

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held via audio visual platform Zoom on Tuesday 24 August 2021 at 6.14pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors J Church, D Clausen, C Duncan, J Dunn, K Elliott, B Luke, J Mackenzie, A Robinson, A Rufo, E White and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), F Leatham (Director People and Culture), J Rigby (Acting Director Infrastructure and Property), A Jones (Director City Wide Services), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), S Moore (Manager Finance), L Duffy (Manager Parks and Recreation), J Vescio (Executive Officer), K Sullivan (Councillor Services/Minutes), A Knowles (Councillor Services/Meeting Support), L Stanhope (Councillor Services/Meeting Support) and G Axelsson (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.

ATTENDANCE VIA AUDIO VISUAL MEANS

PROCEDURAL MOTION

Moved by Cr Luke, seconded by Cr Duncan

That Council:

1. Notes the current Public Health Orders applicable to all of NSW;
2. Notes tonight's Ordinary Council meeting of 24 August 2021 is livestreamed on Council's website providing for access to members of the public; and
3. Notes the unprecedented public health risks facing the community and in the interests of public health and safety, permits all Councillors to attend the Ordinary Council meeting of 24 August 2021 by audio visual means.

**Carried
unanimously**

This is page 1 of the Minutes of the Ordinary Council Meeting held via audio visual platform Zoom on Tuesday, 24 August 2021 at 6.14pm.

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - ORDINARY COUNCIL MEETING 27 JULY 2021

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

The draft minutes as circulated be taken as read and confirmed subject to confidential minutes regarding Item 6 - Confidential Report – Consideration of Legal Advice being adopted publicly.

Carried

LORD MAYORAL MINUTE

ITEM-21 LMM 24/08/21 - CITY OF NEWCASTLE COVID-19 COMMUNITY AND ECONOMIC RESILIENCE PACKAGE 2.0 & PROTECTING LOCAL JOBS

MOTION

Moved by Lord Mayor, Cr Nelmes

Part A - COVID-19 Community and Economic Resilience Package 2.0

That City of Newcastle:

- 1 Notes that our 2020 Community and Economic Resilience Package saw \$5.5 million invested across our city, including interest free payment plans for residential and business rates, free online training packages, a significant community grants program to support our vulnerable and emerging at-risk community members and targeted industry support initiatives;
- 2 Recognises that current Stay-at-home orders, as well as Greater Sydney's and interstate protracted lockdowns, have had a direct impact on our local economy, with hotel occupancy rates dropping to 23%, and local unemployment currently at 6.7% with young people, casual workers and part-time workers, in particular, seeing significant losses of vital shifts at work, many losing their jobs altogether;
- 3 Acknowledges that an Independent Hunter Research Foundation Centre Report (**Attachment A**) found that City of Newcastle “acted quickly and decisively” in developing our Community and Economic Resilience Package (CERP), which was announced on 20 March last year, almost two weeks before NSW went into lockdown”, and that “the “well-rounded” nature of the package was one of its key strengths, giving careful consideration to those

most likely to be affected by the pandemic including vulnerable populations, the unemployed and small business"; and

- 4 Re-initiates our Community and Economic Resilience Package, including an ongoing commitment to assisting local residents and businesses with financial hardship support for rates, a community grants programs to support our vulnerable and emerging at-risk community members, support for affected local industries including the arts, entertainment, hospitality and tourism sectors, as well as continuing to build on our successful business innovation support programs such as NewSkills and the Product Development Mentoring Program.

Part B – Protecting Local Jobs:

The City of Newcastle:

- 1 Notes that in 2020/21 more than \$100 million was successfully invested into our capital works program, generating hundreds of local jobs and increasing the local economy's economic output by more than \$200 million, with capital works projects brought forward to assist in stimulating the local economy and protect our workforce;
- 2 Recognises that the unemployment rate in Newcastle has risen significantly in 2021, and that it is imperative that we once again take decisive action to ensure local jobs are protected in Newcastle;
- 3 Notes that the current works program for 2021/22 is \$90.4 million, at least \$10 million less than that delivered by staff last year as part of an adopted COVID-19 employment stimulus program;
- 4 Asks each Directorate of Council, through our directors, to review our adopted 2021/22 Budget, to ensure that all necessary measures are taken to protect jobs, while identifying any capital works projects that could be expedited or re-prioritised to have maximum impact in stimulating our local economy through the delivery of new and upgraded community infrastructure and report the results back to Council for consideration at the September quarterly review;
- 5 Notes that an increase in the 2021/22 works program of \$10 million would create another 100 new jobs in the LGA and increase total economic output by more than \$27 million; and
- 6 Recognises that the organisation has sufficient unrestricted cash reserves to fund an increase in its capital works program in the vicinity of \$10 million without adversely impacting on the six financial performance measures reported in the audited annual financial statements.

