

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, Level 1, City Administration Centre, Newcastle West on Tuesday 13 December 2022 at 6.02pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors E Adamczyk, J Barrie, D Clausen, C Duncan, J Mackenzie, C McCabe, C Pull, D Richardson, P Winney-Bartz and M Wood.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services), L Duffy (Acting Director Community and Creative Services), J Rigby (Executive Director City Infrastructure), M Bisson (Interim Executive Director Planning and Environment), A Jones (Director and Interim Manager Waste Services), E Kolatchew (Manager Legal and Governance), S Moore (Manager Finance, Property and Performance), N Kaiser (Interim Manager Media Engagement Economy and Corporate Affairs), M Meehan (Media Advisor), A Knowles (Councillor Services/Minutes), K Sullivan (Councillor Services/Meetings Support), R Garcia (Information Technology Support) and C Urquhart (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.

REQUEST TO ATTEND BY AUDIO VISUAL LINK

Nil.

APOLOGIES

MOTION

Moved by Cr Barrie, seconded by Cr Pull

The apologies submitted on behalf of Councillors Church and Wark be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Mackenzie

Councillor Mackenzie declared a conflict of duties in relation to Item 111 – Lingard Proposal – Public Exhibition of draft Planning Agreement and draft Development Control Plan for Lingard Precinct as he was a member of the Hunter and Central Joint Regional Planning Panel (Panel) and wished to remain on the Panel to make a determination on the proposal and managed the conflict by removing himself from the Chamber for discussion on the item.

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Councillor Wood

Councillor Wood declared a non-pecuniary non-significant interest in NOM Item 42 – Greater Newcastle TAFE New Industries Training Centres as her son was a member of the Board of Hunter Joint Job Alliance and remained in the Chamber for discussion on the item.

Councillor Richardson

Councillor Richardson declared a non-significant non-pecuniary interest in Item 111 – Lingard Proposal – Public Exhibition of draft Planning Agreement and draft Development Control Plan for Lingard Precinct as a close family member was an employee of the Lingard Hospital.

Councillor Clausen

Councillor Clausen declared a non-significant non-pecuniary interest in Notice of Motion Item 45 – Rates Reduction for Community Housing Providers (CHPS) noting that this was previously declared at the Ordinary Council meeting 22 November 2022. As he and his partner leased a property in Mayfield East to Home in Place (Compass Housing) there was no connection between the motion and any income he received. Councillor Clausen advised he declared the property each year on his pecuniary interest return and noted the tenant was Home in Place. He considered that he had a non-significant, non-pecuniary interest in the item being debated and managed the interest by remaining in the Chamber.

Councillor Winney-Baartz

Councillor Winney-Baartz declared a conflict of duties in relation to Item 111 – Lingard Proposal – Public Exhibition of draft Planning Agreement and draft Development Control Plan for Lingard Precinct as she was a member of the Joint Regional Planning Panel (Panel) and wished to remain on the Panel to make a determination on the proposal and managed the conflict by removing herself from the Chamber for discussion on the item.

Councillor Winney-Baartz

Councillor Winney-Baartz declared a non-significant non-pecuniary interest in Notice of Motion Item 41 – 37 Lewellyn Street – Loss of Right of Way and managed the conflict by remaining in the Chamber for discussion on the item.

Councillor Pull

Councillor Pull declared an interest in Lord Mayoral Minute Item 24 as he was an alternative member on the Hunter and Central Coast Regional Planning Panel and managed the conflict by leaving the Chamber for discussion on the item.

Councillor Adamczyk

Councillor Adamczyk declared a conflict of duties in relation to Item 111 – Lingard Proposal – Public Exhibition of draft Planning Agreement and draft Development Control Plan for Lingard Precinct as she was an alternate member of the Joint Regional Planning Panel (Panel). Councillor Adamczyk stated she did not know if she would be required to attend the Panel to make a determination on the proposal and managed the conflict by leaving the Chamber for discussion on the item.

Councillor Duncan

Councillor Duncan declared a conflict in relation to Item 111 – Lingard Proposal – Public Exhibition of draft Planning Agreement and draft Development Control Plan for Lingard Precinct as she was an alternate member of the Joint Regional Planning Panel (Panel) and would remain in the Chamber for discussion on the item to enable a quorum to discuss the item.

Lord Mayor, Cr Nelmes

Lord Mayor, Cr Nelmes declared a non-significant pecuniary interest in Item 112 – Tooke Street, Cooks Hill – Pedestrian Facility Upgrades as she knew people who lived in the street and managed the conflict by leaving the Chamber for discussion on the item.

At this stage of the meeting Councillor Clausen foreshadowed a Late Item of Business in relation to 505 Minmi Road, Fletcher.

Lord Mayor, Cr Nelmes

Lord Mayor, Cr Nelmes stated she had a standing non-pecuniary significant declaration in relation to 505 Minmi Road, Fletcher and would manage the conflict by leaving the Chamber for discussion on the item.

LORD MAYORAL MINUTE

ITEM-24 LMM 13/12/22 – HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL REFUSAL OF WINTEN DEVELOPMENT APPLICATION IN MINMI

Councillor Pull left the Chamber for discussion on the item.

