

Minutes

Ordinary Council Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 23 May 2023 at 6:08pm.

1. ATTENDANCE

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

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services), K Hyland (Acting Executive Director Creative and Community Services), J Rigby (Executive Director City Infrastructure), M Bisson (Interim Executive Director Planning and Environment), A Jones (Director and Interim Waste Services Manager), E Kolatchew (Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance), R Dudgeon (Executive Manager Project Management Office), N Kaiser (Acting Manager Major Events and Corporate Affairs), L Duffy (Acting Executive Director Creative and Community Services), D McGovern (Acting Executive Manager Community & Recreation), B McCall (Commercial & Recyclables Delivery Manager) M Murray (Chief of Staff), L Zoneff (Media Adviser), L Barnao (Councillor Services/Minutes/Meeting Support), K Sullivan (Councillor Services/Minutes/Meetings Support) and Warren Haddock (AV/Information Technology Support).

2. ACKNOWLEDGEMENT OF COUNTRY

The Lord Mayor read the message of acknowledgement to the Awabakal and Worimi peoples.

3. 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.

4. APOLOGIES / LEAVE OF ABSENCE / ATTENDANCE BY AUDIO VISUAL LINK

MOTION

Moved by Cr Barrie, seconded by Cr Winney-Baartz

The apologies submitted on behalf of Councillors Mackenzie and Church be received and leaves of absences granted.

Carried

Nil requests for attendance by audio visual link.

5. DISCLOSURES OF INTEREST

Councillor Nelmes

Councillor Nelmes declared a significant, non-pecuniary interest in item 10.3 - Tender Report – Management of Inland Swimming Centres – Contract No. 2022/137T. She stated that she would be making the same declaration as she had a week earlier during the Council public briefing. She said that in accordance with the Code of Conduct, she would be managing that conflict by leaving the meeting and not participating in the deliberations of that matter. She would however be participating in the discussion of the 20 year Inland Pools Strategy to ensure CN's commitment to the protection and enhancement of these vital public assets is delivered.

She said she didn't declare her conflict lightly and had considered her position thoroughly. Having consulted the Code of Conduct, accompanying ICAC Guidelines on Lobbying Local Government Officials, and having sought legal advice, she felt she was left with no option but to recuse herself from the discussion.

She said that she did this on the basis that on multiple occasions since last year she has been instructed privately and publicly how to vote on the tender by a more senior local politician. This instruction was made without any understanding of the potential impacts on other services operated by the City, or the costs to ratepayers.

She said that ultimately, this senior politician had sought to create a predetermined outcome to the tender. Notably this same politician also a former Councillor, was part of a council that tried to close Mayfield Pool and a failed strategy that deliberately reduced the funding of CN's local pools, that allowed a previous conservative council to then try and close Beresfield Pool. She said that she fought hard to protect these community owned pools and kept them both open and accessible and that commitment remained.

She said that bullying tactics had been relentless, included attempting to ban her from meetings with other elected members, speaking at local meetings in response to motions on the operation of local pools, and forcing the Deputy Lord Mayor to leave a room while motions naming him and her, about Council owned pools, were debated. She said that some of her colleagues had been threatened, in tears and verbally abused via phone.

She noted that until tonight, no report has come to Council for consideration regarding the operation of pools.

She said that due this conduct, in the media, direct phone calls to Councillors, and even a statement under Parliamentary Privilege, a perception had been created that her vote on Pool Operations had been predetermined.

She said that she has sought the appropriate advice to manage this conflict. Given the nature of the declaration, she was required to leave the chamber when Item 10.3 was discussed and cannot lawfully participate in this decision.

She said that she was extremely disappointed that she had been put in such a position but that she would not compromise on the high standards of probity and good governance that ratepayers expect.

Council passed a resolution in accordance with Clause 5.12 of City of Newcastle's Code of Conduct for Councillors, enabling Councillor Nelmes to remain in the chamber for item 10.3. The resolution resulted from an alternate recommendation from the Executive Director Corporate Services enabling the tender decision to be delegated to the Chief Executive Officer due to Council being inquorate.

