

Minutes

Ordinary Council Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 26 September 2023 at 6:00 PM

1. ATTENDANCE

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

D Clarke (Acting Chief Executive Officer), S Mitchell (Acting Executive Director Corporate Services and CFO), A Jones (Executive Director Creative and Community Services), C Thomson (Executive Director City Infrastructure), M Bisson (Executive Director Planning and Environment), E Kolatchew (Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance), R Dudgeon (Executive Manager Project Management Office), P Emmett (City Wide Development Assessment Manager), A Lopez (Chief Information Officer), M Murray (Chief of Staff), J Baker (Governance Manager), L Zoneff (Media Adviser), M Hughes (Media Adviser), L Barnao (Councillor Services/Minutes/Meeting Support), R Williams (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 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 Winney-Baartz

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

Carried

MOTION

Moved by Cr Barrie, seconded by Cr Mackenzie

The apology submitted on behalf of Councillor Wark be received and leave of absence granted.

Carried

5. DISCLOSURES OF INTEREST

Councillor McCabe

Councillor declared a non-significant, non-pecuniary interest in Item 8.2 - Exhibition of Draft Newcastle Development Control Plan 2023 stating that she took part in the community group that actively advocated for the Tighes Hill Character Study and would manage the interest by remaining in the Chamber.

6. CONFIRMATION OF MINUTES

6.1. MINUTES - ORDINARY COUNCIL MEETING 22 AUGUST 2023

MOTION

Moved by Cr Mackenzie, seconded by Cr Barrie

The minutes as circulated be taken as read and confirmed.

Carried

7. LORD MAYORAL MINUTE

7.1 PAUL WOSEEN CONDOLENCE MOTION

MOTION

That City of Newcastle:

1. Extends its heartfelt condolences to the family, friends, and fans of Paul Woseen, recognising the profound loss they are experiencing;
2. Acknowledges and celebrates the significant cultural and artistic contributions made by Paul Woseen throughout his career;
3. Recognises the impact of the Screaming Jets, a band born in our own city, as a source of pride and inspiration for the Newcastle community;
4. Commits to preserving and promoting the musical heritage of Paul Woseen and the Screaming Jets as part of our city's cultural legacy;

5. Encourages the community to come together and celebrate Paul's life and music by keeping his memory alive through listening to his music and reflecting on the impact he had on our city;
6. Convey its condolences to Paul Woseen's family and loved ones, as a symbol of our shared sadness and appreciation for his contributions.

Carried

7.2 10 YEARS OF SERVICE TO NEWCASTLE BY SHARON CLAYDON MP

MOTION

That City of Newcastle:

1. Expresses its heartfelt congratulations and deepest appreciation to Sharon Claydon MP for her remarkable ten years of service as the Federal Member for Newcastle; and
2. Commends her outstanding contributions to our community and her tireless efforts to enhance the quality of life for all residents of Newcastle; and
3. Notes some of Sharon's recent achievements include:
 - a. Delivering a \$6.2 million funding package in partnership with CN to deliver sand replenishment on Stockton Beach,
 - b. \$130,000 for upgrades at Heaton Public, Belair Public and Mayfield West Demonstration Schools,
 - c. Millions for roads in the Newcastle electorate to build back better following the 2022 floods,
 - d. Restoring the Calvary Matar GP After Hours Clinic service,
 - e. \$55 million to upgrade the international terminal facility at Newcastle Airport
 - f. Funding for live music to support local talent
 - g. Increased jobs and economic diversification via the Hunter Hydrogen Hub and declaration of the Newcastle Offshore Wind Zone.
4. Formally conveys this motion of congratulations and appreciation to Ms. Sharon Claydon MP; and
5. Further resolves that this Council reaffirms its commitment to working collaboratively with Ms. Claydon and all our State and Federal Government representatives to continue advancing the well-being and prosperity of our city.

