and restoring damaged essential public assets, but does not allow for action towards a long term solution to address erosion at Stockton Beach;
3. Commends the Stockton and broader community for their community rally, where thousands of people gathered in frustration at the current inability to address coastal erosion over the long term;

4. Acknowledges ongoing community concern about the closure of Lexie's on the Beach café and the forced relocation of Stockton Beach Holiday Park cabins;
5. Reassures the community that both measures have only been undertaken as an emergency response, based on expert engineering advice;
6. Commits to working with the owners of Lexie's on the Beach towards a resolution which protects local jobs by exploring all available options to allow the café to trade, while not compromising community safety;
7. Commits to the ongoing operation of the Stockton Holiday Park cabins, to protect the local economy and local jobs;
8. Ensures that the Stockton Community is updated with the latest information about:
 - a. Our response to the Natural Disaster declaration at Stockton Beach;
 - b. Public Safety provisions at Stockton Beach
 - c. The ongoing development of our Coastal Management Program (CMP); including recent direction from the Minister for Local Government to complete this process by 30 June 2020;
 - d. Outstanding grant applications that City of Newcastle has made to the NSW Government;
 - e. What we are doing to support Lexie's on the Beach café;
 - f. The situation regarding the forced relocation of Stockton Holiday Park cabins;
9. Reiterates the need for the NSW Government to consider legislative or regulatory change to allow for emergency offshore marine dredging for sand nourishment at Stockton Beach.

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-1 CCL 25/02/20 - AUDIT AND RISK COMMITTEE 2018/19 ANNUAL REPORT

MOTION

Moved by Cr Mackenzie, seconded by Cr White

That Council:

- 1 Received the Audit and Risk Committee's Annual Report for the 2018/2019 financial year at **Attachment A**; and
- 2 Notes the 2019/2020 Forward Internal Audit Plan at **Appendix A of Attachment A**.

**Carried
unanimously**

ITEM-2 CCL 25/02/20 - ADOPTION OF OUTDOOR TRADING POLICY

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

That Council:

- 1 Adopts the revised Outdoor Trading Policy at **Attachment A** and waives the annual approval fees from 1 July 2020.

**Carried
unanimously**

ITEM-4 CCL 25/02/20 - JANET STREET, JESMOND - PROPOSED UPGRADE TO EXISTING PEDESTRIAN CROSSING

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

- 1 Approve the upgrade of the existing pedestrian crossing on Janet Street east of Algie Street, Jesmond, to a raised pedestrian crossing with kerb extensions, as generally shown at **Attachment A**.

**Carried
unanimously**

ITEM-7 CCL 25/02/20 - SIX-MONTHLY PERFORMANCE REPORT ON THE 2018-2022 DELIVERY PROGRAM (OUR BUDGET 2019/20)

MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

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

**Carried
unanimously**

ITEM-9 CCL 25/02/20 - TABLING OF PECUNIARY INTEREST RETURNS - 1 NOVEMBER 2019 TO 31 JANUARY 2020

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Note the tabling of the pecuniary interest returns (for the period 1 November 2019 to 31 January 2020) by the CEO.

**Carried
unanimously**

ITEM-12 CCL 25/02/20 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

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

For the Motion:

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

Against the Motion:

Councillor Church.

Carried

ITEM-3 CCL 25/02/20 - NEWCASTLE AND MEREWETHER OCEAN BATHS EXPRESSIONS OF INTEREST UPDATE

This item was dealt with in conjunction with the Notice of Motion, Item 1 – Ocean Baths Redevelopment Update.

Councillor Robinson left the Chamber during discussion on the item.

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

PART A

That Council:

- 1 Note that there were no successful EOI submissions for the upgrade of the Merewether and Newcastle Ocean Baths Pavilion sites.
- 2 Prepare concept design options based on current community engagement outcomes for further community consultation.
- 3 Investigate funding sources for City of Newcastle to manage the upgrade of the Merewether and Newcastle Ocean Baths Pavilions.

PART B

That City of Newcastle:

- 1 Notes that on 4 February 2020, it was announced that City of Newcastle has committed to funding the restoration of both Newcastle and Merewether Ocean Baths following an unsuccessful expressions of interest (EOI) process;

- 2 Notes that City of Newcastle is currently engaged in extensive community consultation, following a resolution of Council to bring forward engagement following incorrect claims that our Ocean Baths would be privatised;
- 3 Reiterates that our Ocean Baths are on NSW Government Crown Land, with City of Newcastle acting as the Crown Land manager, and cannot, and will not, be sold or privatised;
- 4 Notes that a Community Reference Group will now be established, with stakeholder groups invited to join including, but not limited to, the Friends of Newcastle Ocean Baths, the Australian Institute of Architects, Newcastle East Residents Group, local businesses, and local sporting clubs and user groups, to ensure broad community involvement in the redevelopment of our iconic Ocean Baths is maintained throughout these important projects.

