

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, Level 1 City Administration Centre, 12 Stewart Avenue, Newcastle West on 24 November 2020 at 6.08pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church (*left 8:25pm*), D Clausen, C Duncan, J Dunn, K Elliott (*arrived 8.08pm/left 8.25pm*), B Luke (*retired 9.30pm*), J Mackenzie, A Robinson (*retired 8:25pm*), E White 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), A Jones (Interim Director City Wide Services), K Liddell (Director Infrastructure and Property), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), S Moore (Acting Chief Financial Officer), M Murray (Chief of Staff), S Grierson (Manager Transport and Compliance), Deborah Moldrich (Manager Customer Experience), J Vescio (Executive Officer), E Dowswell (Senior Media Advisor), E Horder (Councillor Services/Minutes), K Sullivan (Councillor Services, Meeting Support), A Knowles (Councillor Services/Meeting Support), G Axelsson (Information Technology Support) and U Bansal (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 Winney-Baartz, seconded by Cr Mackenzie

The apologies submitted on behalf of Councillor Rufo be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Church

Councillor Church declared a less than significant non-pecuniary interest in Item 92 - Adoption of Planning Agreement - 73 - 79 Railway Lane, Wickham as a former employer was engaged to assist with the sales and marketing of the project. He stated he would manage the conflict of interest by removing himself from the meeting for discussion on the Item.

Councillor Church

Councillor Church declared a significant pecuniary interest in Item 85 – Adoption of Local Housing Strategy stating that he worked within the residential property industry and would manage the conflict by removing himself from the meeting for discussion on the item.

Lord Mayor, Councillor Nelmes

Lord Mayor, Councillor Nelmes declared a significant pecuniary interest in Notice of Motion Item 29 - McDonalds as two family members were employed by the subject matter and would manage the conflict by removing herself from the Chamber for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE 20 OCTOBER 2020

MINUTES - ORDINARY COUNCIL MEETING 27 OCTOBER 2020

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

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

**Carried
unanimously**

LORD MAYORAL MINUTE

**ITEM-22 LMM 24/11/20 - CITY OF NEWCASTLE SUBMISSION- IPART
LOCAL COUNCIL DOMESTIC WASTE MANAGEMENT
CHARGES DISCUSSION PAPER**

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Notes that City of Newcastle has made a detailed submission (Attachment A) to the Independent Pricing and Regulatory Tribunal (IPART) in response to the release of the Local Council Domestic Waste Management Charges (DWMC) Discussion Paper;
- 2 Notes that the NSW Government collects around \$800 million annually through its Waste Levy, which has grown by more than 250 per cent over the past decade;
- 3 Continues to raise concerns regarding the fact that while we pay around \$37 million annually in Levy contributions, only \$175,000 is returned to the Newcastle Local Government Area (LGA) to fund vital resource recovery,

waste management and waste and recycling education projects for Novocastrians;

- 4 Joins LGNSW in advocating for the NSW Government to adequately re-invest Waste Levy funds into the development of local waste management planning, local procurement, education and local priority waste management infrastructure projects such as the City of Newcastle Organics Recycling Facility at Summerhill Waste Management Centre.

**Carried
unanimously**

**ITEM-23 LMM 24/11/20 - NSW ARTS MAINTENANCE AND UPGRADE
FUND**

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

- 1 Welcomes the NSW Government's 2020 Budget announcement of the creation of an *Arts Maintenance and Upgrade Fund*, allocating \$103.5 million in capital expenditure over the next two years to both stimulate jobs and the economy through improving accessibility, sustainability and functionality at our cultural assets, in response to the COVID-19 global pandemic;
- 2 Notes that the Newcastle Art Gallery Redevelopment Project is shovel ready, and is specifically aimed at ensuring significant improvements to accessibility, sustainability and functionality of our gallery, as well as providing significant stimulus to the local economy and the creation of 170 local jobs;
- 3 Reiterates City of Newcastle and the community's commitment to the redevelopment project, with more than half of the \$35.6 million required for the project committed by Council and the community, through the Newcastle Art Gallery Foundation.
- 4 Writes to the NSW Premier, the Hon. Gladys Berejiklian MP, the Treasurer, the Hon. Dominic Perrottet MP, and the Minister for the Arts, the Hon. Don Harwin MLC, advocating for the outstanding funding required for the Newcastle Art Gallery Redevelopment Project to be provided through the \$103.5 million NSW *Arts Maintenance and Upgrade Fund*.

