# City of Newcastle

**Minutes of the Ordinary Council Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 26 April 2022 at 6.08pm.**

**PRESENT**

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, K Wark, P Winney-Baartz and M Wood.

**IN ATTENDANCE**

J Bath (Chief Executive Officer), D Clarke (Director Governance and Chief Financial Officer), F Leatham (Director People and Culture), J Rigby (Acting Director Infrastructure and Property), A Jones (Director City Wide Services), K Hyland (Interim Director Strategy and Engagement), M Bisson (Manager Regulatory, Planning and Assessment), S Moore (Manager Finance), E Kolatchew (Manager Legal), M Murray (Chief of Staff), M Meehan (Senior Media Advisor), A Knowles (Councillor Services/Minutes), E Horder (Councillor Services/Meeting Support), R Garcia (Information Technology Support) and W Haddock (Information Technology Support).

**MESSAGE OF ACKNOWLEDGEMENT**

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

City of Newcastle noted the passing of former Deputy Lord Mayor Paul Scobie, who served the City as a Councillor between September 1999 and September 2008 and Jack Newton OAM, Australian golfing legend, Australian Sporting Hall of Fame member, philanthropist and junior golf advocate and mentor.

Both were exemplary Novocastrians who would be missed by many in the community.

**PRAYER**

The Lord Mayor read a prayer and a period of silence was observed in memory of those who served and died so that Council might meet in peace.

**REQUEST TO ATTEND BY AUDIO VISUAL LINK**

**MOTION**

Moved by Cr Richardson, seconded by Cr Duncan

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

**Carried**

**APOLOGIES**

Nil.

**DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS**

**Councillor Church**

Councillor Church declared a less than significant non-pecuniary interest in Item 14 – 505 Minmi Road, Inclusion in NSW National Parks Estate stating this was consistent with previous declarations due to his employment in the property industry and managed the conflict by leaving the Chamber for discussion on the item.

**Lord Mayor, Cr Nelmes**

Lord Mayor, Cr Nelmes had previously declared a conflict in relation to Item 14 – 505 Minmi Road, Inclusion in NSW National Parks Estate and managed the conflict by removing herself from the Chamber for discussion on the item.

Confirmation of Previous minutes

### MINUTES - BRIEFING COMMITTEE MEETING 15 MARCH 2022

### MINUTES - ORDINARY COUNCIL MEETING 22 MARCH 2022

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Duncan

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

**Carried**

lord mayoral minute

### ITEM-7 LMM 26/04/22 - KEEP BERESFIELD POOL PUBLIC AND LOW FEE

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1 Recognises the unique, equitable and immensely important community service provided by Beresfield Pool to our western suburbs, particularly as local residents do not have the same ease of access to our free ocean pools;

2 Notes that in 2013, the Newcastle Independent Councillors tried to close and sell off Beresfield Pool and that when this was unable to be achieved due to significant community backlash, they attempted to reduce its opening hours and significantly increase entry fees;

3 Notes that Labor Councillors joined with the community to Save Beresfield Pool from closure in 2013, and have fought ever since to keep the entry fees at Beresfield Pool lower than any other swimming pool in the region, and maintain its opening hours for the community;

4 Notes that in the 2022/23 draft Budget, Beresfield Pool will join Mayfield and Wallsend Pools in receiving an updated Playground, as a part of our popular Playground Replacement Program;

5 Recommits to our longstanding commitment to the community to keep Beresfield Pool in public hands, and low fee, to ensure that families in our western suburbs have equitable access to a high-quality public pool.

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

***Against the Motion:*** Councillor Church.

**Carried**

### ITEM-8 LMM 26/04/22 - RESTORE OUR FINANCIAL ASSISTANCE GRANTS

**MOTION**

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1 Note that CN’s operations are largely self-funded. 91.3% of CN’s operational expenditure is from its own sourced operating revenue, with just 8.7% from external grants and contributions. This significantly exceeds the OLG benchmark, which requires all councils to be greater than 60% own sourced revenue.

2 Notes that CN has been excluded from numerous Government grant programs. Analysis by the University of Newcastle found that Newcastle, based on share of Gross State Product, could have received additional grants of up to $170 million from these programs had the City been eligible to apply (UON’s HRFC found that CN was systematically excluded from applying for $5.86 Billion in funding due to inconsistent regional/metropolitan classifications).