AMENDMENT

Moved by Cr Elliott, seconded by Cr Rufo

Amend paragraph 3 in Part A of the motion:

- 3 Investigate funding sources for City of Newcastle to manage the upgrade of the Merewether and Newcastle Ocean Baths Pavilions, without relying on external funding if it is not forthcoming.

and include an additional paragraph in Part A of the motion:

- 4 Explore a Newcastle Ocean Baths co-design workshop and community information sessions and report back to Council.

The mover and seconder accepted Councillor Elliott's amendment into the motion.

AMENDMENT

Moved by Cr Mackenzie, seconded by Cr Byrne

Amend Part B, paragraph 4 to read as:

- 4 Notes that a Community Reference Group will now be established, with stakeholder groups invited to join including, but not limited to, the Friends of Newcastle Ocean Baths, the Australian Institute of Architects, Newcastle East Residents Group, local businesses, the City of Newcastle's Disability Inclusion Advisory Committee, the Chairs of the Infrastructure Advisory Committee, Liveable Cities Advisory Committee and Guraki Aboriginal Advisory Committee, and local sporting clubs and user groups, to ensure broad community involvement in the redevelopment of our iconic Ocean Baths is maintained throughout these important projects.

The mover and seconder accepted Councillor Mackenzie's 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**

ITEM-5 CCL 25/02/20 - DISSOLUTION OF COMMUNITY FACILITIES S355 COMMITTEES

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That Council:

- 1 Approves the voluntary dissolution of the following s.355 Committees:
 - i) Carrington Community Centre Committee, and
 - ii) Henderson Park Hall Committee.
- 2 Recognises the contribution that volunteers have made to the s.355 Committees over many years.
- 3 Thanks the former office bearers Gloria Jones, John Thacker and Lyn Richardson from the Carrington Community Hall.

**Carried
unanimously**

ITEM-6 CCL 25/02/20 - LIVE MUSIC STRATEGY UPDATE

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

- 1 Receives the report on implementation of the Live Music Strategy 2019 – 2023.

**Carried
unanimously**

ITEM-8 CCL 25/02/20 - ADOPTION OF THE WESTERN CORRIDOR SECTION 7.11 LOCAL CONTRIBUTIONS PLAN

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Adopts the Section 7.11 Western Corridor Local Infrastructure Contributions Plan 2013 (update February 2020) (**Attachment A**).
- 2 Upon gazettal of an amended Ministerial Direction, apply a rate of \$25,550.90 (with a cap of \$30,000 that cannot be exceeded upon future indexing) per dwelling or residential lot for areas identified as Planned Future Development Sites in the Section 7.11 Western Corridor Local Infrastructure Contributions Plan 2013 (update February 2020).

PROCEDURAL MOTION

Moved by Cr Church, seconded by Cr Elliott

That this matter lay on the table.

For the Procedural Motion: Councillors Church, Dunn, Elliott, Luke and Rufo.

Against the Procedural Motion: Lord Mayor, Cr Nelmes and Councillors Byrne, Clausen, Duncan, 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 Byrne, Clausen, Duncan, Mackenzie, White and Winney-Baartz.

Against the Motion: Councillors Church, Dunn, Elliott, Luke and Rufo.

Carried

ITEM-10 CCL 25/02/20 - COUNCIL CHAMBERS - CITY HALL

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Preserve the Council Chamber and associated civic spaces within Newcastle City Hall to retain their current standard of presentation and ensure that any future renovation protects their heritage value.
- 2 Make City Hall Council Chamber and civic spaces available for commercial hire from 1 July 2020 with a two-tiered pricing structure that encourages both the private sector and community groups to utilise. Noting that in developing programs to enable public access to these civic spaces, priority will be given to access at discounted rates for educational purposes and for community groups, consistent with the 2020/21 Fees and Charges, and access at commercial hire rates for private and commercial purposes.
- 3 Develop public programs which promote access to the City Hall Council Chamber and civic spaces including information and education about the City's civic history and the City Hall building, and particularly its heritage value.
- 4 Where appropriate, continues to use City Hall for City of Newcastle functions and initiatives, including meetings of Council's Advisory Committees.
- 5 City of Newcastle intends to hold the ceremonial first meeting of the 2020 Council term at City Hall Chamber.