Councillor Winney-Baartz

Councillor Winney-Baartz declared a significant, non-pecuniary interest in item 8.7 - Adoption of Planning Proposal, Draft Development Control Plan and Draft Planning Agreement for 23 Merewether Street and 8 Lingard Street, Merewether, Lingard Planning Proposal due to being a representative on the Hunter and Central Coast Regional Planning Panel. She managed the interest by removing herself from the Chamber for discussion on the item.

Councillor Winney-Baartz

Councillor Winney-Baartz declared a significant, non-pecuniary interest in item 10.3 - Tender Report – Management of Inland Swimming Centres – Contract No. 2022/137T for the same reasons outlined by the Lord Mayor. She stated that she wanted it noted that she did not participate in the briefing that occurred Thursday 18 May 2023.

Council passed a resolution in accordance with Clause 5.12 of City of Newcastle's Code of Conduct for Councillors, enabling Councillor Winney-Baartz to remain in the chamber for item 10.3. The resolution resulted from an alternate recommendation from the Executive Director Corporate Services enabling the tender decision to be delegated to the Chief Executive Officer due to Council being inquorate.

Councillor Clausen

Councillor Clausen declared a significant, non-pecuniary interest in item 10.3 - Tender Report – Management of Inland Swimming Centres – Contract No. 2022/137T for the same reasons outlined by the Lord Mayor. Council passed a resolution in accordance with Clause 5.12 of City of Newcastle's Code of Conduct for Councillors, enabling Councillor Clausen to remain in the chamber for item 10.3. The resolution resulted from an alternate recommendation from the Executive Director Corporate Services enabling the tender decision to be delegated to the Chief Executive Officer due to Council being inquorate.

Councillor Duncan

Councillor Duncan declared a significant, non-pecuniary interest in item 10.3 - Tender Report – Management of Inland Swimming Centres – Contract No. 2022/137T for the same reasons outlined by the Lord Mayor. Council passed a resolution in accordance with Clause 5.12 of City of Newcastle's Code of Conduct for Councillors, enabling Councillor Duncan to remain in the chamber for item 10.3. The resolution resulted from

an alternate recommendation from the Executive Director Corporate Services enabling the tender decision to be delegated to the Chief Executive Officer due to Council being inquorate.

Councillor Richardson

Councillor Richardson declared a significant, non-pecuniary interest in item 10.3 - Tender Report – Management of Inland Swimming Centres – Contract No. 2022/137T for the same reasons outlined by the Lord Mayor. Council passed a resolution in accordance with Clause 5.12 of City of Newcastle's Code of Conduct for Councillors, enabling Councillor Richardson to remain in the chamber for item 10.3. The resolution resulted from an alternate recommendation from the Executive Director Corporate Services enabling the tender decision to be delegated to the Chief Executive Officer due to Council being inquorate.

Councillor Wood

Councillor Wood declared a significant, non-pecuniary interest in item 10.3 - Tender Report – Management of Inland Swimming Centres – Contract No. 2022/137T for the same reasons outlined by the Lord Mayor. Council passed a resolution in accordance with Clause 5.12 of City of Newcastle's Code of Conduct for Councillors, enabling Councillor Wood to remain in the chamber for item 10.3. The resolution resulted from an alternate recommendation from the Executive Director Corporate Services enabling the tender decision to be delegated to the Chief Executive Officer due to Council being inquorate.

Councillor Adamczyk

Councillor Adamczyk declared a significant, non-pecuniary interest in item 10.3 - Tender Report – Management of Inland Swimming Centres – Contract No. 2022/137T for the same reasons outlined by the Lord Mayor. Council passed a resolution in accordance with Clause 5.12 of City of Newcastle's Code of Conduct for Councillors, enabling Councillor Adamczyk to remain in the chamber for item 10.3. The resolution resulted from an alternate recommendation from the Executive Director Corporate Services enabling the tender decision to be delegated to the Chief Executive Officer due to Council being inquorate.