Carried unanimously

7.3 NEWCASTLE WILLIAMTOWN AIR SHOW 2023

MOTION

That City of Newcastle:

1. Notes that for the first time in more than a decade, City of Newcastle will host the free, family-friendly Royal Australian Air Force (RAAF) Aircraft Flying Display on Saturday, 18 November 2023, with up to one hundred thousand Novocastrians and visitors expected to line Newcastle Harbour to catch a glimpse of aerial displays and flypasts at the Newcastle Williamtown Air Show 2023;
2. Notes that attracting major events of this calibre is a testament to Newcastle's growth as a world-class events and cultural city and indicative of a thriving local economy, and welcomes the significant economic boost that this major event will provide for Newcastle's visitor economy, for local businesses and for the jobs that they sustain;
3. Thanks our delivery partners at the RAAF, Port Stephens Council and the NSW Government for their wonderful collaboration to secure this thrilling event for Newcastle;
4. Thanks the NSW Government, particularly Minister for Transport, the Hon. Jo Haylen MP, for providing additional transport services including rail, light rail, bus and ferry services as well as a Park and Ride service from McDonald Jones Stadium, and Park and Walk Areas from Stockton, as well as Minister for the Hunter, the Hon. Yasmin Catley MP, and the Minister for Regional NSW, the Hon. Tara Moriarty MLC.

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

Against the Motion: Councillors McCabe.

Carried

8. REPORTS

8.3. PROPOSED GRANTING OF RIGHT OF CARRIAGEWAY EASEMENT OVER OPERATIONAL LAND - 45 LOOKOUT ROAD NEW LAMBTON HEIGHTS

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Council:

1. Approve the creation of an easement for a Right of Carriageway over Operational Land at Lot 40 DP19631 (45 Lookout Road New Lambton Heights)

for the benefit of Lot 2 DP 659602 (4 Bushlands Close New Lambton Heights) as shown at Attachment A, for nil compensation.

2. Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to authorise the transaction.

Carried

8.4. CHANGE TO 2023 ADOPTED MEETING SCHEDULE

MOTION

Moved by Cr Barrie, seconded by Cr Mackenzie

That Council:

1. Adopt a change in Council's meeting cycle; moving the Ordinary Council Meeting from Tuesday 24 October 2023 to Tuesday 31 October 2023.

**Carried
unanimously**

8.5. EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Barrie, seconded by Cr Clausen

That Council:

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

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

Against the Motion: Councillor Church.

Carried

8.1. EXHIBITION OF OUTDOOR TRADING POLICY

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

1. Endorses Draft Outdoor Dining Policy 2023 and Draft Outdoor Dining Guidelines 2023 as at Attachment A and B for public exhibition.
2. Receives a post-exhibition report on submissions to Draft Outdoor Dining Policy 2023 and Draft Outdoor Dining Guidelines 2023.

Carried

8.2. EXHIBITION OF DRAFT NEWCASTLE DEVELOPMENT CONTROL PLAN 2023

A memo was circulated to all Councillors recommending an additional development control for consideration in respect of Item 8.2, which amended point 1 of the motion.

In moving the motion, Councillor Adamczyk moved the recommendation outlined in the memo and an additional point 3.

MOTION

Moved by Cr Adamczyk, seconded by Cr Wood

That Council:

1. Endorses Draft NCP 2023 for exhibition (Attachment A), subject to the additional control to be inserted within sub-section 11 of section C3 Vegetation Preservation, as outlined within the Councillor memo dated 26 September 2023.
2. Receives a post-exhibition report on submissions to Draft NDCP 2023.
3. Notes our commitment to wide-reaching consultation with local, state, and national organisations and advocacy groups representing the breadth and diversity of how people build, live, and work in our city.

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

Against the Motion: Nil.

**Carried
unanimously**

8.6. TENDER REPORT – NEWCASTLE OCEAN BATHS UPGRADE STAGE 2 - PRINCIPLE DESIGN CONSULTANT - CONTRACT NO. 2023/163T

MOTION

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

1. Accept the tender of Tonkin Zulaikha Greer Pty Ltd in the amount of \$1,251,598.25 (excluding GST) for Newcastle Ocean Baths Stage 2 Principal Design Consultant for Contract No. 2023/163T.
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.