MOTION

Moved by Cr Nelmes, Lord Mayor

That City of Newcastle:

- 1 Notes that on 13 December 2022, the Hunter & Central Coast Regional Planning Panel determined to refuse Development Application – DA2018/01351 at 144 Woodford Street, Minmi, pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979, and that this was a unanimous decision of the Panel;
- 2 Commends City of Newcastle's Planning team for preparing a detailed Assessment Report and Recommended Reasons for Refusal report, which highlighted many inadequacies of the application and a disregard for the potential significant impacts on the local Minmi community;
- 3 Notes the Hunter & Central Coast Regional Planning Panel provided 15 Reasons For Refusal (**Attachment A**) regarding Development Application – DA2018/01351 at 144 Woodford Street, Minmi, including its inconsistencies with the terms of the approval of the concept plan, failure to address strong concerns regarding traffic safety and public transport, insufficient information to demonstrate the developments impact on the natural or built environment, lack of compliance with flood planning regulations, insufficient information regarding

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the elimination or mitigation of mine subsidence, insufficient noise mitigation measures and importantly, insufficient information for an assessment of the biodiversity impacts of the proposed development.

- 4 Advocates that any future application should not impact the operations of the Summerhill Waste Management Centre, particularly the future southern access road, which provides an opportunity for a new entry/exit to the facility, and must include the implementation of a 1000m buffer to ensure the future operations of the site is not compromised from residential development, odour, acoustic, noise or gas impacts;
- 5 Make an application to the Local Government Boundaries Commission noting resolutions of both Lake Macquarie and City of Newcastle elected Councils that agreed to adjust the LGA boundaries to ensure that consistent planning is applied to this strategic site, in particular, Summerhill Waste Management Centre

**Carried
unanimously**

Councillor Pull returned to the Chamber at the conclusion of the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - PUBLIC VOICE COMMITTEE MEETING 15 NOVEMBER 2022
MINUTES - BRIEFING COMMITTEE MEETING 15 NOVEMBER 2022
MINUTES - ORDINARY COUNCIL MEETING 22 NOVEMBER 2022

MOTION

Moved by Cr Pull, seconded by Cr Barrie

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

**Carried
unanimously**

ITEM-25 LMM 13/12/22 – COP27 – 2022 UNITED NATIONS CLIMATE CHANGE CONFERENCE

MOTION

Moved by Cr Nelmes, Lord Mayor

That City of Newcastle:

- 1 Notes the recently concluded 2022 United Nations Climate Change Conference (COP27) which was held in Egypt.
- 2 Notes the Lord Mayor's virtual attendance with other global local government leaders, as a guest panelist to speak to City of Newcastle's challenges and opportunities in relation to natural disaster risk and recovery.
- 3 Acknowledges that more work is required, however congratulates the Australian Government on its commitments made at COP27 to achieve net zero and limit global temperature rise to 1.5 degrees Celsius.

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- 4 Reiterates its long-standing commitment and action on climate change.
- 5 Writes to the Hon Chris Bowen, Minister for Energy and Climate Change, expressing City of Newcastle's interest in hosting a COP29 delegation, should Australia be successful in its bid as host nation, to demonstrate the transformation within the Newcastle LGA from an industrialised town to a naturally diverse, sustainable and livable global city.

**Carried
unanimously**

**ITEM-26 LMM 13/12/22 – FINANCIAL SUSTAINABILITY OF LOCAL
GOVERNMENT**

MOTION

Moved by Cr Nelmes, Lord Mayor

That City of Newcastle:

- 1 Notes strongly held concerns regarding the financial sustainability of the local government sector.
- 2 Acknowledges the causes of those concerns are many and complex, being structural, policy related and political, including but not limited to, rate capping, cost shifting, shifting community expectations and devastating natural disasters.
- 3 Notes the most up-to-date data from Local Government NSW's report "*Impact of cost-shifting on local government in NSW*" shows a shift of costs from state to local government totals more than \$820 million in 2018, and more than \$6.2 billion since 2008.
- 4 Notes the difficulties already faced by councils in relation to their long-term financial sustainability and service and infrastructure delivery, particularly following year-on-year multiple natural disasters and a world-wide pandemic and recognizes the increased costs such events place on councils, in addition to the continued attempt by state government to shift its costs and responsibilities, as was recently announced regarding RFS Assets.
- 5 Calls on the NSW State Government and Labor Opposition to commit to the recommendations of that LGNSW report, including:
 - a) End cost shifting immediately: Make a commitment that no new, increased or transferred responsibilities will be imposed on local government without a sufficient, corresponding source of revenue or revenue-raising capacity. This could be achieved immediately by amending the NSW Government's Policy Proposal Evaluation guidelines to include specific requirements for agencies when developing regulation involving local government.
 - b) Return 100% of income from the waste levy to councils in NSW: Just 18% of the waste levy collected from local government by the NSW Government is returned to councils for community waste minimisation and recycling programs. We call for 100% of the levy to be returned to local government.