6. CONFIRMATION OF MINUTES

6.1. MINUTES - PUBLIC VOICE COMMITTEE 26 APRIL 2023

6.2. MINUTES - ORDINARY COUNCIL MEETING 26 APRIL 2023

MOTION

Moved by Cr Barrie, seconded by Cr Duncan

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

Carried

7. LORD MAYORAL MINUTE

7.1. WOMEN'S WORLD CUP LIVE SITE - GO MATILDAS!

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Notes the FIFA Women's World Cup (WWC) 2023 is to be played in Australia and New Zealand from 20 July to 20 August 2023, being the first tournament to feature the expanded format of 32 teams from the previous 24.
2. Acknowledges the incredible success and community support for CN's public screening of the Socceroo's vs Argentina World Cup Game on 4 December 2022 in Wheeler Place which attracted thousands of attendees with only a few days' prior notice.
3. Commits to investigating options for hosting live site public screenings in Wheeler Place of all Matilda's games during the WWC, including but not limited to the following dates:
 - a. Thursday, 20 July: Australia v Republic of Ireland
 - b. Thursday, 27 July: Australia v Nigeria
 - c. Monday, 31 July: Australia v Canada.
4. Reiterates our strong support for amplifying women's sport because of the incredible range of health, wellbeing and social outcomes delivered by seeing talented female athletes show their skills, which has a proven track record of increasing local female participation and significantly boosting crowd number at locally hosted events.

Carried unanimously

7.2. IPART EMERGENCY SERVICES LEVY

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, resulting in additional financial stress, with the unexpected cost hit due to absorb almost all IPART-approved rate rise for this year and in some cases absorb more than 100%, for many councils. This is placing local government budgets under enormous pressure as they struggle from the combined impact of the pandemic, extreme weather events, high inflation, and wage increases.

2. Notes IPART-approved rate rises are intended to compensate for the impacts of inflation and increases in Council costs. Instead, the rate increase will have to be largely diverted to the significantly higher ESL payments this year. NSW councils will have no option other than to make cuts to infrastructure and services expenditure. Further, the previous NSW Government had not accounted for any further subsidies in their forward estimates, which IPART needed to consider as a part of their determination.
3. Acknowledges that for our organisation the ESL has increased by \$2,100,000 for 2023/24, bringing the total Council contribution to \$5,100,000. This amounts to 33% of the expected increase in rate income for 2023/24. If the NSW Government's decision is not reversed, the potential impacts on Council's services, infrastructure maintenance and delivery include:
 - Deterioration of the city's road and stormwater infrastructure
 - Reduction in the number of community programs run from our public halls and libraries
 - No ability to deal with emergent environmental issues.
4. Notes the previous NSW Government had not accounted for any further subsidies in their forward estimates, which IPART needed to consider as a part of their determination.
5. Notes the timing of this development is particularly challenging for local Councils as it comes so late in the local government budgeting cycle, well after IPART's rate determination for the coming financial year.
6. Acknowledges that all Councils strongly support a well-funded emergency services sector and the critical contribution of emergency services workers and volunteers (many of whom are Councillors and Council staff). However, it is essential that these services be supported through an equitable, transparent, and sustainable funding model.
7. Writes to the Chair of the Independent Pricing and Regulatory Authority (IPART), calling on them to note the financial sustainability impacts of the ESL on the Local Government sector, and to work towards an appropriate solution to ensure the ongoing financial sustainability of local councils.

Carried unanimously

8. REPORTS

8.4. TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 FEBRUARY TO 30 APRIL 2023

MOTION

Moved by Cr Clausen, seconded by Cr Barrie

That Council:

1. Notes the tabling of the Register of Disclosures of Interest (for the period 1 February to 30 April 2023) by the Chief Executive Officer.

