

Minutes

Ordinary Council Meeting

Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 28 March 2023 at 6:06 pm.



1. ATTENDANCE

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

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services), L Duffy (Acting Executive 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 (Executive Manager Legal and Governance), R Dudgeon (Executive Manager Project Management Office), S Moore (Executive Manager Finance, Property and Performance), N Kaiser (Executive Manager Media, Engagement, Economy and Corporate Affairs), M Murray (Chief of Staff), M Meehan (Senior Media Advisor), L Barnao (Councillor Services/Meetings Support), A Knowles (Councillor Services/Minutes), R Garcia (Information Technology Support) and C Urquhart (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 Michael Lang and all 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 Duncan, seconded by Cr Barrie

The request to attend by audio visual link submitted on behalf of Councillor Richardson be received and granted.

Carried unanimously

MOTION

Moved by Cr Barrie, seconded by Cr Duncan

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

Carried unanimously

5. DISCLOSURES OF INTEREST

Nil.

6. CONFIRMATION OF MINUTES

6.1. MINUTES – ORDINARY COUNCIL MEETING 28 FEBRUARY 2023

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

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

AMENDMENT

Moved by Cr Pull

To amend point 4, Item 9.4 – Calling for funding for Wallsend flood mitigation, to include the following wording.

The mover and seconder of the motion accepted Councillor Adamczyk's amendment to the motion with an addition to point 4 to read as follows:

4. Urgently write to the NSW Treasurer the Hon. Matt Kean MP, and the NSW Minister for Lands and Water the Hon. Kevin Anderson MP, the Leader of the Opposition Chris Minns MP, and the Member for Wallsend Sonia Hornery MP, also calling on them to commit to funding future flood mitigation works including the widening of the Wallsend stormwater channel.

The mover and seconder of the motion agreed to include Councillor Pull's amendment to the motion.

The motion as amended was put to the meeting.

Carried

7. LORD MAYORAL MINUTE

7.1. NSW ELECTION RESULTS

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Acknowledges the election of Chris Minns MP as Premier and the NSW Labor Government following the NSW State Election held on 25 March 2023;
2. Congratulates the following local Greater Newcastle and Hunter Members of Parliament on their re-election:
 - a. Tim Crakanthorp MP, Member for Newcastle
 - b. Jodie Harrison MP, Member for Charlestown
 - c. Sonia Hornery MP, Member for Wallsend
 - d. Kate Washington MP, Member for Port Stephens
 - e. Jenny Aitchison MP, Member for Maitland
 - f. Yasmin Catley MP, Member for Swansea
 - g. Clayton Barr MP, Member for Cessnock
 - h. Greg Piper MP, Member for Lake Macquarie
 - i. David Layzell MP, Member for Upper Hunter;
3. Supports the Minns Labor Government's promise to reinstate the position of a dedicated Minister for the Hunter;
4. Looks forward to portfolio announcements in due course in relation to relevant positions including the Minister for Planning, Minister for the Environment, Minister for Housing, Minister for Local Government, Minister for the Hunter and briefing these incoming Ministers on the challenges and opportunities for our city;
5. Commits to continuing our collaborative working relationship with the NSW Government, the NSW Opposition and Independent Members of the NSW Parliament for the benefit of the people of the City of Newcastle.
6. Acknowledges the outgoing Liberal National NSW Government, and thanks them for their collaboration with the City of Newcastle throughout the last term.

Carried unanimously

7.2. CITY OF NEWCASTLE HOSTS WORLD-CLASS EVENTS

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Notes that many successful events have been held in recent weeks, seeing an increase in local visitation to the City of Newcastle, including;