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- c) Sustainable funding for public libraries: Increase total state government public library grants and subsidies to meet the current and future demand for library services. Bookings to use the internet in public libraries alone hit 9.4 million in 2015/16 – an increase of four million bookings in just four years. Demand for library services will continue to increase due to rapid population growth.
- d) Reimburse councils for mandatory pensioner rate rebates: The NSW Government funds just 55% of pensioner rate rebates, with councils funding the remaining 45%. All other state and territory governments in Australia fund 100% of pensioner concessions. LGNSW's position is that, as a welfare measure, pensioner concessions should be managed, funded and financed by other spheres of government with broader taxation bases; i.e. the NSW and/or federal government.
- e) Introduce fairer emergency services funding: Introduce a broad-based property levy to replace both the Emergency Services Levy on insurance policies and the 11.7% Emergency Services Levy on local government. Revisit the state government's (deferred) Fire and Emergency Services Levy legislation as promised, and work with local government and the business community to make it fairer and more transparent.
- f) Greater financial independence: Allow councils to raise revenue as they see fit through levies, value capture, voluntary planning agreements, fees and charges.

**Carried
unanimously**

ITEM-27

**LMM 13/12/22 – A ROBUST, RESILIENT REGION – THE NEED
FOR A 'HUNTER VALLEY AUTHORITY'**

MOTION

Moved by Cr Nelmes, Lord Mayor

That City of Newcastle:

- 1 Acknowledges the many Novocastrian workers, families, unions and businesses in traditional heavy industries who have brought great prosperity to our City, region, State and nation over many decades.
- 2 Notes the concerning current and future global economic indicators as well as energy market security and those potential impacts on the local Newcastle and Hunter economy and employment.
- 3 Notes the need for a cohesive and evidence-based plan to ensure the future prosperity of the Newcastle and Greater Hunter economies, by maximising opportunities for affected workers, diversifying the local economy, committing to a Just Transition as well as celebrating the Hunter Valley's history whilst promoting its new, renewable future.

- 4 Reaffirms its long-standing commitment to taking significant action on climate change, demonstrated by various actions which enables the management of climate change risks and opportunities, and supporting our local community and businesses to transition towards net zero emissions.
- 5 Calls on the NSW Government to establish a statutory authority recognising that the transformation is underway in our energy industry. This authority will be charged with mitigating the adverse impacts of coal power station closures on Hunter Valley workforces and communities, as a priority. The authority will, as a minimum, have the power to implement job transfer schemes for workers in coal power stations and associated mines allowing for voluntary redundancy and redeployment opportunities to be shared across sites and the capacity to develop and implement economic development programs for impacted regions. The authority's governance structure shall include major stakeholders including unions and industry and will work cooperatively and on a complementary basis with federal, state and local government bodies, charged with energy, climate and structural adjustment responsibilities.

For the Motion:

Lord Mayor, Cr Nelmes and Councillors Adamczyk, Clausen, Duncan, Mackenzie, McCabe, Pull, Richardson, Winney-Baartz and Wood.

Against the Motion:

Councillor Barrie.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-105 CCL 13/12/22 - CODE OF CONDUCT ANNUAL STATISTICS

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

That Council:

- 1 Notes City of Newcastle's Code of Conduct Complaints Statistics Report for the period 1 September 2021 to 31 August 2022 at **Attachment A**.

**Carried
unanimously**

ITEM-106 CCL 13/12/22 - ADOPTION OF 2023 COUNCIL MEETING SCHEDULE

MOTION

Moved by Cr Barrie, seconded by Cr Pull

That Council:

- 1 Adopts the following schedule for Council Meetings to be held in the 2023 calendar year:

	Week 1	Week 2	Week 3	Week 4	Week 5
February		Councillor Workshops or other sessions, as required	Public Voice, Public Briefing and Development Applications Committee Meetings, as required	Ordinary Council Meeting	No week 5
March	Quarterly Advisory Committee meetings	Councillor Workshops or other sessions, as required	Public Voice, Public Briefings, and Development Applications Committee Meetings, as required	Ordinary Council Meeting	No week 5
April	Additional workshops, Councillor professional development or other sessions, as required	No meetings	No meetings	<i>Note: Anzac Day Tuesday 25 April 2023</i> <i>The following meetings will be held on Wednesday 26 April 2023:</i> Public Voice, Public Briefings, and Development Applications Committee Meetings, as required and Ordinary Council Meeting	No week 5
May	Quarterly Advisory Committee Meetings	Councillor Workshops or other sessions, as required	Public Voice, Public Briefings, and Development Applications Committee Meetings, as required	Ordinary Council Meeting	Councillor Workshops or other sessions may be scheduled as required
June	Additional workshops, Councillor professional development or other sessions, as required	Public Voice, Public Briefings, and Development Applications Committee Meetings, as required	<i>No meetings</i> <i>Australian Local Government Association - National General Assembly (18-21 June 2023)</i>	Ordinary Council Meeting	No week 5

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	Week 1	Week 2	Week 3	Week 4	Week 5
July		Councillor Workshops or other sessions, as required	Public Voice, Public Briefings, and Development Applications Committee Meetings, as required	Ordinary Council Meeting	No week 5
August	Quarterly Advisory Committee Meetings Additional workshops, Councillor professional development or other sessions, as required	Councillor Workshops or other sessions, as required	Public Voice, Public Briefings, and Development Applications Committee Meetings, as required	Ordinary Council Meeting	Councillor Workshops or other sessions, as required
September		Councillor Workshops or other sessions, as required	Public Voice, Public Briefings, and Development Applications Committee Meetings, as required	Ordinary Council Meeting	No week 5
October		Councillor Workshops or other sessions, as required	Public Voice, Public Briefings, and Development Applications Committee Meetings, as required	Ordinary Council Meeting	Councillor Workshops or other sessions, as required
November	Councillor Workshops or other sessions, as required	<i>No meetings</i> <i>LGNSW State Conference (12-14 November 2023)</i>	Public Voice, Public Briefings, and Development Applications Committee Meetings, as required	Ordinary Council Meeting	No week 5
December	Public Voice, Public Briefings, and Development Applications Committee Meetings, as required	Ordinary Council Meeting	<i>Recess period</i>	<i>Recess period</i>	No week 5