**Carried
unanimously**

ITEM-24**LMM 24/11/20 - HUNTER RENEWABLE ENERGY ZONE****MOTION**

Moved by Cr Nelmes

That City of Newcastle:

- 1 Congratulates Minister for Energy and Environment, the Hon. Matt Kean MP, for steering the NSW Government's commitment to establish the Renewable Energy Zone network, including the recent inclusion of the Hunter as the State's newest Renewable Energy Zone;
- 2 Congratulates Deputy Leader of the Opposition, Yasmin Catley MP, Parliamentary Secretary for Agriculture, Michael Johnsen MP, and Member for Lake Macquarie, Greg Piper MP, for ensuring the Hunter's inclusion as the newest Renewable Energy Zone following successful amendments to the *Electricity Infrastructure Bill 2020*;
- 3 Notes that because of amendments, the *Electricity Infrastructure Bill 2020* now includes a NSW renewable energy sector board, including representation from the Australian Workers' Union; the Electrical Trades Union, the CFMMEU Mining and Energy Division and the Australian Manufacturing Workers' Union; as well as the appointment of an electricity infrastructure jobs advocate and a new Manufacturing Renewables Taskforce aimed at finding ways to drive the use of NSW materials in building the State's Renewable Energy Zones;
- 4 Notes that amendments accepted by the NSW Government and Minister for Energy and Environment, and now in the Bill, include:
 - \$50 million committed to develop the green hydro sector in NSW;
 - Local procurement provisions within the Hunter Renewable Energy Zone;
 - Local infrastructure project recommendations to be accepted after consultation with the Australian Energy Market Operator (AEMO);
 - Promotion of local industry, manufacturing and jobs;
 - Investment in education and training,
 - Employment creation for Aboriginal and Torres Strait Islander people in the NSW energy sector and
 - Support for economic development opportunities for NSW based manufacturing.
- 5 Writes to the Minister for Environment and Energy, the Hon. Matt Kean MP, congratulating the NSW Government on their progressive approach to energy policy and pledging City of Newcastle's support for the Hunter Renewable Energy Zone;

- 6 Writes to the Leader of the Opposition, Jodi McKay MP, Deputy Leader of the Opposition, Yasmin Catley MP, Parliamentary Secretary for Agriculture, Michael Johnsen MP and Member for Lake Macquarie, Greg Piper MP, congratulating them for their strong advocacy for the establishment of the Hunter Renewable Energy Zone, including strong local procurement and local job creation and protections associated with this important project.

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-83 CCL 24/11/20 - TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 AUGUST TO 31 OCTOBER 2020

MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

- 1 Note the tabling of the Register of Disclosures of Interest (for the period 1 August to 31 October 2020) by the Chief Executive Officer (CEO).

**Carried
unanimously**

ITEM-90 CCL 24/11/20 - VARIATIONS TO DEVELOPMENT STANDARDS

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Receives the report on approved development variations between 1 July and 30 September 2020 at **Attachment A** in accordance with the Department of Planning, Industry and Environment's (DPIE) concurrence to vary development standards in the Newcastle Local Environmental Plan 2012 (NLEP 2012).

For the Motion:

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

Against the Motion:

Nil.

Carried

ITEM-92 **CCL 24/11/20 - ADOPTION OF PLANNING AGREEMENT -
73 - 79 RAILWAY LANE, WICKHAM**

Councillor Church left the meeting for discussion on the Item at 6.31pm.

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

1 That Council:

- i) Endorses the Planning Agreement for 73-79 Railway Lane, Wickham and authorises the Chief Executive Officer (CEO) to execute the Planning Agreement (**Attachment A**).

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

Against the Motion: Nil.

**Carried
unanimously**

Councillor Church returned to the meeting at 6:34pm.

ITEM-95 **CCL 24/11/20 - SEPTEMBER QUARTERLY BUDGET
REVIEW**

MOTION

Moved by Cr White, seconded by Cr Winney-Baartz

That Council:

- 1 Receives the September 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, Robinson, White and Winney-Baartz.