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

Against the Motion: Nil.

**Carried
unanimously**

9. NOTICES OF MOTION

9.1. BUSKING POLICY

MOTION

Moved by Cr Duncan, seconded by Cr Mackenzie

That City of Newcastle:

1. Is increasingly recognised as a city that offers true artistic and culture life to residents, workers and visitors.
2. Recognises that live music promotes social cohesion and community wellbeing through vibrant, safe and active public places.
3. Notes CN's commitment to fostering arts and cultural activities across the LGA, supported by the principles contained within the Community Strategic Plan 2040, Live Music Strategy 2019 and After Dark Economy Strategy 2018.
4. Develops a Buskers Policy and Licence, managed by the City of Newcastle, that supports live performance opportunity and creates enjoyable ambience in public spaces, while ensuring public safety, city amenity, and the quality of performances.

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

Against the Motion: Councillors Church and Pull.

Carried

9.2. BEAUMONT STREET - MOCKINGBIRD OUTDOOR DINING REFUSAL

In moving the motion, Councillor Duncan advised she was moving the Officer's recommendation outlined in the Director's comment in the business papers.

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

Part A:

1. Notes the active support and encouragement by City of Newcastle to support and increase the operation of outdoor dining in the city, notably by the decision of this council at the February 2020 Ordinary Council Meeting to scrap outdoor dining fees.
2. Notes that an updated outdoor trading policy is due to be presented to the September 2023 council meeting for public exhibition, further confirming the City's support for outdoor dining.
3. Notes the ongoing concerns of the owner of Mockingbird Café at 131 Beaumont Street, Hamilton, regarding the operation of outdoor dining.
4. Strongly advocates for the early and successful resolution of the issue with Keolis Downer in a manner that respects and protects the outdoor dining offered by Mockingbird to the community.

Part B:

1. Supports the recommendation endorsed by the NCTC to implement immediate changes to parking restrictions in the vicinity of 131 Beaumont Street Hamilton.
2. Applies to TfNSW to review the servicing of the 21 Bus Route, including resolving the optimum location of the bus stop in the vicinity of 131 Beaumont Street Hamilton to best serve the route to provide for fully compliant operations, and reports back to NCTC as to the outcome of the review.
3. Notes that CN will contact the Mockingbird Café encouraging them to submit an application for a compliant outdoor dining permit in accordance with CN's Outdoor Trading Policy.

**Carried
unanimously**

This is page 8 of the Minutes of the Ordinary Council Meeting held Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday, 26 September 2023 at 6:00 pm.

10. CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Barrie

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

Carried

Council moved into confidential session at 8.02pm

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

Council move into open session.

Carried

Council moved into open session at 8.05pm and the Acting Chief Executive Officer read the resolution of the partial confidential report (refer resolution at 8.6) and confidential Item 10.1 below.

10.1. NEWCASTLE AND TECHNOLOGY ONE - PROPOSED NEW SAAS AGREEMENT

MOTION

Moved by Cr Mackenzie, seconded by Cr Barrie

That Council:

1. Not invite tenders to enter into a new agreement with TechnologyOne. A satisfactory result would not have been achieved through the calling of tenders as TechnologyOne is the sole supplier of this service.
2. Accepts the new contract for Software as a Service (SaaS) agreement with TechnologyOne.

**Carried
unanimously**

The meeting concluded at 8.07pm.

I certify that pages 1-9 of the Ordinary Council Meeting Minutes dated 26 September 2023 were confirmed, and/or as amended, by the Ordinary Council Meeting held Tuesday 31 October 2023.

**Cr N Nelmes
LORD MAYOR**

This is page 9 of the Minutes of the Ordinary Council Meeting held Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday, 26 September 2023 at 6:00 pm.