3 Notes that all Australian Councils have received some revenue from the Commonwealth Government via the Financial Assistance Grants (FAGs), first introduced in 1974.

4 Acknowledges the ongoing importance of the FAGs as a reliable annual source of revenue that supports CN’s services and operations, including infrastructure delivery and road maintenance.

5 Notes CN’s support for the Local Government NSW and the Australian Local Government Association’s campaign to increase annual FAG funding to at least 1% of Commonwealth taxation revenue. In 2021-22, FAGs equated to 0.6% of Commonwealth taxation revenue. In the 2022-23 budget, this has fallen to just 0.55%.

6 Notes that the current Federal Liberal/National Government froze Financial Assistance Grants indexation in 2014-15 for three years, and funding levels have not been restored. This means that in real terms, the value of the grants has reduced over the last decade.

7 Notes with alarm that CN received correspondence from the Local Government Grants Committee advising that in 2023 CN’s share of FAGs will be reduced in nominal terms by up to 4% (Attachment A). In addition to failing to keep pace with inflation, this would cut a further $435,000 annually from CN’s budgets.

8 Writes to the Prime Minister, NSW Premier and Local Government Grants Commission opposing the cut in Financial Assistance Grants, seeking a commitment to increase FAGs up to 1% of Commonwealth taxation revenue, and seeking a guarantee that no council will be worse off under the revised funding arrangements.

**Carried**

reports by council officers

### ITEM-30 CCL 26/04/22 - VARIATIONS TO DEVELOPMENT STANDARDS - 1ST QUARTER 2022

**MOTION**

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

1 Receives the report on approved development variations between 1 January 2022 and 31 March 2022 at **Attachment A** in accordance with the Department of Planning and Environment’s (DPE) concurrence to vary development standards in the Newcastle Local Environmental Plan 2012 (NLEP 2012).

**Carried**

**unanimously**

### ITEM-38 CCL 26/04/22 - TENDER REPORT - NEWCASTLE ART GALLERY MINE VOID REMEDIATION WORKS - CONTRACT NO. 2022/091T

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

That the recommendation at Attachment A be adopted.

1 Council accept the tender of BFG Daracon Pty Ltd in the amount of $3,172,652.73 (excluding GST) for Newcastle Art Gallery Expansion Mine Void Remediation Works for Contract No. 2022/091T.

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**

### ITEM-31 CCL 26/04/22 - EXHIBITION OF DRAFT NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

In moving the motion, Councillor Adamczyk stated she was moving the officers recommendation as outlined in the business papers and amended as follows:

**MOTION**

Moved by Cr Adamczyk, seconded by Cr Clausen

That Council:

**PART A**

1 Places the draft NDCP 2012 Section 4.02 Bush Fire Protection **(Attachment A),** Section 4.03 Mine Subsidence **(Attachment B)**, Section 4.04 Safety and Security **(Attachment C)** and Section 7.03 Traffic, Parking and Access **(Attachment D)** on public exhibition for 28 days.

2 Prior to exhibition of Section 7.03 F - Electric Vehicle Parking amends as follows:

 Replace with an updated section that reflects the best practice controls from the Woollahra Development Control Plan 2015 (Chapter E1.11 - **Attachment 1**). These controls are to require new development that involves parking in the Newcastle LGA (including residential alterations and additions over $200,000 in value) to be ‘EV-Ready’.

‘EV Ready’ involves ensuring the installation of appropriate electrical circuitry to allow for future electric vehicle charging points, by pre-wiring. This does not require the installation of a charging point.

For a dwelling house, the NSW Government’s Energy Saver program estimates that the cost of being EV Ready at construction is approximately $50-300 per car parking space, substantially less than future retrofitting, and enables EV charging for future occupants including tenants.

In addition to ‘EV Ready’ requirements, where parking is being provided, all new residential and non-residential development (other than for dwelling houses, semi-detached dwellings, secondary dwellings or dual occupancies) must provide at least 1 car parking space, or 5% of all car parking spaces - whichever is greater - with a minimum ‘Level 2’ electric vehicle charging point installed.