- a. Country Mayors Association of NSW which met for the very first time outside of Sydney for their recent general meeting and tour of the Port of Newcastle;
 - b. International Women's Day Morning Tea 2023 with inspirational guest speaker Vanessa Alexander, an award-winning screenwriter and humanitarian who received a Key to the City of Newcastle after her keynote speech at the annual Lord Mayor's International Women's Day Morning Tea at City Hall speaking about her work to help more than 100 Afghan women and their families at risk of retribution from the Taliban after the fall of Kabul in August 2021, amid the COVID-19 pandemic. This event also raised \$3,200 from Vanessa Alexander's chosen beneficiary, refugee support service Talent Beyond Boundaries;
 - c. Supercars Newcastle 500 which saw thousands of locals and visitors alike enjoying the race;
 - d. Surfest, the largest festival of surfing in the Southern Hemisphere, which Newcastle has sponsored since its inception, with Joel Vaughan and Bronte Macauley claiming victory at the Burton Automotive & Speaking in Colour Pro World Surf League Qualifying Series;
 - e. *Come from Away* which saw more than 21,500 theatregoers attending from across the Hunter and beyond, who flocked to the Civic Theatre during the three-week extended run to share in the incredible real-life story of the 7,000 air passengers from around the world who were grounded in Newfoundland Canada in the wake of 9/11;
2. Notes that as part of the Supercars Newcastle 500, City of Newcastle was able to facilitate the raising of more than \$40,000 for its partner charities *Got Your Back Sista* and *Nova for Women and Children*, which will support victims of family and domestic violence (with more than \$100,000 now raised since 2017 for domestic violence charities from this event alone);
 3. Congratulates Freeman of the City of Newcastle, Mr Warren Smith, upon his receipt of the Peter Troy Lifetime Achievement Award at the 2023 Surfing Australia Awards for his lifelong dedication to the sport of Surfing, in particular, for his commitment to Surfest, the largest festival of surfing in the Southern Hemisphere.
 4. Acknowledges City of Newcastle has also won the right to host two further large scale business events this October, with more than 500 delegates to descend on the city injecting more than \$1.6 million into the local visitor economy, being the highly-coveted 2023 Australian Regional Tourism convention at City Hall and will welcome the nation's best town planners for the Planning Institute of Australia's regional conference.

5. Extends our gratitude and thanks the work of local businesses, City of Newcastle employees and the Newcastle community for their support and cooperation in hosting these successful events and promoting our beautiful city.

Carried unanimously

8. REPORTS

8.7. EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

That Council:

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

Carried

8.1. PUBLIC EXHIBITION OF DRAFT DELIVERING NEWCASTLE 2040

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

1. Resolves to publicly exhibit the draft 2023-2024 *Delivering Newcastle 2040* as at **Attachment A** and draft 2023-2024 Fees and Charges as at **Attachment B** for 28 days prior to the final consideration by Council.

Carried unanimously

8.2. ADOPTION OF SPECIAL BUSINESS RATE EXPENDITURE POLICY

MOTION

Moved by Cr Duncan, seconded by Cr Adamczyk

That Council:

Part A

1. Adopts the Special Business Rate Expenditure Policy at **Attachment A**.
2. Receives the Special Business Rate Expenditure – Public Exhibition Report at **Attachment B**.

Part B

1. Notes correspondence from BIA Chairs, and request that the BIA facilitator, working with Ms Musumeci organises combined resourcing for high pressure cleaning in all BIA areas.

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

Against the Motion: Councillors Barrie and Pull.

Carried

8.3. DARBY STREET STREETS AS SHARED SPACES – RETENTION OF INFRASTRUCTURE

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

1. Adopts the existing traffic calming infrastructure and outdoor dining deck on Darby Street between Bull and Queen Streets as shown at **Attachment A**, and exhibits concept plans for upgraded traffic calming infrastructure at the southern and northern entries to the 30km/h zone for public exhibition, as shown at **Attachments B and C**.

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

Against the Motion: Councillor Pull.

Carried

8.4. BROADMEADOW PLACE STRATEGY

MOTION

Moved by Lord Mayor, Cr Nelmes, seconded by Cr Barrie

That Council:

1. Endorses the preparation of a Broadmeadow Place Strategy.
2. Endorses the agreed matters for inclusion in the Department of Planning and Environment and City of Newcastle Council Memorandum of Understanding – Broadmeadow regionally significant growth area as provided in **Attachment A**.
3. Authorise the Chief Executive Officer to sign the Memorandum of Understanding – Broadmeadow regionally significant growth area on behalf of the City of Newcastle.

4. Notes a report to publicly exhibit the draft Broadmeadow Place Strategy will be presented to Council in late 2023.

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

Against the Motion: Nil.