Against the Motion: Councillor Church.

Carried

- C 1 Notes the formation of the Hunter Jobs Alliance, uniting workers and environmental groups to build a prosperous, safe and sustainable future for the Hunter Region
- 2 Notes that this Alliance has been welcomed by a range of stakeholders, including the NSW Government and environmental organisations
- 3 Notes that the Alliance is a model of how communities, workers, and environmental groups can work together to fight for good jobs and climate action in a way that other can join
- 4 Seeks to formally partner with the Hunter Jobs Alliance in the implementation of the Climate Action Plan, and the development and implementation of the Economic Development Strategy, noting the importance of ensuring a just transition to high skilled jobs for the Hunter's workforce as our region diversifies

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

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

Against the Motion: Councillor Luke.

Carried

ITEM-85 CCL 24/11/20 - ADOPTION OF LOCAL HOUSING STRATEGY

Councillor Church left the meeting for discussion on the Item at 6.48pm.

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

- 1 That Council:
- i) Adopts the Local Housing Strategy (LHS) (**Attachment A**).
 - ii) Refers the LHS to the Department of Planning, Industry and Environment (DPIE) for endorsement.
 - iii) Rescinds the Newcastle Affordable Living Plan 2018 (NALP 2018) as it is superseded by the LHS.

**Carried
unanimously**

Councillor Church returned to the meeting at 6.55pm.

ITEM-86 CCL 24/11/20 - ENDORSEMENT OF THE ANNUAL REPORT

MOTION

Moved by Cr Duncan, seconded by Cr Byrne

That Council:

- 1 Endorses City of Newcastle's 2019/20 Annual Report and its submission to the NSW Minister for Local Government by 30 November 2020.

Carried

ITEM-87 CCL 24/11/20 - PUBLIC EXHIBITION OF DRAFT 2021-2025 DESTINATION MANAGEMENT PLAN

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

- 1 Places the draft 2021-2025 Destination Management Plan at **Attachment A** on public exhibition for six weeks prior to final consideration by Council.

AMENDMENT

Moved by Cr Mackenzie

That Council:

- 1 Places the draft 2021-2025 Destination Management Plan at Attachment A on public exhibition for eight weeks prior to final consideration by Council.

Councillor Clausen as the mover and Councillor Duncan as the seconder accepted Councillor Mackenzie's amendment into the motion.

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

**Carried
unanimously**

ITEM-88 CCL 24/11/20 - DRAFT COMMUNITY LAND PLAN OF MANAGEMENT - PUBLIC EXHIBITION

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

- 1 Submits the draft Community Land Plan of Management (CLPoM) (**Attachment A**) to Crown Lands in accordance with land-owner notification under Section 39 of the Act.

- 2 Following approval from Crown Lands, places the draft CLPoM on public exhibition for a period of 28 days with submissions received for 42 days in accordance with Section 38 of the Act.
- 3 Requests that a report on submissions received be brought back to the Council following the public exhibition period.

AMENDMENT

Moved by Cr Mackenzie

That Council:

- 1 Submits the draft Community Land Plan of Management (CLPoM) (**Attachment A**) to Crown Lands in accordance with land-owner notification under Section 39 of the Act.
- 2 Following approval from Crown Lands, places the draft CLPoM on public exhibition for a period of 42 days with submissions received for 60 days in accordance with Section 38 of the Act.
- 3 Requests that a report on submissions received be brought back to the Council following the public exhibition period.

Councillor Duncan as the mover and Councillor Winney-Baartz as the seconder accepted Councillor Mackenzie's amendment into the motion.

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

**Carried
unanimously**

ITEM-89 CCL 24/11/20 - PROPOSED ROAD CLOSURES - 144 BOUNDARY ROAD, WALLSEND

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Endorse the closures of the Boundary Road, Wallsend, road reserves adjacent to Lot 3057 DP 1208470 as shown at **Attachment A**.
- 2 Approve the sale of the 6.92ha and 11.01ha parcels of land as shown at **Attachment B**, to the adjoining owners for \$725,000 (plus GST).
- 3 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to affect the transactions.