- 2 Notes that all Council Meetings will normally commence at 6:00pm on a Tuesday with the location of all Council Meetings being the City Administration Centre, 12 Stewart Avenue, Newcastle West, unless otherwise determined by the Chief Executive Officer (CEO) in consultation with the Lord Mayor. Council Meetings are livestreamed and attendance may be by audio-visual means in accordance with CN's Code of Meeting Practice (COMP).

- 3 Notes that for the purposes of the Instruments of Delegation to the Lord Mayor and CEO, Council's "Recess Period" commences from midnight 12 December 2023 and ceases at midnight on Monday 5 February 2024.

**Carried
unanimously**

**ITEM-107 CCL 13/12/22 – SUPPLEMENTARY REPORT -
COMPULSORY ACQUISITION OF COMMUNITY LAND BY
TRANSPORT FOR NSW – NEWCASTLE INNER CITY
BYPASS**

MOTION

Moved by Cr Duncan, seconded by Cr Barrie

That Council:

- 1 Notes the compensation value of the land compulsorily acquired by Transport for NSW (TfNSW) as determined by the Valuer General was \$2,140,000.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Barrie, Clausen, Duncan, Mackenzie, McCabe, Pull, Richardson, Winney-Baartz and Wood.

Against the Motion: Nil.

Carried

ITEM-108 CCL 13/12/22 – ADOPTION OF COUNCIL POLICIES

MOTION

Moved by Cr Clausen, seconded by Cr Adamczyk

That Council:

- 1 Adopts the Investment and Borrowing Policy at **Attachment A**.
- 2 Adopts the Community Grants Policy at **Attachment B**.
- 3 Adopts the Housing Policy at **Attachment C**.
- 4 Adopts the Procurement Policy at **Attachment D**.

AMENDMENT

Moved by Cr McCabe, seconded by Cr Mackenzie

To include a Part B

- 1 That the Asset Advisory Committee investigate ways that CN could strengthen the Investment and Borrowing Policy to ensure increased investments in ESG funds within our Credit and Market risk framework.

2 Notes that the Office of Local Government Investment Policy Guidelines were last updated in 2010 and the Investment Order in 2011. CN writes to the OLG asking they update the guidelines and include provisions to support ESG investments.

3 That the Community and Culture Committee investigate changes to the Community Grants Policy – Annexure A (Definitions) to include:

“the extraction and sale of fossil fuel products” under the definition of socially harmful activities, such that the section would instead read:

“Socially Harmful Activity includes any activity involving the abuse of human rights or labour rights; involvement in bribery or corruption; production or supply of armaments; the extraction and sale of fossil fuel products; manufacture, distribution and wholesaling of alcohol, tobacco or nicotine related products; gambling products or services; pornography; the trade of fur or other illegal wildlife trade; abuse of animal welfare, live animal entertainment and any other activity which CN reasonably considers may pose a Socially Harmful Activity.”

The mover and seconder of the motion agreed to incorporate the amendment into the motion.

The motion as amended was put to the meeting.

Carried

ITEM-109 CCL 13/12/22 – ADOPTION OF HARBOUR FORESHORE MASTERPLAN

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Wood

That Council:

1 Adopts the Harbour Foreshore Masterplan at **Attachment A**.

AMENDMENT

Moved by Cr Clausen

Include an additional action (at page 117 in Attachment A) as follows:

That the upgrades to the Railway Carriage Sheds incorporate recognition of Hunter Workers and the Green Ban Heritage of Foreshore Park, including the 1973 Green Ban action which saved the site and East End from development and allowed the foreshore industrial area to be transformed into public open space.

The mover and seconder of the motion agreed to incorporate the amendment into the motion.

AMENDMENT

Moved by Cr McCabe

Part B

That the detailed design of the cycleway be submitted to the Newcastle Cycling Working Party and the Access Inclusion Advisory Committee before the detailed design process is completed.

The mover and seconder of the motion agreed to incorporate the amendment into the motion.

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

**Carried
unanimously**

ITEM-110 CCL 13/12/22 – PUBLIC EXHIBITION OF NEWCASTLE 500 COMMUNITY CONSULTATION STRATEGY

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Clausen

That Council:

- 1 Places the Draft Newcastle 500 Strategy at **Attachment A** on public exhibition for a minimum of 28 days

AMENDMENT

Moved by Cr Mackenzie

Part B

That Council:

- 1 Notes that in their conditions for approving the Newcastle 500, the Heritage Office placed the responsibility for monitoring the Heritage impacts of the Newcastle 500 onto council.

“MONITORING OF HERITAGE IMPACTS ALONG THE RACETRACK 4. The City of Newcastle to annually monitor and report to Heritage NSW on any adverse heritage impacts associated with the Newcastle 500 Supercar Championship races. Reason: To monitor and ensure no long-term adverse heritage impacts adjacent to the Newcastle 500 Supercar Championship racetrack.”