Carried

8.5. PROPOSED ROAD CLOSURE AND SALE - ROAD RESERVE ADJOINING 34 ROBERT STREET WICKHAM

8.6. PROPOSED SALE OF OPERATIONAL LAND - 55 COWPER STREET WALLSEND

PROCEDURAL MOTION

Moved by Cr Adamczyk, seconded by Cr Pull

The matters lay on the table due to issues raised at the Asset Advisory Committee on Thursday 18 May 2023, which are still being investigated.

Carried unanimously

8.7 ADOPTION OF PLANNING PROPOSAL, DRAFT DEVELOPMENT CONTROL PLAN AND DRAFT PLANNING AGREEMENT FOR 23 MEREWETHER STREET AND 8 LINGARD STREET, MEREWETHER, LINGARD PLANNING PROPOSAL

Councillor Winney-Baartz left the Chamber for discussion on the item.

MOTION

Moved by Cr McCabe, seconded by Cr Adamczyk

That Council:

1. Endorses the planning proposal (**Attachment A**) and authorises the Interim Executive Director Planning & Environment to make the Local Environmental Plan for the Lingard Hospital Precinct, Merewether.
2. Adopts Section 6.16 Lingard Hospital Precinct to amend Newcastle Development Control Plan 2012 (**Attachment B**).
3. Endorses the Planning Agreement and Explanatory Note (**Attachment C**) and authorises the Interim Executive Director Planning & Environment to execute it.
4. Receives and notes the submissions (**Attachment D**) made during exhibition of the draft Development Control Plan and draft Planning Agreement.

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

Against the Motion: Nil

Carried

Councillor Winney-Baartz returned to the Chamber at the conclusion of the item.

8.8. VARIATIONS TO DEVELOPMENT STANDARDS (REPORTING FROM 1 JANUARY 2023 TO 31 MARCH 2023)

MOTION

Moved by Cr Pull, seconded by Cr Barrie

That Council:

1. Receives the report on approved development variations between 1 January 2023 and 31 March 2023 at **Attachment A** in accordance with the Department of Planning and Environment's concurrence to vary development standards in the Newcastle Local Environmental Plan 2012 (NLEP 2012).

Carried unanimously

8.9. MARCH QUARTERLY BUDGET REVIEW

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

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

Carried unanimously

8.10. QUARTERLY PERFORMANCE REPORT ON THE 2022-2026 DELIVERY PROGRAM

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

1. Receives the 2022-2026 Delivery Program - March Quarterly Performance Report (Report) as at **Attachment A**.

Carried unanimously

8.11. EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Clausen, seconded by Cr Pull

That Council:

1. Receives the Executive Monthly Performance Report for April 2023.

Carried unanimously

8.1. ADOPTION OF DELIVERING NEWCASTLE 2040

MOTION

Moved by Cr Nelmes, seconded by Cr Clausen

That Council:

1. Adopts the 2023-2024 Delivering Newcastle 2040 as at **Attachment A**.
2. Adopts the 2023-2024 Fees and Charges Register as at **Attachment B**.

Carried unanimously

In carrying the motion, Council noted their thanks.

8.2. ADOPTION OF INLAND POOLS STRATEGY 2043

In moving the motion, Councillors Winney-Baartz and Wood moved an additional Part B.

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Wood

Part A:

That Council:

1. Adopts the Inland Pools Strategy 2043 - Our plan for protecting and improving Newcastle's public pools for the next 20 years (**Attachment A**).
2. Receives the Inland Pools Strategy 2043 – Engagement Report (**Attachment B**).
3. Endorses establishment of the Inland Pools Reserve Fund to set aside funding as part of the annual budget process to enhance the city's five publicly owned inland swimming centres over the next 20 years.