PROCEDURAL MOTION

Moved by Cr Byrne, seconded by Cr Luke

That this item be laid on the table pending a workshop with Councillors for further information.

**Carried
unanimously**

ITEM-91 CCL 24/11/20 - ENDORSE A PLANNING PROPOSAL TO REZONE AND RECLASSIFY LAND AT 233 WHARF ROAD AND REZONE LAND 150 AND 150A, 250 SCOTT STREET, NEWCASTLE

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

- 1 Endorses the Planning Proposal (**Attachment A**) prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to amend the Newcastle Local Environmental Plan 2012 (NLEP 2012).
- 2 Forwards the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) requesting an amended NLEP 2012 be prepared and made.
- 3 Adopts the new section 6.01.04 Key Precincts – ‘I. Multi-purpose Community Space Precinct’ of section 6.01 City Centre of the Newcastle Development Control Plan 2012 (NDCP 2012), coming into effect upon gazettal of the amended NLEP 2012 (**Attachment B**).
- 4 Notes the submissions received during public exhibition and at the Public Hearing advocating for the sites to be used for community purposes and for future engagement opportunities (**Attachments C and D**).

For the Motion:

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

Against the Motion:

Councillors Church, Mackenzie and Robinson.

Carried

ITEM-93 **CCL 24/11/20 - DRAFT PARKING PLAN - PUBLIC EXHIBITION**

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Council:

- 1 Place the draft Parking Plan at **Attachment A** on public exhibition for a period of eight weeks.

**Carried
unanimously**

ITEM-94 **CCL 24/11/20 - DRAFT CYCLING PLAN - PUBLIC EXHIBITION**

MOTION

Moved by Cr White, seconded by Cr Clausen

That Council:

- 1 Place the draft Cycling Plan at **Attachment A** on public exhibition for a period of six weeks.

AMENDMENT

Moved by Cr McKenzie

That Council:

- 1 Place the draft Cycling Plan at **Attachment A** on public exhibition for a period of eight weeks.

Councillor White as the mover and Councillor Clausen as the seconder accepted Councillor Mackenzie's amendment to the motion.

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

**Carried
unanimously**

ITEM-98 **CCL 24/11/20 - TENDER REPORT - PROVISION OF SECURITY SERVICES - CONTRACT 2020/232T**

MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

That the recommendation at **Attachment A** be adopted.

The Chief Executive Officer reported the outcome of Item 98 - Tender Report – Provision of Security Services - 2020/232T.

That Council:

- 1 Accept the tender of Certis Security Australia Pty Ltd. in the amount of \$430,767.82 (excluding GST) for the provision of Security Services for Contract No. 2020/232T.
- 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 the Chief Executive Officer determines otherwise.

**Carried
unanimously**

**ITEM-99 CCL 24/11/20 - LAND ACQUISITION - 77 DANGERFIELD
DRIVE, ELERMORE VALE**

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

That Council:

- 1 Resolve to acquire 77 Dangerfield Drive, Elermore Vale (Lot 6, DP 826092) as shown at **Attachment A**.
- 2 Resolve that the land be classified as Community Land and categorised as Natural Area Bushland.
- 3 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the transaction.

**Carried
unanimously**

**ITEM-100 CCL 24/11/20 - EXTENSION OF RECYCLABLES
PROCESSING CONTRACT**

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Byrne

That the recommendation at **Attachment A** be adopted.

The Chief Executive Officer reported the outcome of Item 100 – Extension of Recyclables Processing Contract.

That Council:

- 1 Resolve to extend contract 2020/277T for the value of \$5.35M to align with the expiration of contract 2012/360T (relating to the collection of recyclables) which expires on 12 November 2022.

Carried

NOTICES OF MOTION

ITEM-29 NOM 24/11/20 - MCDONALDS

The Lord Mayor, Councillor Nelmes left the meeting at 8.02pm for discussion on the item.

The Deputy Lord Mayor took the chair at 8.04pm.

MOTION

Moved by Cr Church, seconded by Cr Luke

That City of Newcastle:

Request that McDonalds Restaurants provide Councillors with a briefing on the safety, security and cleanliness measures that are in place at the King Street, Newcastle West McDonalds' premises and any future measures currently being planned.