**Carried
unanimously**

REPORTS BY COUNCIL OFFICERS

ITEM-85 CCL 24/08/21 - TABLING OF REGISTER OF DISCLOSURES OF INTEREST - 1 MAY TO 31 JULY 2021

MOTION

Moved by Cr Elliott, seconded by Cr Mackenzie

That Council:

- 1 Note the tabling of the Register of Disclosures of Interest (for the period 1 May to 31 July 2021) by the Chief Executive Officer (CEO).

**Carried
unanimously**

ITEM-87 CCL 24/08/21 - VARIATIONS TO DEVELOPMENT STANDARDS REPORT - 2ND QUARTER 2021

MOTION

Moved by Cr Mackenzie, seconded by Cr White

That Council:

- 1 Receives the report on approved development variations between 1 April 2021 and 30 June 2021 at **Attachment A** in accordance with the Department of Planning, Industry and Environment's (DPIE) concurrence to vary development standards in the Newcastle Local Environment Plan 2012 (NLEP 2012).

**Carried
unanimously**

ITEM-88 CCL 24/08/21 - PUBLIC EXHIBITION OF CITY OF NEWCASTLE DRAFT DEVELOPMENT CONTRIBUTIONS PLAN

MOTION

Moved by Cr Elliott, seconded by Cr Mackenzie

That Council:

- 1 Place the draft Section 7.11 Development Contributions Plan (2021) (**Attachment A**) and draft Section 7.12 Development Contributions Plan (2021) (**Attachment B**) on public exhibition for 28 days.
- 2 Considers a report on submissions received following the public exhibition including any proposed changes prior to determining the final Contributions Plans.

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

Against the Motion: Nil.

**Carried
unanimously**

ITEM-89 CCL 24/08/21 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Receives the Executive Monthly Performance Report for July 2021.

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

Against the Motion: Councillors Church, Elliott, Robinson and Rufo.

Carried

ITEM-84 CCL 24/08/21 - PUBLIC EXHIBITION OF DRAFT GREGSON PARK MASTERPLAN AND AMENDMENTS TO THE HERITAGE PLACES PLAN OF MANAGEMENT FOR GREGSON PARK

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

- 1 Place the draft Gregson Park Masterplan (**Attachment A**) on public exhibition for 42 days.
- 2 Place the draft amended Heritage Places Plan of Management (Heritage PoM) (**Attachment B**) for Gregson Park on public exhibition in accordance with the *Local Government Act 1993* (Act) for 28 days and to receive submissions for 42 days.
- 3 Hold a public hearing for the proposed re-categorisation of Gregson Park in the Heritage PoM, as required under the Act, during the public exhibition period.
- 4 Receive a report on the outcome of the exhibition period for the draft Gregson Park Masterplan and the amended Heritage PoM for Gregson Park.

**Carried
unanimously**

ITEM-86 CCL 24/08/21 - ADVISORY COMMITTEES ANNUAL PERFORMANCE REVIEWS

In moving the motion, Councillor Clausen stated he was moving an additional Part B to the motion.

MOTION

Moved by Cr Clausen, seconded by Cr White

PART A

That Council:

- 1 Receives the annual performance review (**Attachment A**) from each of the following advisory committees:
 - i) Access Inclusion Advisory Committee
 - ii) Asset Advisory Committee
 - iii) Community and Culture Advisory Committee
 - iv) Guraki Aboriginal Advisory Committee
 - v) Infrastructure Advisory Committee
 - vi) Liveable Cities Advisory Committee
 - vii) Strategy and Innovation Advisory Committee
 - viii) Youth Council

PART B

That Councillor Duncan be appointed to the Audit and Risk Committee and as co-Chair of the Access and Inclusion Advisory Committee for remainder of term.

Carried

NOTICES OF MOTION

ITEM-25 NOM 24/08/21 - 12 STEWART AVENUE CONTRACT ADMINISTRATION COSTS

MOTION

Moved by Cr Church, seconded by Cr Elliott

That Council

- 1 Notes that in December 2020, City of Newcastle first revealed contract administration costs of \$2,749,827 in relation to the fit-out of 12 Stewart Avenue, Newcastle West.
- 2 Notes that City of Council is committed to the highest standards of Corporate Governance and the principles of openness, transparency and accountability.

- 3 Notes Section 8.3 of the Code of Conduct for councillors which states that:
Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 4 Notes Councillor Church lodged a Councillor Service Request for a detailed breakdown of the items included in this lumped figure after publicly raising concerns about the ballooning costs of the building fit-out.
- 5 Notes that the request by Councillor Church was denied in a memo from the Director of Infrastructure dated 25 March 2021.
- 6 Formally requests, via this Notice of Motion, that a detailed and itemised report be produced, outlining the costs included in the contract administration of the fit-out and provides that report for tabling at the next Council meeting in September 2021.
- 7 Requests Council to proactively distribute the report to the public once tabled.