Carried

8.5. 37 LLEWELLYN STREET, MEREWETHER – RIGHT OF WAY REVIEW

MOTION

Moved by Cr Duncan, seconded by Cr Barrie

That Council:

1. Receive this report presenting the investigation into the ROW at 37 Llewellyn Street, Merewether.
2. Notes the investigation is continuing and possible regulatory action against the Developer and Certifier may be considered.
3. Notes that the Interim Executive Director of Planning & Environment has issued written correspondence to the Minister for Emergency Services and Resilience Hon. Steph Cooke MP, the State Member for Newcastle, Tim Crakanthorp MP, and Crown Lands, Department of Planning and Environment, seeking support for a public access to be created through the Merewether Fire and Rescue Station, known as 39 Llewellyn Street Merewether.
4. Notes that a formal complaint has been lodged with NSW Fair Trading about the professional conduct of the Private Certifier and that the Interim Executive Director of Planning & Environment has issued written correspondence to the Minister for Fair Trading, Hon. Victor Dominello MP, asking that he investigate the circumstances surrounding the private certifier who provided an occupation certificate contrary to the Development Consent (DA2016/01411 as modified) for the property located at 37 Llewellyn Street Merewether despite it not complying with CN's condition that a right of carriageway be created over the property.

AMENDMENT

Moved by Cr Pull

5. That the correspondence sent to the former Ministers also be sent to the newly sworn in Ministers once known.

The mover and seconder of the motion agreed to include Councillor Pull's amendment into the motion.

The Chief Executive Officer advised that he had met with the developers of the property at 37 Llewellyn Street Merewether earlier that day and that they had agreed in principle to fund the construction of a footpath and easement on the adjacent fire and rescue station land should an easement be provided.

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

Carried unanimously

Councillor Clausen gave notice of a late item of business that being an item laid on the table at the Ordinary Council Meeting of 28 February 2023.

8.6. HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL – CHANGES TO PLANNING PANELS

MOTION

Moved by Cr Clausen, seconded by Cr Richardson

That Council:

1. Appoints the following Councillors as additional alternate members of the HCCRPP.

Councillor Church (Ward 1)
Councillor McCabe (Ward 2)
Councillor Wood (Ward 3)

AMENDMENT

Moved by Cr Pull

That Council appoints Councillor McCabe and Councillor Wood, and that Councillor Church may be appointed as an alternate member at a future time.

The Lord Mayor suggested the motion include the wording 'upon acceptance from the nominated Councillors', Council appoints the following Councillors as additional alternate members of the HCCRPP.

Councillor Pull accepted the Lord Mayor's suggested wording so that the motion would read as follows:

That Council:

1. Upon acceptance from the nominated Councillors, appoints the following Councillors as additional alternate members of the HCCRPP

Councillor Church (Ward 1)
Councillor McCabe (Ward 2)
Councillor Wood (Ward 3)

The mover and seconder of the motion accepted the change to the motion.

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

Carried unanimously

A question from Councillor Pull seeking confirmation that the change in wording of the motion would not affect the appointments of Councillors was taken on notice by the Chief Executive Officer.

8.8. TENDER REPORT – RECYCLABLE WASTE COLLECTION SERVICES AND BIN SUPPLY – CONTRACT 2022/145T

MOTION

Moved by Cr Mackenzie, seconded by Cr Barrie

The recommendation at Attachment A.

1. Council accept the tender of Cleanaway Pty Ltd in the total amount of \$30.9 million (excluding GST) over a period of ten years for Recyclable Waste Collection Services and Bin Supply for Contract No. 2022/145T. This is contingent upon the CEO negotiating a successful contract with Cleanaway Pty Ltd.
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.

AMENDMENT

Moved by Cr Clausen

Part B

That Council:

1. Notes that the existing recycling bin assets have an embedded value which can be put to good use in the local economy via reuse in the provision of the recycling collection service. Disposal of existing recycling bin assets does not provide waste minimisation and recycling solutions to the community while also likely attracting a financial cost to the current bin owner. Therefore, the CEO and Cleanaway should enter into discussions with Solo seeking to ensure reuse the existing bins during finalisation of the contract.
2. Welcomes the provision of an electric garbage truck as part of the contract, and re-states its expectation that the recycling service will align with CN's goal of Net Zero Operational Emissions by 2030 as per our adopted Climate Action Plan.