PROCEDURAL MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

Given Councillor Elliott's absence the item be laid on the table and discussed at the next Ordinary Council Meeting to provide Councillor Elliott with the opportunity to speak to the item.

Carried

Lord Mayor, Councillor Nelmes returned to the meeting at 8.08pm and resumed the Chair.

ITEM-30 NOM 24/11/20 - KEEP NEWCASTLE STREETS AND CREEKS CLEAR OF ABANDONED SHOPPING TROLLEYS

MOTION

Moved by Cr Clausen, seconded by Cr White

That Council:

- 1 Notes the negative impact of abandoned shopping trolleys on community amenity, safety and the environment, and the costs to council associated with their removal and management

- 2 Notes that the NSW Government are presently undertaking a review of the Impounding Act 1993 which may provide local governments across NSW with additional powers to manage the issue of abandoned shopping trolleys
- 3 Calls on trolley owners, especially the major supermarkets and local shopping centre management, to take a more proactive approach to managing their assets, and preventing them from ending up in public places, on roads, or in creeks and waterways
- 4 Notes that other NSW Councils have sought to address this issue through the inclusion of controls within their Development Control Plans (DCP, extract from Liverpool City Council's DCP attached). Notes that any new development control would not be retrospective, and could only come into effect for new supermarket and shopping centre development approvals.
- 5 Includes appropriate development controls in the 2021 review of the Newcastle Development Control Plan (DCP) to minimise the abandonment of shopping trolleys in the Newcastle LGA.

**Carried
unanimously**

**ITEM-31 NOM 24/11/20 - OFFSHORE COAL, OIL AND GAS
EXPLORATION AND MINING**

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That the City of Newcastle:

- 1 Reaffirms its opposition to both offshore exploration and mining activity due to unacceptable environmental impacts, and negative economic impacts on the recreational and commercial fishing and tourism industries.
- 2 Notes the Motion to the Federal Parliament by the Member for MacKellar Mr Jason Falinski opposing oil and gas drilling off the coast of Sydney and opposing the renewal of the Petroleum Exploration Permit 11 (PEP11) License on 19th October 2020.
- 3 Notes further the contributions to the debate by Federal MPs representing coastal communities impacted by PEP11 and potential future offshore mining in this license area.
- 4 Expresses its gratitude in writing to the MPs who supported the motion to oppose the renewal of PEP11, including: Mr Jason Falinski MP, Ms Emma McBride MP, Mr Dave Sharma MP, Ms Sharon Claydon MP, Mr Trent

Zimmerman MP, Mr Pat Conroy MP, Ms Julie Owens MP, and Ms Zali Steggall OAM, MP.

Carried

Councillor Elliott arrived at the meeting at 8.08pm.

ITEM-32 NOM 24/11/20 - STRONGER COMMUNITY COUNCIL GRANTS SCHEME

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

That City of Newcastle

- 1 Notes that every council in NSW has projects that have strong community support and genuine urgency, such as improved community facilities, essential local services and delivering quality green open space, and further notes the critical importance of State Government grants funding in the delivery of these projects through due process.
- 2 Expresses its deep concern with the lack of integrity measures surrounding the \$252 million Stronger Communities Fund administered by the NSW Coalition Government, including the lack of compliance with the obligations of public authorities to maintain records under the State Records Act.
- 3 Expresses its strong condemnation of the creation and administration of a \$252 million fund for local council projects that was never publicly notified to councils or to the NSW government peak body, Local Government NSW.
- 4 Writes to the Minister for Local Government to communicate these concerns and to request assurances that all future funding schemes for local councils administered by the NSW Government are publicly notified, transparent, merit-based and fair.

For the Motion:

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

Against the Motion:

Councillor Luke.

Carried

ITEM-33 NOM 24/11/20 - SUPPORT FOR A GLOBAL FUR BAN

In moving the motion Councillor Mackenzie stated he was moving the recommendation of Council officers as outlined in the business papers.