Part B:

1. Notes that the social value achieved through programs/services delivered at aquatic centres is estimated at \$3.8 billion per year across Australia.
2. Notes the aging nature of these assets, with many community pools constructed in the 1960s following the Melbourne Olympics

3. Notes the extremely high-cost of building new aquatic centres and replacing aging pool infrastructure for local councils, with costs exceeding \$50-100m per pool.
4. Notes that local government provides on average 60 to 70% of upfront capital costs of most aquatic facility development and that this is not sustainable.
5. Notes that NSW state government funding under the Coalition has been ad hoc, without a consistent and transparent set of criteria to underpin funding decisions, with many communities deprived from even being able to apply for pool funding grants.
6. Writes to Local Government and Sports Ministers and requests the newly elected State Government establish a competitive, transparent Pool Infrastructure Fund that: -
 - a. Recognises the substantial social, health and economic benefits of public aquatic facilities,
 - b. Develops a consistent and transparent set of criteria for funding new and replacement public aquatic facilities,
 - c. Supports local councils in renewing aging community pool assets across NSW.

PROCEDURAL MOTION

Moved by Cr Wark, seconded by Cr Barrie

That the matter lay on the table over concerns about Memorial Pools.

Defeated

Councillor Pull moved an additional Part C to the motion.

Part C:

That City of Newcastle:

1. Notes that CN will require significant investment from State and Federal Governments in order to achieve the objectives of the strategy.
2. Further notes Newcastle's inconsistent classification when it comes to NSW Grants' Programs.
3. In our discussions and briefing of local MPs regarding the strategy, including with the new Minister for the Hunter Tim Crakanthorp MP, request they address Newcastle's classification issues and exclusion from grants programs, in line with CN's stated position in our advocacy document, to assist CN in funding the objectives of our inland pools strategy.

Councillors Winney-Baartz and Wood accepted Part C to the motion.

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

Carried unanimously

8.3. PUBLIC EXHIBITION OF DRAFT COMMUNITY ENGAGEMENT STRATEGY

MOTION

Moved by Cr Duncan, seconded by Cr Wood

That Council:

1. Places the Draft Community Engagement Strategy at **Attachment A** on public exhibition for a minimum of 28 days.

Carried

8.12. TENDER REPORT - LAMBTON POOL GRANDSTAND UPGRADE 2023/065T

MOTION

Moved by Cr Barrie, seconded by Cr Winney-Baartz

At Attachment A:

That Council:

1. Accept the tender of Precise Build Pty Ltd in the amount of \$1,815,332 (excluding GST) for the Lambton Pool Grandstand Upgrade for Contract No. 2023/065T.
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

8.13. TENDER REPORT - MATERIAL RECOVERY FACILITY - CONSTRUCTION WORKS 2023/049T

In moving the motion, Councillor Clausen moved an additional Part B.

MOTION

Moved by Cr Clausen, seconded by Cr Richardson

Part A:

At Attachment A:

1. Subject to the satisfactory resolution of all outstanding commercial, technical and contractual matters, Council accepts the tender from iQRenew Pty Ltd to Design, Construct, Operate and Maintain (DCOM) a Material Recovery Facility (MRF) at Summerhill Waste Management Centre on the basis that the:
 - a. total cost to Design and Construct the MRF is \$56.7 million (excluding GST); and
 - b. contract to Operate and Maintain the MRF (which is an annexure to the Design and Construct Contract) will be executed by the parties subject to (see clause 66 of the Design and Construct Contract):
 - i. iQRenew completing the design and construction of the MRF in accordance with the Design and Construct Contract; and
 - ii. the satisfactory resolution of all relevant commercial, technical and contractual matters.
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.

Part B:

1. Noting the positive forecast return on investment, and the environmental improvements, Council explores financing of this project including an internal loan through the CN Future Fund, external financing through TCorp, and external financing through the Clean Energy Finance Corporation, to better match financing costs with the receipt of forecast returns, and minimise any financial impacts on Newcastle ratepayers.

Carried unanimously

9. NOTICES OF MOTION

9.1. REQUEST TO RELEASE CLIMATE SECURITY REPORT

In seconding the motion, Councillor Clausen moved additional points 4 and 5.

Councillor McCabe accepted these to the motion.