The mover and seconder of the motion agreed to include Councillor Clausen's amendment into the motion.

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

Carried unanimously

9. NOTICES OF MOTION

9.1. PUBLIC VOICE AND PUBLIC BRIEFING POLICY

MOTION

Moved by Cr McCabe, seconded by Cr Mackenzie

That the City of Newcastle:

1. Notes that Councillors received a briefing from CN staff in a 'Briefing Committee' about the East End Public Domain Plan, Fig Trees on the 20th September 2022. This presentation included the rationale that the size of the combined canopy of the Western figs was evidence of their decline, as it was less than the canopy of the most Easterly fig tree.
2. Notes that a member of the public then applied for a Public Briefing to inform councillors about his specific knowledge about these same fig trees on the 12th of October 2022. He received notification on the 31st of October 2022 that the application was refused on the grounds that;
 - i) the application related to a subject matter that had previously been presented to Councillors in a Public Briefing in the last two years
 - ii) that the final decision is within staff authority, i.e. the issue will not go back to the elected council for a decision.
3. Notes that the existing Public Voice and Public Briefing policy includes the following definitions;
 - 1.1 The purpose of this Policy is to provide a framework to allow members of the public to address the Council on issues relevant to City of Newcastle's (CN's) functions.
 - 2.4 Public Briefings sessions (refer Section 5) provide an opportunity for members of the public to make presentations to the Council relating to significant issues of a general, strategic or policy nature relevant to CN's functions, facilities or services.
 - 3.1 a) **Accountability and transparency** – This Policy enables members of the public to bring before the Council issues of a general, strategic or policy nature relevant to CN's functions,

facilities or services. This Policy ensures decisions are made in a way that is open and accountable.

- c) **Openness** – This Policy enables members of the public to communicate opinions or concerns directly to Councillors by way of an address to the Council in an open forum.

8.1 Public Briefings sessions provide an opportunity for members of the public to make short presentations relating to significant issues of a general, strategic or policy nature relevant to CN's functions, facilities or services.

(Sections of the policy text have been underlined in order to highlight the existing definition.)

4. Updates the Public Voice and Public Briefing Policy to explicitly define that a Public Briefing shall not be made by a member of staff through inserting the statement:

8.3 For the purposes of this policy, a Public Briefing cannot be made by a member of CN staff.

And to change the wording in 8.1 as below:

8.1 Public Briefings sessions (insert 'are explicitly') to provide an opportunity (remove underlined) for members of the public to make short presentations relating to significant issues of a general, strategic or policy nature relevant to CN's functions, facilities or services.

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

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

Defeated

9.2. REQUESTING ATTENDANCE DATA FROM SUPERCARS

In moving the motion, Councillor McCabe included an additional Part B to the motion as outlined in the business papers.

MOTION

Moved by Cr McCabe, seconded by Cr Mackenzie

Part A

That City of Newcastle:

1. Notes CNs commitment to transparency and accountability in our 2040 plan:

- a. **4.2.2 Shared information and Celebration of Success-** Proactively share clear, consistent, accessible and relevant information with the community, leading to an understanding of CN's actions and decisions.
 - b. **4.3.3 Data-driven decision-making and insights** Harness the digital transformation of the organisation to drive innovative approaches and insights using quality data to make strategic decisions that align with our vision, provide consistency and transparency, and promote continuous improvement.
2. Notes that Supercars Australia has not provided the City of Newcastle with the attendance data for any of the races held in Newcastle on the grounds of commercial in confidence.
 3. Notes that elected Councillors require access to this data before they make a decision about the future five year contract in order to analyse the economic impacts for the city.
 4. Writes to Supercars CEO, Shane Howard, requiring that this information is provided to CN staff and Councillors.
 5. Specifically requires in this letter that the attendance data must not comprise of tickets issued, but rather confirmed ticket holders who have entered the event on each of the days for all of the races and that postcodes are provided for Australian attendees and countries for international visitors.
 6. Also requires in the letter that the attendance figure provided is not a gross attendance of everyone at the event. Data for those in attendance but delivering, working at, or supporting the race needs to be identified as such and separated from other attendees.