- 2 Develops, exhibits and implements a plan to monitor the heritage impact of the Newcastle 500 as per the Heritage Office conditions.

The Lord Mayor then proposed the following amendment to point 2 proposed by Councillor Mackenzie and an additional point 3:

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- 2 This condition refers to complaints made to City of Newcastle and Councils role is limited to annually monitoring and reporting to Heritage NSW any complaints made to the CN of any heritage impact including to the built environment
- 3 Any further heritage impact monitoring needs to be completed by Heritage Office NSW.

The mover and seconder of the motion agreed to incorporate the amendments into the motion.

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

**Carried
unanimously**

**ITEM-111 CCL 13/12/22 – LINGARD PROPOSAL - PUBLIC
EXHIBITION OF DRAFT PLANNING AGREEMENT AND
DRAFT DEVELOPMENT CONTROL PLAN FOR LINGARD
PRECINCT**

Councillors Adamczyk, Mackenzie, Pull and Winney-Baartz left the Chamber for discussion on the item.

MOTION

Moved by Cr Barrie, seconded by Cr McCabe

That Council:

- 1 Receives and notes the submissions made during the public exhibition period for the Planning Proposal (**Attachment A**).
- 2 Exhibits the draft Development Control Plan (DCP) for the Lingard Hospital Precinct (**Attachment B**) for 28 days and receives a report on outcomes of the exhibition.
- 3 Exhibits the draft Planning Agreement (PA) and Explanatory Note (**Attachment C**) for the Lingard Hospital Precinct (Hospital Precinct) for 28 days and receives a report on the outcomes of the exhibition.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Barrie, Clausen, Duncan, McCabe, Richardson and Wood.

Against the Motion: Nil.

**Carried
unanimously**

Councillors Adamczyk, Mackenzie, Pull and Winney-Baartz returned to the Chamber at the conclusion of the item.

ITEM-112 **CCL 13/12/22 – TOOKE STREET, COOKS HILL – PEDESTRIAN FACILITY UPGRADES**

The Lord Mayor left the Chamber for discussion on the item and the Deputy Lord Mayor took the Chair.

MOTION

Moved by Deputy Lord Mayor, Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Approves the installation of kerb extensions and reconstruction of local traffic area entry treatment on Tooke Street Cooks Hill, including the associated pedestrian infrastructure and footpath connections, as shown in **Attachment A**.
2. Investigates options to improve pedestrian connectivity to Centennial Park alongside this project, including consideration of a pedestrian crossing at Tooke St on the NW side of the intersection of Dawson St.
3. Notes the upcoming full review of the Pedestrian Plan and Cooks Hill Local Area Traffic Management Plan (LATM), requests that this be undertaken in partnership with the Cooks Hill community, noting recent issues raised regarding pedestrian and traffic management.

**Carried
unanimously**

The Lord Mayor returned to the Chamber at the conclusion of the item and resumed the Chair.

ITEM-113 **CCL 13/12/22 - TENDER REPORT – STOCKTON BURIED PROTECTION STRUCTURE – CONTRACT 2023/022T**

MOTION

Moved by Cr Mackenzie, seconded by Cr Barrie

That Council:

- 1 Accept the tender at **Attachment A** for Stockton Buried Protection Structure for Contract No. 2023/022T.
- 2 The confidential attachments 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**

NOTICES OF MOTION

ITEM-40 NOM 13/12/22 – CYBER SECURITY

MOTION

Moved by Cr Clausen, seconded by Cr Adamczyk

That Council:

- 1 Notes the elevated international level of Cyber Security events, including recent malicious cyber activity which has impacted many Australians.
- 2 Notes the investments made by CN to protect the integrity of its online systems, and the work undertaken with the community to support good online practices (including via community outreach and education through our Libraries).
- 3 Notes the outcomes of the NSW Parliamentary Inquiry into Cyber Security, following a major data breach of Service NSW.
- 4 Consistent with the Inquiry's findings, calls on the NSW Government to support the local government sector in its protection of data held online, by providing a relevant permanent funding stream to assist and supplement investment of this protection by councils already, noting the highly sensitive information held by the local government sector.
- 5 Notes in May 2022, the OLG advised that a Local Government Cyber Security Policy would be released to Councils in late 2022. To date, these guidelines have not been released.
- 6 Notes that the Audit Office of NSW plans to undertake an audit into cyber security in local government in 2022-23.
- 7 Provides Councillors a workshop in early 2023 on CN's cyber security outlook, initiatives and response.

**Carried
unanimously**

ITEM-41 NOM 13/12/22 – 37 LLEWELLYN STREET – LOSS OF RIGHT OF WAY

MOTION

Moved by Cr Duncan, seconded by Cr Barrie

- 1 That Planning, Transport and Regulation investigate what appears to be the effective removal, or limitation on the use of, a right-of-carriageway at 37 Llewellyn Street Merewether, having regard for the history and circumstances of the approved development on the site.
- 2 That Council receives a report outlining the results of the investigation and identifying the prospects for establishing ongoing access arrangements beyond the completion of the development of the site.