MOTION

Moved by Cr McCabe, seconded by Cr Clausen

That City of Newcastle:

1. Notes that the Office of National Intelligence has prepared a Climate Security Report.

2. Notes that the climate crisis is the biggest security threat to our nation and that last month, former defence leaders called on the federal government to release this report.
3. Notes that the US Pentagon (Department of Defence) and the UK governments have released similar climate security assessments.
4. Acknowledges that the report by the Office of National Intelligence was initiated by the new Commonwealth Government, in recognition of the security implications of the climate crisis, and notes that similar assessments have been declassified and released in due course.
5. Welcomes the announcement on Saturday 20 May of the inclusion of climate action and associated security as the third key strategic pillar of the Australian-United States relationship.
6. Writes to the Prime Minister, Anthony Albanese, and the Minister for Defence, the Honourable Richard Marles, requesting that the government urgently releases the declassified version of the Report.

Carried unanimously

9.2. NEWCASTLE CITY CBD – VANDALISM - GRAFFITI ATTACKS- CRIME PREVENTION - BUSINESS RETENTION - REVIEW OF MAINSTREET ECONOMIC DEVELOPMENT THROUGHOUT CITY CONSTRUCTION – 3 YEARS - 2023-2026

In moving the motion, Councillor Barrie advised that she was moving the Officer's recommendation as circulated, with additional points 6 and 7.

ORIGINAL MOTION - Councillor Barrie

1. That City of Newcastle write to property owners in the Hunter Street Mall precinct and throughout the Newcastle City "Special Business Rated" commercial area requesting for them to remove unsightly graffiti and to clean their shop/business/building premises and request regular ongoing cleaning of footpaths throughout the central business area. There will be approximately a 3-year construction timeframe of major development and disruption causing more dirt, dust and debris in this high profile area which will need constant maintenance schedules in a collective and collaborative approach to ensure the iconic inner city area is regularly visited by tourists, day and night-time visitors, shoppers, and for the benefit and well-being of Newcastle residents who live in the City and City East precincts.
2. Notes City of Newcastle writes to Telstra, Ausgrid and other organisations who have utilities that have been attacked in the Hunter Street Mall and Central Business District to remove all graffiti.
3. Notes City of Newcastle Economic Development investigate options to assist business development to retain existing businesses, retailers, cafes throughout the next 3-year period when major city shaping projects are constructed to prevent retail leakage. In April, three retailers closed their doors in the mall,

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reducing foot traffic to the area. Review past retail shop front place activation strategies for example the Renew Newcastle project to stimulate and re-activate empty premises.

4. Notes write to Tim Crakanthorp MP, Minister for the Hunter to request information on available funding for a business retention survey and for place activation and wayfinding projects due to the high visitation in this area regularly from tourists and day visitors into the area from Queens Wharf, overseas and national visitors off Cruise Ships, Conference delegates, and residents who have invested in new apartments and are currently living and looking at a very ugly city streetscape.
5. Notes Iris Capital has boarded up and painted black vacant shops in the Hunter Street Mall owned by Iris Capital. These properties will be demolished in the future to begin works on Stage 3 of the East End Development.
6. Notes on Sunday 21 May, the footpaths were lined with leaves in the Hunter Street Mall precinct and a seat was covered in debris. The City CBD appearance has begun to evolve into the construction phase and will require all stakeholders to ensure existing businesses including retail and hospitality are well supported throughout Hunter Street Mall and City CBD areas over the next three-to-four-years.