Part B

That City of Newcastle:

1. Notes that the **Economic Impact of the Newcastle 500 Supercars event for 2017, 2018 and 2019** includes the following information about attendance for each of those races in the report.

2017 Gross Attendance: 192,242

Newcastle LGA	8,956
Interstate	7,827
Intrastate	42,021
International	245
Other visitors: teams, officials, media, food vendors, merchandisers.	5,031

Total attendees excluding Newcastle LGA	55,124
Gross Attendance	55, 124 + 8,965 = 64,080 64, 080 x 3 days = 192, 240

2018 Gross Attendance: 162,248

Newcastle LGA	4,835
Interstate	8,036
Intrastate	36, 034
International	405
Other visitors: teams, officials, media, food vendors, merchandisers.	7,996
Total attendees excluding Newcastle LGA	52, 471
Gross Attendance	52,471 + 4,835 = 57, 306 57, 306 x 2.8= 160, 456

2019 Gross Attendance: 154,008

Newcastle LGA	7,678
Interstate	10, 292
Intrastate	26,307
International	728
Other visitors: teams, officials, media, food vendors, merchandisers.	6,331
Total attendees excluding Newcastle LGA	43,658
Gross Attendance	43, 658 +7,678= 51,336 51,336 x 3 days = 154,008

AMENDMENT

Moved by Cr Adamczyk, seconded by Cr Richardson

That Council:

1. Notes CN's commitment to transparency and accountability in our 2040 plan:
 - a. 4.2.2 Shared information and Celebration of Success - Proactively share clear, consistent, accessible and relevant information with the community, leading to an understanding of CN's actions and decisions.

- b. 4.3.3 Data-driven decision-making and insights Harness the digital transformation of the organisation to drive innovative approaches and insights using quality data to make strategic decisions that align with our vision, provide consistency and transparency, and promote continuous improvement.
2. Notes that Supercars has already provided a detailed breakdown of the ticketing for the Newcastle 500 for the years 2017, 2018 and 2019 to EY at the request of City of Newcastle, and that this information has been available to the community since October 2021.
3. Notes that in its economic assessment of the 2017, 2018 and 2019 economic assessment of the Newcastle 500, EY excluded all attendees that resided in the Newcastle LGA.
4. Notes that EY also assumed that each person that attended the Newcastle 500 that resides outside of the Newcastle LGA, was assumed to have stayed only as many nights as they attended the race.
5. Notes that the CEO of Supercars has committed to providing similar ticketing information provided to EY previously, to CN for the 2023 race.
6. Notes that the 2023 race ticketing data will be provided to Councillors and the community to enable the Council to make a more informed decision on the economic impact for the city from hosting the Newcastle 500. This decision will only be required if the NSW Government indicates it intends to support the race's continuation for another five years.

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

Against the Amendment: Councillors Barrie, Mackenzie, McCabe and Wark.

Carried

The amendment became the motion and was put to the meeting.

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

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

Carried

9.3. FUNDING FOR TROVE

MOTION

Moved by Cr Duncan, seconded by Cr Adamczyk

That City of Newcastle:

1. Acknowledges the importance of Trove as a national digital archive service, maintained and managed by the National Library of Australia as a significant national platform to record and access Australia's history and culture.
2. Notes that since its launch in 2009, public libraries run by local Councils across Australia, have been able to access and contribute to Trove without significant costs until 2022 when a new subscription-based pricing model was introduced, resulting in already 13% of libraries across NSW withdrawing their contributions due to the significant fee increases, resulting in implications for the integrity of Trove in both the short and longer term.
3. Write to the Federal Minister for the Arts, the Hon Tony Burke MP, Shadow Minister for the Arts, the Hon Paul Fletcher MP and Sharon Claydon MP, Federal Member for Newcastle calling for sustainable funding to ensure the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.
4. Endorses the actions of the NSW Public Libraries Association in lobbying for additional sustainable funds for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.