3 Receives a report on submissions following the public exhibition.

**PART B**

1 Establishes a DCP Working Party, under the Liveable cities Committee, with interested councillors (including Crs Adamczyk and Wood) to support and guide the development of the remaining sections of the DCP for the duration of the review, including the changes proposed in Council's previous resolutions of 26 October 2021 and 22 March 2022.

**PROCEDURAL MOTION**

Moved by Cr Mackenzie, seconded by Cr McCabe

That Part A and Part B be dealt with in seriatim.

**Defeated**

The motion moved by Councillor Adamczyk, seconded by Councillor Clausen was put to the meeting.

**Carried**

**unanimously**

### ITEM-32 CCL 26/04/22 - ADOPTION OF COUNCIL POLICIES

**MOTION**

Moved by Cr Clausen, seconded by Cr Duncan

That Council:

1 Adopt the Asset Management Policy at **Attachment A.**

2 Adopt the Sponsorship Policy at **Attachment C.**

3 Adopt the Media Policy at **Attachment D.**

**amendment**

Moved by Cr Mackenzie, seconded by Cr Church

That Council revert back to wording contained in the Media Policy dated 2018, Section 4 (Official spokespersons) in the Media Policy, that is:

**4 Official spokespersons**

4.1 As the elected leader of the City, the Lord Mayor is CN’s official spokesperson. In the absence of the Lord Mayor, the Deputy Lord Mayor will be CN’s spokesperson.

4.2 The CEO can also act as CN’s official spokesperson.

***For the Amendment:*** Councillors Barrie, Church, Mackenzie, McCabe, Pull and Wark.

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

**Defeated**

A question from Councillor Church seeking clarification and advice in relation to Clause 8.3.2 of the Sponsorship Policy was taken on notice by the Chief Executive Officer.

The motion moved by Councillor Clausen and seconded by Councillor Duncan was put to the meeting.

**Carried**

### ITEM-33 CCL 26/04/22 - PUBLIC EXHIBITION OF CODE OF MEETING PRACTICE

**MOTION**

Moved by Cr Clausen, seconded by Cr Adamczyk

That Council:

1 Places the Code of Meeting Practice at **Attachment A** on public exhibition for a period of 28 days in accordance with section 361 of the *Local Government Act 1993*.

**Carried**

**unanimously**

### ITEM-34 CCL 26/04/22 - ADOPTION OF COMMUNITY STRATEGIC PLAN

**MOTION**

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council:

1 Adopt Newcastle 2040 at **Attachment A**

**Carried**

**unanimously**

### ITEM-35 CCL 26/04/22 - ADOPTION OF THE PLANNING PROPOSAL FOR 41 THROSBY STREET, WICKHAM

**MOTION**

Moved by Cr Clausen, seconded by Cr Adamczyk

That Council:

1 Endorses the amended Planning Proposal (**Attachment A**) for land at 41 and 47 Throsby Street, Wickham.

2 Endorses the Planning Agreement (**Attachment B**) for land at 41 and 47 Throsby Street, Wickham and authorises the Chief Executive Officer (CEO) to execute the Planning Agreement.

3 Receives and notes the community submissions received during the public exhibition period (**Attachment C**).

4 Forwards the amended Planning Proposal to the DPE for finalisation.

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

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

**Carried**

### ITEM-36 CCL 26/04/22 - PUBLIC EXHIBITION OF DRAFT DELIVERING NEWCASTLE 2040

**MOTION**

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

That Council:

1 Resolves to publicly exhibit the draft 2022-2023 Delivering Newcastle 2040 as at **Attachment A,** draft 2022-2023 Fees and Charges as at **Attachment B** and draft 2022-2023 Long Term Financial Plan as at **Attachment C** for 28 days prior to the final consideration by Council.

2 Resolves to apply to the Independent Pricing and Regulatory Tribunal (IPART) for a one-off Additional Special Variation (ASV) of 2.5% for the 2022-2023 financial year following concerns raised by the NSW Minister for Local Government, and for this to be a permanent increase retained within the rate base.

3 Notes that should the ASV be approved by IPART, the total rate increase for 2022-2023 will be 2.5%; consistent with the Long-Term Financial Plan.

**PROCEDURAL MOTION**

Moved by Cr Pull, seconded by Cr Church

That the matter be dealt with in seriatim.

**Defeated**

The motion moved by Lord Mayor, Cr Nelmes, seconded by Councillor Richardson was put to the meeting.