MOTION

Moved by Cr Barrie, seconded by Cr Pull

That Council:

1. Notes City of Newcastle staff are currently reviewing opportunities to align stages 2, 3, 4 and 5 of its revitalisation of the Hunter Street Mall with public domain works required by Iris Capital as part of its current stage 2 development, and future stage 3 and 4 developments.
2. Notes City of Newcastle staff are currently reviewing opportunities to focus resources specifically on development of the Hunter Street public domain to not only bring forward the beautification of Hunter Street but bring forward the economic benefits for retailers in preparation for completion of Iris Capital's future stage 3 and 4 developments.
3. Welcomes CN's investment of more than \$8.5 million in events and activation programs developed to support local City Centre businesses since 2018.
4. Notes that CN has provided approximately \$126,000 in financial support to the Business Centre since 2015, including \$50,000 in 2020 for the City Taskforce's COVID-19 Industry Response Program's Small Business Recovery Project.
5. Notes that individuals and businesses can apply for funding in August this year to deliver projects and programs that activate and promote the City Centre as part of a \$900,000 program funded via the Special Business Rates levy.

6. Notes City of Newcastle writes a letter to be included in with selected Rate Notices by CN's contracted Security Printer/Mailing House at minimal cost. Letters are to be finalised by 7 July 2023 in order to be sent with the next quarterly rates notice. Due to one quarter of property owners receive their Rates Notice by email and limitations of the current City of Newcastle platform do not permit another letter to be sent within their Rates Notice email. Instead, these are to be manually processed as separate emails by staff, and with no certainty that graffiti exists on the properties of those being written to. The cost of this would be \$1.10 in postage, plus letter, envelope and staff labour.
7. Notes City of Newcastle writes to Telstra, Ausgrid and other organisations who have utilities that have been attacked in the Hunter Street Mall and Central Business District to remove graffiti.

Following discussion, Councillor Barrie withdrew point 6.

The motion moved by Councillor Barrie and seconded by Councillor Pull as amended was put to the meeting.

Carried

10. CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Adamczyk

That Council move into confidential session as per the reasons outlined in the Business Papers.

Carried

Council resolved into confidential session at 9.12pm.

As the time was nearing 10.00pm, Councillor Duncan moved the following procedural motion.

PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Richardson

To extend the meeting until conclusion of business.

Carried unanimously

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Barrie

That Council move out of confidential session.

Carried

Council reconvened at 10.31pm and the Chief Executive Officer reported the resolutions of the partial confidential reports (refer resolutions at 8.12 and 8.13) and confidential items below.

10.1. PROPOSED SALE OF 16 CABINS - STOCKTON BEACH HOLIDAY PARK

MOTION

Moved by Cr Clausen, seconded by Cr Adamczyk

That Council:

1. Endorses the sale of 16 relocated cabins from Stockton Beach Holiday Park, including fixtures, fittings and furniture, by public auction, for an amount no less than \$1,200,000 (plus GST).
2. Authorises the Chief Executive Officer or his delegate to execute all relevant documentation to effect the sale.
3. Endorses the sale revenue be transferred to City of Newcastle's 'Works Program: Specific Projects' internally restricted reserve to be used addressing coastal erosion at Stockton.
4. 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

10.2. PROPOSED ACQUISITION OF PROPERTY

MOTION

Moved by Cr Barrie, seconded by Cr Richardson

That Council:

1. Endorses City of Newcastle making bids at public auction to acquire the Property, up to a maximum of 20% above market valuation (plus GST).
2. Resolves to acquire the Property if City of Newcastle's highest bid is successful in the public auction process.
3. Grants authority to the Chief Executive Officer or his delegate to execute all relevant documentation to effect the auction and sale.
4. Publicly notify the proposal to classify the acquired land as operational land in accordance with section 34 of the Local Government Act 1993.
5. Classify the Property as operational land if no public submissions are received objecting to the proposed classification.

- Note 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

10.3. TENDER REPORT – MANAGEMENT OF INLAND SWIMMING CENTRES – CONTRACT NO 2022/137T

Resolution passed in accordance with Clause 5.12 of City of Newcastle's Code of Conduct for Councillors which provides as follows:

Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

- Delegates to the Chief Executive Officer authority to determine the award or otherwise of the tender for Contract No. 2022/137T for the lease and operation of five CN owned Swimming Centres.
- The 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.

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

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

Carried

The meeting concluded at 10.36pm.