**Carried
unanimously**

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ITEM-42**NOM 13/12/22 – GREATER NEWCASTLE TAFE NEW INDUSTRIES TRAINING CENTRES****MOTION**

Moved by Cr Wood, seconded by Cr Richardson

That City of Newcastle:

- 1 Notes the briefing note of January 2022 by Hunter Jobs Alliance recommending the establishment of *New Industries Training Centres* at TAFE NSW locations in Tighes Hill and Muswellbrook to meet the vocational training needs for renewable energy, clean technology, hydrogen and decarbonised manufacturing in the Greater Newcastle region and across NSW.
- 2 Reaffirms our support for the economic diversification of our region and the development of emerging clean manufacturing and energy creation.
- 3 Acknowledges the much-reported skills shortage within the Greater Newcastle region.
- 4 Supports investment in upskilling, re-training and education of our local community to ensure our region is best placed to support emerging clean industries.
- 5 Endorses the full seven (7) recommendations within the briefing note.
- 6 Updates our *Advocacy 2022* document to include the creation of the New Industries Training Centres as a key "ask", noting the next State election is only months away.
- 7 Writes to all local State Members of Parliament in addition to the Hon. Alister Henskens MP as Minister for Skills and Training, and Tim Crakanthorp MP as Shadow Minister for Skills and TAFE outlining the benefits of this proposal and seeking their support.

AMENDMENT

Moved by Cr Clausen

Amend points 2 and 3 as follows:

- 2 Expresses its disappointment that twelve long years of neglect from the Liberal National Government has left New South Wales with a shell of a vocational education system. 14 TAFE campuses have been sold. Over a third of the staff have been sacked. The number of people finishing apprenticeships and traineeships has more than halved. TAFE enrolments have plummeted by over 100,000 students.
- 3 Welcomes NSW Labor's commitment to establish a Manufacturing Centre of Excellence in the Hunter that will focus on delivering the skills needed in the manufacturing sector including emerging clean energy jobs.

The mover and seconder of the motion agreed to incorporate the amendment into the motion.

AMENDMENT

Moved by Cr Mackenzie

- 8 In the process of writing to the State Members of Parliament we write to the recently announced Expert Panel to Royalties for Rejuvenation Fund.

The mover and seconder of the motion agreed to incorporate the amendment into the motion.

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Barrie

That points 2 and 3 as amended form Part B and that Parts and B be dealt within in seriatim.

The procedural motion moved by Cr Pull and seconded by Cr Barrie was put to the meeting.

For the Procedural Motion: Councillors Barrie, Mackenzie and Pull.

Against the Procedural Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Clausen, Duncan, McCabe, Richardson, Wood and Winney-Baartz.

Defeated

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

For the Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Clausen, Duncan, Mackenzie, McCabe, Richardson, Winney-Baartz and Wood.

Against the Motion: Councillors Barrie and Pull.

Carried

ITEM-43 NOM 13/12/22 – IMPROVING THE SAFETY AND AMENITY OF AWABA PARK (HAMILTON STATION PARK), HAMILTON

In moving the motion Councillor Barrie moved an additional point 7.

MOTION

Moved by Cr Barrie, seconded by Cr McCabe

That City of Newcastle:

- 1 Notes that local businesses and residents using the Hamilton Railway Station and the adjacent Awaba Park and surrounds have contacted Ward 2

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Councillors concerned about a recent escalation of alleged anti-social and criminal behaviour in the area.

- 2 Expedites the Hamilton Business Precinct project to fast track the focused pre-planning and public domain project for improving Awaba Park, ensuring the use of the Crime Prevention Through Environmental Design (CPTED) principles to improve the amenity and safety for residents, visitors, railway passengers, NSW Police, Transport for NSW staff and businesses and their staff and volunteers in the Hamilton Railway Station and Awaba Park area.
- 3 Requests from the Newcastle LAC the re-establishment of the 'Business Beat' program in which local NSW Police engage on a regular basis with Hamilton businesses.
- 4 Investigate an increase in cleaning, maintenance and observation of Awaba Park and surrounds.
- 5 Writes to the Minister for Transport, the Hon. David Elliott MP, State Member for Newcastle, Tim Crakanthorp MP, and the Newcastle Local Area Command of the NSW Police, calling for:
 - a. A further increase in active Police patrols of Hamilton Railway Station, Awaba Park and the surrounding area,
 - b. Investigation of the feasibility of provision of, additional CCTV cameras and resources by the NSW Government, through Transport for NSW, to monitor the alleged and perceived increase in criminal behaviour at Hamilton Train Station, the adjacent Awaba Park, and surrounds.
- 6 Writes to the Minister for Mental Health, Regional Health and Woman, Hon. Bronnie Taylor, MLC, calling for:
 - a. Resources for expanded Mental Health / Alcohol Other Drugs (AOD) outreach services within the city or a dedicated funded program facilitated by the local health district or NGO Alcohol Other Drugs Sector which works specifically to support frequent and transient visitors to Hamilton Station Park and surrounds who experience the impact of complex mental health and AOD.
- 7 Writes to the Minister for Police, Hon. Paul Toole MP, Minister for Police & Regional NSW calling for:
 - a. Additional policing: an increase in the number of police for Newcastle Local Area Command of the NSW Police to increase the "business beat program" in Newcastle City hotspots including the Hamilton Railway Station Park (Awaba Park).

Councillor Duncan gave notice of a foreshadowed motion that being the recommendation as outlined in the updated Directors Comment Report.

The motion moved by Councillor Barrie and seconded by Councillor McCabe was put to the meeting.

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For the Motion: Councillors Barrie, Mackenzie, McCabe and Pull.