AMENDMENT

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

- 1 Note the itemised break-down of the four separate projects associated with the fit out of 12 Stewart Avenue and note that each project was supported by the Council.

1. Relocation to 12 Stewart Avenue	\$8,389,994
Project Management	\$273,840
Design (Inc. design & cost consultancies, certification & approvals)	\$363,306
Staff relocation	\$45,384
Construction (Inc. preliminaries & margin)	\$8,061,664
Carpet rebate under lease terms	-\$354,200
2. Local Emergency Operations Centre	\$2,173,982
Project Management	\$154,830
Design (Inc. design & cost consultancies, certification & approvals)	\$167,924
Construction (materials, labour, preliminaries & margin)	\$1,851,228
3. Digital Library	\$3,267,465 *
Project Management	\$248,483
Design (Inc. design & cost consultancies, certification & approvals)	\$261,215
Construction (Inc. preliminaries & margin)	\$2,757,767
\$2m of the cost was effectively funded by a member of the public who bequeathed funds to CN for the purpose of the construction of a new library.	
4. Council Chamber	\$1,041,824
Project Management	\$83,365
Design (Inc. design & cost consultancies, certification & approvals)	\$74,633
Construction (Inc. preliminaries & margin)	\$883,826

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For the Amendment: Lord Mayor, Cr Nelmes and Councillors Clausen, Duncan, Dunn, White and Winney-Baartz.

Against the Amendment: Councillors Church, Elliott, Luke, Mackenzie, Robinson and Rufo.

The Lord Mayor exercised the Chair's casting vote and declared the amendment carried.

**Carried
casting vote**

The amendment then became the motion.

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

Carried

ITEM-26 NOM 24/08/21 - INFRASTRUCTURE CONTRIBUTIONS BILL

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

1. Joins numerous other local Councils in calling on the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.
2. Calls on the NSW Government to undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.
3. Calls on the NSW Government to de-couple the Independent Pricing and Regulatory Tribunal led review on population growth from the infrastructure contributions reforms.
4. Notes that the NSW Legislative Council's Portfolio Committee 7 recommended that: "the Bill not proceed, until the draft regulations have been developed and release for consultation and the reviews into the rate pegging system, benchmarking and the essential works list have been published by the Independent Pricing and Regulatory Tribunal".
5. Affirms its support to LGNSW and requests LGNSW continue advocating on our behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities exposed to expending ratepayer funds on new infrastructure made necessary by new development that is currently the responsibility of developers.

For the Motion:

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

Against the Motion:

Councillor Luke.

Carried

ITEM-27

NOM 24/08/21 - NEW WEATHER STATION NEWCASTLE

MOTION

Moved by Cr Church, seconded by Cr Robinson

Council

- 1 Notes correspondence received from Nat Jeffery, long standing former weather presenter on NBN Television concerned about the location and operation of an automatic weather station for the City of Newcastle (**Attachment A**).
- 2 Notes the history of weather stations near the coast and that the responsibility for this service rests with the Bureau of Meteorology (BoM)
- 3 Writes to the BoM to advocate for a new weather station in the Newcastle LGA and offering to investigate possible council owned sites around Newcastle, including the inner West, to provide data that is relevant to the city's urban growth corridors.

Councillor White suggested that point three of the motion read as follows:

- 3 *Writes to the minister responsible for the BoM, the Minister for the Environment, and the Minister for Public Service, to advocate for funding for a new weather station in the Newcastle LGA and offering to investigate possible council owned sites around Newcastle, including the West, to provide data that is relevant to the city's urban growth corridors.*

Councillors Church and Robinson accepted the changes to point three.

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

Carried

ITEM-28

NOM 24/08/21 - PUBLIC SAFETY - YOUNG STREET, COOKS HILL

MOTION

Moved by Cr Elliott, seconded by Cr Robinson

That City of Newcastle

- 1 Notes representations made by residents of Young Street Cooks Hill **(Attachment A)** concerned about a recent murder and stabbing, sale and use of narcotics near the public pay phone, domestic violence, anti-social behavior, street cleanliness, parking and speeding cars.
- 2 Notes responses suggested by residents include:

Moving the Telstra Payphone to a nearby public area on Darby Street that is highly visible
Installation of CCTV cameras for surveillance and deterrence
Increased police presence
Installation of speed bumps in the street
Introduction of non-resident parking restrictions
Increased street cleaning
Improved maintenance of Public Housing on Darby Street
- 3 Notes that these issues require a coordinated and multi- agency response.
- 4 Facilitates a meeting with stakeholders listed below to discuss strategies and an action plan to improve amenity in the area.

Residents
Council Staff
Councillors
NSW Police
Telstra
NSW Department of Communities and Justice

**Carried
unanimously**

The meeting concluded at 7.57pm.