Carried unanimously

9.4. INFRASTRUCTURE CONTRIBUTIONS REFORM CONCERNS

MOTION

Moved by Cr Clausen, seconded by Cr Adamczyk

That City of Newcastle:

1. Notes with concern the former NSW Liberal Government's election announcement made on 4 March 2023 regarding infrastructure contributions, including proposed legislation to pool together local government contributions between councils.
2. Notes comments made on 10 March 2023 by the NSW Property Council that it "urges the NSW Coalition to proceed with caution on the proposed changes to local contributions. It is critical this policy does not disrupt the vital nexus between the collection of contributions and the delivery of vital growth infrastructure. Our infrastructure contributions framework still deserves the clarity, simplicity, certainty, transparency and efficiency that the NSW Coalition's original reform package sought to deliver."
3. Notes our Development Contributions Plans were reviewed as recently as January 2022 and updated to ensure that contributions from future residential and non-residential development in the city makes a reasonable contribution toward the cost of public amenities and services required to cater for those future populations.

4. Notes our Contributions Plans already align with relevant State Government planning strategies, as well as the intent of the NSW Government's principles of transparency, accountability, strategic leadership and evidence-based decision making.
5. Notes our August 2021 resolution to advocate to the NSW State Government to protect local governments from any amendments to infrastructure contributions which leave councils and communities exposed to expending ratepayer funds on new infrastructure made necessary by new development that is currently the responsibility of developers.
6. Notes, following advocacy led by Local Government NSW (LGNSW) and City of Newcastle, the November 2021 commitment from then- Planning Minister the Hon. Rob Stokes MP that reforms to the Environment and Planning And Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) would be modified to ensure that contributions would be spent in the region where they are collected rather than at the discretion of the NSW Government, and that "no council will be worse off under the proposed reforms", however subsequent modelling by some councils has shown this not to be the case.
7. Notes our motion to, and subsequent resolution of, the LGNSW 2022 Annual Conference responding to sector-wide concerns regarding the financial and planning implications of amendments to the Bill on local communities and endorsing continued advocacy by LGNSW to ensure that any amendments made to the Bill do not adversely affect local councils and their communities.
8. Reaffirms our commitment to adhering to proper process and the requirements of the Integrated, Planning & Reporting Framework set by the NSW Government, including community engagement and consultation, with updates to the CN Community Engagement Strategy currently underway.
9. Notes this was another attempt by the Government to once again attempt to manipulate the infrastructure contributions held by councils and spent in local communities (having failed previously in this respect in 2021), and divert them away from the purpose for which they were intended, again undermining local councils, as well as the extensive expense, effort and time expended on maximizing community engagement and input into CN's strategic documents.
10. Welcomes the election of a Chris Minns Labor Government in NSW. Thanks NSW Labor for its steadfast and consistent opposition of the former Liberal Government's proposed unfair raiding and diversion of Council infrastructure contributions, which would have left councils and local communities worse off, and impacted Council's ability to fund important local infrastructure required to support growth.

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

Against the Motion: Councillor Pull.

Carried

LATE ITEM OF BUSINESS

8.9 DETERMINATION OF INCOME TAXATION FOR COUNCILLORS

The Lord Mayor advised that she had been informed of a late item of business and requested Councillor Clausen to outline the reasons for Council to consider the late item of business.

Councillor Clausen advised that the motion was laid on the table at the last meeting and that it was appropriate to be considered at the next available meeting.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Barrie

That Item 8.14 - Determination of Income Taxation for Councillors that was laid on the table at the last meeting be heard as a late item of business.

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

Against the Motion: Councillor Mackenzie.

Carried

The Lord Mayor ruled that the matter of Determination of Income Taxation for Councillors be heard as a late item of business in accordance with the Code of Meeting Practice and the reason outlined by Councillor Clausen.

MOTION

Moved by Cr Clausen, seconded by Cr Barrie

That Council:

- 1 Resolves that Lord Mayor and Councillor fees be subject to income tax withholding under Part 2-5 of the Taxation Administration Act 1953 - sections 446-5 of Schedule 1, with effect from 1 July 2023.

Carried unanimously

At the conclusion of the meeting the Chief Executive Officer read the resolution of the partial confidential report (*refer resolution at 8.8*).

The meeting concluded at 8.53pm.