Against the Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Clausen, Duncan, Richardson, Winney-Baartz and Wood.

Defeated

MOTION

Moved by Cr Duncan, seconded by Cr Pull

That City of Newcastle:

- 1 Notes that local businesses and residents using the Hamilton Railway Station and the adjacent Awaba Park and surrounds have contacted the State Member for Newcastle and Ward 2 Councillors concerned about a recent escalation of alleged anti-social and criminal behaviour in the area.
- 2 Notes that CN is committed to improving outcomes for the community and has sought grant funding from the NSW Government for lighting, installation of murals and graffiti management to improve the amenity and safety in the park.
- 3 Notes that CN undertakes regular cleaning of the adjacent streets and gutters and maintenance of Awaba Park and surrounds and that CN recently increased litter collection to a weekly run and has not seen an identified need to further increase this schedule based on observations of volume or litter type.
- 4 Notes that the Local Centres Program delivers public domain plans (PDPs) and upgrades across the Newcastle local government area, and that renewal works are delivered on a prioritised basis with Orchardtown Road currently under construction and have expediated planning for Mayfield, Georgetown and Waratah.
- 5 Notes that a future PDP for Awaba Park will utilise Crime Prevention Through Environmental Design (CPTED) principles to improve the amenity and safety for residents, visitors, railway passengers, NSW Police, Transport for NSW staff and businesses and their staff and volunteers in the Hamilton Railway Station and Awaba Park area.
- 6 Requests the Newcastle LAC re-establish the 'Business Beat' program in which local NSW Police engage on a regular basis with Hamilton businesses.
- 7 Writes to the Minister for Transport, the Hon. David Elliott MP, State Member for Newcastle, Tim Crakanthorp MP, and the Newcastle Local Area Command of the NSW Police, calling for:
 - a. A further increase in active Police patrols of Hamilton Railway Station, Awaba Park and the surrounding area; and
 - b. Investigation of the feasibility of provision of, additional CCTV cameras and resources by the NSW Government, through Transport for NSW, to

monitor the alleged and perceived increase in criminal behaviour at Hamilton Train Station, the adjacent Awaba Park, and surrounds.

- 8 Writes to the Minister for Mental Health, Regional Health and Woman, Hon. Bronnie Taylor, MLC, calling for:
- a. Resources for expanded Mental Health / Alcohol Other Drugs (AOD) outreach services within the city or a dedicated funded program facilitated by the local health district or NGO Alcohol Other Drugs Sector which works specifically to support frequent and transient visitors to Hamilton Station Park and surrounds who experience the impact of complex mental health and AOD.

**Carried
unanimously**

**ITEM-44 NOM 13/12/22 – CORRESPONDENCE FROM HAMILTON
BUSINESS ASSOCIATION**

MOTION

Moved by Cr Duncan, seconded by Cr Clausen

That Council:

- 1 Receives the attached correspondence from the Hamilton Business Association regarding a Rainbow Pedestrian Crossing.
- 2 Notes that Newcastle will host the first Official Event of Sydney World Pride, with the Pink Salt Dinner on Saturday 18 February 2023. Sydney World Pride will be the largest event held in NSW since the Sydney 2000 Olympics.
- 3 Initiates investigations (including with local business representatives, TfNSW, the Newcastle Traffic Committee and Newcastle Pride) on the installation of a rainbow crossing in Beaumont St Hamilton to coincide with World Pride Festivities, or the Newcastle Pride Festival later in 2023.

**Carried
unanimously**

**ITEM-45 NOM 13/12/22 – RATES REDUCTION FOR COMMUNITY
HOUSING PROVIDERS (CHPS)**

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

That the City of Newcastle

- 1 Notes the success of the MoU and funding agreement between NSW Land and Housing Corporation and the City of Newcastle, which has unlocked an additional \$12 million toward the delivery of social housing across the LGA over three years.

- 2 Notes that delivering social and affordable housing is a key priority of the Newcastle 2040 Community Strategic Plan and the Newcastle Local Housing Strategy 2020.
- 3 Notes that Community Housing Providers (CHPs) are regarded as 'public benevolent institutions' under s556 of the Local Government Act and are eligible for rate exemption where property is used for purposes consistent with the objectives of their governing constitution.
- 4 Notes that currently 75% of CHP properties are exempt from rates in the LGA, and the remaining properties are eligible to apply for exemption via application.
- 5 Writes to the relevant CHP's when issuing the next quarterly rates notice (January 2023) to invite applications for rate exemptions, where eligible in accordance with s556 of the Local Government Act, for their properties providing social, affordable and accessible housing in the Newcastle Local Government Area.