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

- 1 Notes that there is no information to suggest that the sale of fur products or exotic animal skins currently occurs on City of Newcastle land or premises.
- 2 Opposes the international trade of fur products, mislabelled fake fur products, and other exotic animal skins.
- 3 Writes to the Minister for Home Affairs the Hon. Peter Dutton, to investigate prohibiting the import of all fur into Australia and introduce random forensic testing of imported fake fur products; and
- 4 Reviews its event policies, terms and guidelines associated with the use of Council land to prohibit the sale of imported fur products and mislabelled fake fur products.

For the Motion:

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

Against the Motion:

Councillors Dunn and Robinson.

Carried

PROCEEDINGS IN BRIEF

At this stage of the meeting Councillor Elliott declared a less than significant pecuniary interest in Lord Mayoral Minute Item 24 - Hunter Renewable Energy Zone. Councillor Elliott stated that she worked for a major contributor to network transmission who would be operating in all energy zones. Although Councillor Elliott was not present when the item was discussed, she requested the declaration be noted in the minutes.

CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

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

Carried

Council moved into confidential session at 8.25pm.

During confidential session:

- All staff other than the Chief Executive Officer, Director Governance, Manager Legal, Council Services and IT Meetings Support left the Chamber or were removed to the waiting room on video conferencing platform Zoom.
- Councillor Clausen (as the complainant) left the Chamber for discussion on Item 10 – Code of Conduct Matter at 8.25pm and returned to the meeting at 8.58pm for Item 11 – Code of Conduct Matter.
- Councillor Robinson (the respondent to the complaint on Items 10 and 11 – Code of Conduct Matters) retired from the meeting at 8.25pm.
- As noted by Councillor Services, Councillors Church and Elliott left the meeting at 8.25pm.

Councillor Luke retired from the meeting at 9.30pm.

At 9.30pm the following procedural motion was moved:

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That the duration of the meeting be extended for 30 minutes.

Carried

PROCEDURAL MOTION

Moved by Cr White, seconded by Cr Duncan

That Council move back into open session.

Carried

Council moved back into open session at 9.37pm and the Chief Executive Officer reported the outcomes of confidential session.

ITEM-10 CON 24/11/20 - CODE OF CONDUCT MATTER

MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

That Council:

- 1 notes that an investigation was undertaken into a Code of Conduct complaint against Councillor Allan Robinson. The investigation was undertaken by a Conduct Reviewer, independent of City of Newcastle (CN), in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW;
- 2 receives the Final Investigation Report of the Conduct Reviewer in relation to the complaint at **Attachment A**;

- 3 notes that Councillor Robinson was consulted by the Conduct Reviewer throughout the investigation and was provided with a formal opportunity to make a written or oral submission to Council in relation to both complaints;
- 4 accepts the findings of the Conduct Reviewer in relation to the complaint that on 27 June 2019, Councillor Allan Robinson breached clause 3.1(a), (e) and (g) of the Code of Conduct for Councillors, by the derogatory comments he made about another Councillor in an email to a resident that constituted verbal abuse and harassment or bullying;
- 5 in accordance with section 440G of the Local Government Act 1993 and based on the findings and recommendation of the Conduct Reviewer, formally censures Councillor Robinson for breaching clauses 3.1 (a), (e) and (g) of the Code of Conduct for Councillors, on the grounds that Cr Robinson engaged in the following forms of conduct:
 - (i) conducted himself in a manner that:
 - (a) brought CN or other CN officials into disrepute;
 - (b) caused, comprised or involved intimidation or verbal abuse; and
 - (c) constituted harassment or bullying behaviour under the Code of Conduct for Councillors, or was unlawfully discriminatory;
- 6 treats this confidential report and attachment relating to the matters specified in section 10A(2)(i) of the Local Government Act 1993 as confidential.

Carried

ITEM-11 CON 24/11/20 - CODE OF CONDUCT MATTER

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That the matter lay on the table for the following reasons:

- 1 Council considers these repeated behaviours and the six censures as serious misconduct and requests further opinion from the Office of Local Government under the serious misconduct provisions.
- 2 That Council does not consider censuring Councillor Robinson under section 440G of the Act and making the decision public as appropriate remedial action.
- 3 Seek legal advice on not claiming confidentiality on the Investigators Report (with appropriate redaction to protect complainants) to ensure open and natural justice

**Carried
unanimously**

The meeting concluded at 9.38pm.