***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, Pull and Wark.

**Carried**

### ITEM-37 CCL 26/04/22 - EXECUTIVE MONTHLY PERFORMANCE REPORT

**MOTION**

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

1 Receives the Executive Monthly Performance Report for March 2022.

**Carried**

Notices of Motion

### ITEM-13 NOM 26/04/22 - SUPPLY AND MAINTENANCE OF STREET FURNITURE AND OUT-OF-HOME MEDIA

**MOTION**

Moved by Cr Adamczyk, seconded by Cr Richardson

That Council:

1 Notes that City of Newcastle currently owns and maintains thousands of items of street furniture, including more than 1,800 bus shelters, public toilets, billboards, and street bins.

2 Notes that City of Newcastle is ineligible for state funding assistance, including the Country Passenger Transport Infrastructure Grants Scheme.

3 Notes that other metropolitan councils (including City of Sydney and Inner West Council) have formed long-term partnerships with the private sector to deliver street furniture and out of home media.

4 Investigates the viability of partnering with a private partner to allow advertising on street furniture (including for example, bus shelters, public toilets, or appropriately placed billboards) in exchange for asset upgrades or revenue to defray the direct cost to the community of providing high quality and high standard street furniture.

5 Notes the need for this work to be undertaken in partnership with the community and business, and seeks to balance between public expression and private advertising; ensuring space for local neighbourhood notices (e.g. about community events and activities and classes and lost animals); increases available smart city amenity for residents across the LGA (for example, providing Wi-Fi and smart hubs); and increases the dissemination of public information (e.g. emergency services broadcasting, city-wide programs).

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

***Against the Motion:*** Councillors Mackenzie and McCabe.

**Carried**

**PROCEDURAL MOTION**

Moved by Cr Duncan, seconded by Cr Winney-Baartz

That Council extend the meeting until the conclusion of business.

**Carried**

### ITEM-14 NOM 26/04/22 - 505 MINMI RD - INCLUSION IN NSW NATIONAL PARKS ESTATE

The Lord Mayor and Councillor Church left the meeting for discussion on the item.

The Deputy Lord Mayor took the Chair.

**MOTION**

Moved by Cr Adamczyk, seconded by Cr Richardson

That Council:

1 Notes that Council resolved on 8 December 2020 to nominate 505 Minmi Road for inclusion in the NSW National Parks Estate, following correspondence from then Minister for the Environment Matt Kean MP, requesting the identification of suitable sites within the Newcastle LGA;

2 Notes that 505 Minimi Road forms part of the Green Corridor, which is essential for the flourishing habitat of listed threatened species which are present in the Newcastle LGA including the Squirrel Glider, Koala, Regent Honeyeater and Swift Parrot; and

3 Notes that the Green Corridor has recreational and health benefits for the people of Newcastle by providing proximate green spaces to sub-urban and urban areas.

4 Notes that City of Newcastle Council is awaiting a formal written response from the NSW Minister for Environment; and that on 21 December 2021 Minister James Griffin was appointed as NSW Minister for Environment and Heritage. Former Minister Kean previously commented positively on considering the nomination in the Newcastle Herald.

5 Writes to new Minister Griffin, and DPE, requesting that the Government includes 505 Minmi Road into the National Parks estate, noting the property’s strategic importance to the 23,000-hectare arc Green Corridor, an arc of undeveloped land stretching inland from the Stockton Bight, west and south to the Watagan Mountains, and its proximity to the existing Blue Gum Hills Regional Park and Hexham Wetlands National Park; critical for its health and habitable benefits for flora and fauna and humans in the Newcastle LGA and surrounds.

**amendment**

Moved by Cr Mackenzie

**PART B**

That Council:

1 Write to request a digital version of the Blue Gum Hills Regional Park: Plan of Management (2007) from NSW National Parks and Wildlife Services for review by Councillors and community.

The mover and seconder accepted Councillor Mackenzie's amendment into the motion.

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

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

***Against the Motion:*** Councillor Pull.

**Carried**

The Lord Mayor and Councillor Church returned to the meeting at the conclusion of the item and the Lord Mayor resumed the Chair.

At the conclusion of the meeting the Chief Executive Officer reported the resolutions of partial confidential reports (refer as stated previously).

**The meeting concluded at 9.59pm.**