AMENDMENT

Moved by Cr Adamczyk, seconded by Cr Wood

5 PART A

- i) Requests a memo of the monetary value of subsidy provided by City of Newcastle ratepayers under s556 of the Local Government Act to the five organisations currently receiving rates relief for social and affordable housing in the city (the State Government Land and Housing Corporation (LAHC), BaptistCare, Evolve Housing, Home4Life, and Home in Place (formerly Compass Housing));

PART B

- ii) Consistent with the MOU with the State Government LAHC social housing, works with CN Affordable Housing Working Party (including CHP members as well as tenants representatives Hunter Tenants, the Department of Communities and Justice, the Awabakal Local Aboriginal Land Council, the Housing for Older Persons Project, and Nova for Women and Children) to initiate an MOU with each of the CHPs receiving rates relief, to formalise the community benefit of affordable housing built or modified in the city, including to see a net increase in the amount of social and affordable housing in Newcastle, ensure that:
 - a Ensure social and affordable housing is fit for purpose for a changing climate and for liveability and amenity of tenants through ensuring accessibility and energy efficiency (of dwellings and across sites), and address how compliance, management, restriction to title, and conditions of consent ensure social and affordable housing remains fit for purpose post-occupation certificate; and
 - b Writes to the relevant CHPs to invite participation in the MOU to guide the reinvestment of funds saved in the rates exemption into

providing additional social and affordable housing in the Newcastle Local Government Area.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Clausen, Duncan, Richardson, Winney-Baartz and Wood.

Against the Motion: Councillors Barrie, Mackenzie, McCabe and Pull.

Carried

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

**Carried
unanimously**

LATE ITEM OF BUSINESS

ITEM-46 NOM 13/12/22 – HUNTER REGIONAL PLAN – RESPECT FOR GREEN CORRIDOR

The Lord Mayor left the Chamber for discussion on the item and the Deputy Lord Mayor took the Chair.

The Deputy Lord Mayor declared the business proposed was of great urgency on the grounds that the item Notice of Motion – Hunter Regional Plan – Respect for Green Corridor related to the recently released Hunter Regional Plan 2041 by the NSW Department of Planning and Environment and issues had only risen in the last few days and was required to go before Council prior to the next scheduled meeting.

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

The matter of Hunter Regional Plan – Respect for Green Corridor be heard as a late item of business in accordance with the Code of Meeting Practice and the reasons outlined by the Deputy Lord Mayor

Carried

MOTION

Moved by Deputy Lord Mayor, Cr Clausen, seconded by Cr Adamczyk

That Council:

- 1 Notes the release of the Hunter Regional Plan 2041 by the NSW Department of Planning and Environment on 7 December 2022.
- 2 Notes the Plan's vision to deliver more housing options, while maintaining amenity, liveability and 15minute neighbourhoods in Greater Newcastle, delivered primarily through urban infill development.

- 3 Notes changes made to the Plan by the Department of Planning and Environment since the public consultation of the draft Plan, including with respect to the Green Corridor, which now identifies undeveloped sections of the Green Corridor as 'New Residential Land'.
- 4 Notes that this designation is inconsistent with Council's Local Strategic Planning Statement, numerous resolutions of the Elected Council, and Council's submission on the draft Plan, and fails to protect the ecological significance of the Green Corridor that links the Watagans and Yengo National Parks with the coastal plains of the Tomago Sand beds, Stockton Bight and Port Stephens. Protection of the Corridor recognised the importance of large vegetated areas being linked via habitat corridors at a landscape scale.
- 5 Notes that Council has twice nominated 505 Minmi Road for inclusion in the National Park Estate, with resolutions directing correspondence to Former Environment Minister Matt Kean, and incumbent Environment Minister James Griffin. Minister Kean previously offered his support to work with Council on the nomination:

"When I came into the portfolio I made a commitment to add 200,000 hectares to our national parks estate by 2021 and we smashed that in 12 months," Minister Kean told the Newcastle Herald. "I've now doubled that target, with a goal to add a combined 400,000 hectares to our national park footprint by 2022 - and I'm happy to work with Newcastle City Council and any council for that matter to consider any potential new additions to our national parks."

- 6 Write to the Department of Planning and Environment (DPE) and the Greater Cities Commission (GCC) urgently requesting that the Hunter Regional Plan maps with respect to the Green Corridor and 505 Minmi Road be updated to maintain consistency with Council's adopted Local Strategic Planning Statement.

**Carried
unanimously**

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Barrie

Council extend the meeting time until the conclusion of the final item of business.

Carried

The Lord Mayor returned to the Chamber at the conclusion of the item and resumed the Chair.

CONFIDENTIAL REPORTS

ITEM-3 CON 13/12/22 – CONFIDENTIAL REPORT – ORGANISATION STRUCTURE UPDATE

PROCEDURAL MOTION

Moved by Cr Barrie, seconded by Cr Pull

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

Carried

Council resolved into confidential session at 9.57pm.

All staff other than the Chief Executive Officer, Executive Director Corporate Services, Director and Interim Manager Waste Services, Manager Legal and Governance, Information Technology and Councillor Services left the Chamber.

Council received a briefing on Item 3 – Confidential Report – Organisation Structure Update.

PROCEDURAL MOTION

Moved by Cr Adamczyk, seconded by Cr Barrie.

Council move back into open session.

Carried

Council reconvened at 10.33pm and the Chief Executive Officer reported the outcome of confidential session.

ITEM-3 CON 13/12/22 – CONFIDENTIAL REPORT – ORGANISATION STRUCTURE UPDATE

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

That Council:

- 1 Receives a briefing from the Chief Executive Officer on the proposed new roles.
- 2 Council determines an organisation structure and senior staff positions as at **Attachment A** in accordance with the requirements of the Act.
- 3 This confidential report relating to the matters specified in s10A(2)(a) of the Local Government Act 1993 be treated as confidential and remain confidential until Council is advised by the Chief Executive Officer that the new structure has been communicated to the Waste Services Business Unit.

**Carried
unanimously**

The meeting concluded at 10.34pm.

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