AMENDMENT

Moved by Cr Mackenzie

Insert the following after paragraph 1 into the motion and renumber other clauses accordingly:

- 2 Conduct an audit, heritage assessment and conservation plan for internal fixtures, fittings and furniture in the four rooms, with particular attention to items that are contemporaneous with the Town Hall's construction or other items with historical, architectural or ceremonial significance.
- 3 That the renovation of the Council Chamber preserves the ability of the Chamber to be used for Council meetings, meetings of Advisory Committees, the Youth Council meetings, and other ceremonial and civic events in accordance with the heritage settings.

The mover and seconder of the motion accepted Councillor Mackenzie's amendment into the motion.

AMENDMENT

Moved by Cr Church, seconded by Cr Elliott

Amend original clause 2 of the motion to read:

- 2 Make City Hall Council Chamber and civic spaces available for **short term casual community and** commercial hire from 1 July 2020 with a two-tiered pricing structure that encourages both the private sector and community groups to utilise. Noting that in developing programs to enable public access to these civic spaces, priority will be given to access at discounted rates for educational purposes and for community groups, consistent with the 2020/21 Fees and Charges, and access at commercial hire rates for private and commercial purposes (**amendment in bold**).

The mover and seconder of the motion accepted Councillor Church's amendment into the motion.

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

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

Against the Motion: Councillor Luke.

Carried

ITEM-11 CCL 25/02/20 - QUARTERLY BUDGET REVIEW - DECEMBER 2019

MOTION

Moved by Cr Dunn, seconded by Cr Winney-Baartz

That Council:

- 1 Receives the December Quarterly Budget Review Statement (**Attachment A**) and adopts the revised budget as detailed therein.

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

Against the Motion: Councillors Church and Elliott.

Carried

NOTICES OF MOTION

ITEM-1 **NOM 25/02/20 - OCEAN BATHS REDEVELOPMENT UPDATE**

This item was dealt with in conjunction with Item 3 – Newcastle and Merewether Ocean Baths Expression of Interest Update (refer to page 6 of the minutes of 25 February 2020).

ITEM-2 **NOM 25/02/20 - ELECTRIC WASTE MANAGEMENT VEHICLE FLEET**

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That City of Newcastle

1. Receives a business case for the consideration of Councillors on the costs and benefits of transitioning the waste management vehicle fleet, including collection trucks, to electric vehicles. The business case should compare the cost and benefits under immediate, 2025 and 2030 scenarios, and include consider the options of using electricity generated at Summerhill Waste Management Facility.

**Carried
unanimously**

ITEM-3 **NOM 25/02/20 - NSW BUSHFIRE EMERGENCY RESPONSE**

MOTION

Moved by Cr Duncan, seconded by Cr Mackenzie

That City of Newcastle:

1. Notes that catastrophic bushfires have ravaged Australia over Summer, with fires burning an estimated 18.6 million hectares; destroying over 5,900 building, including almost 3,000 homes; sadly killing at least 34 people, including 4 firefighters; and leading to the widespread destruction of flora and fauna including an estimated one billion animals being killed, with some endangered species possibly being driven to extinction.
2. Notes that as a result of these bushfires, air quality has dropped to hazardous levels, and the estimated costs of addressing the fires is expected to exceed \$4.5 billion, in addition to tourism sector revenues falling significantly.
3. Notes that while the City of Newcastle Local Government Area was not directly impacted by the fires, our staff have offered to assist in the clean-up and recovery efforts in any way possible, including:
 - a. Immediately reaching out to our direct Council neighbours, including Mid-Coast Council, to offer support and assistance throughout the fire emergency;

- b. Offering our plant equipment and staff to assist those communities who are either still fighting the fires, or dealing with the tragedy of a clean up;
 - c. Joining with the NSW Government, through the Office of Local Government, to make our resources available as part of a Bushfire Council Coordination Service;
 - d. Staff and Councillors volunteering at our New Years Eve event to collect donations for the Red Cross Bushfire Appeal;
 - e. Committing to the \$1.8 million construction of a new local Emergency Operations Centre, which will allow various agencies to streamline their coordination of a city wide mobilisation and response to future natural disasters;
4. Thanks our City of Newcastle Staff for their efforts to support those affected by the bushfire crisis;
 5. Acknowledges that climate change is impacting Australia, worsening and prolonging bushfires across the nation – there has never been a time in Australian history where we have had so many fires, which are so intense, burning across so many areas at the same time;
 6. Continues to encourage anyone affected by the bushfires to seek assistance, particularly to ensure their ongoing mental health wellbeing as the emergency abates.

**Carried
unanimously**

The meeting concluded at 9.00pm.

I certify that pages 1-13 of the Ordinary Council Meeting Minutes dated 25 February 2020, were confirmed, and/or amended, by the Ordinary Council Meeting held 24 March 2020.

**Cr N Nelmes
LORD MAYOR**