

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held via audio visual conferencing platform Zoom on Tuesday 18 January 2022 at 6.02pm.

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), H Sexton (Acting Manager Legal), A Knowles (Councillor Services/Minutes), K Neveldsen (Councillor Services/Meeting Support), G Axelsson (Information Technology Support), R Garcia (Information Technology Support) and U Bansal (Information Technology Support).

WELCOME TO COUNTRY

The Lord Mayor welcomed Aunty Cheryl to the first meeting of the Council term.

Aunty Cheryl delivered a formal welcome to Country.

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 Duncan, seconded by Cr Mackenzie

That Council:

1. Notes tonight's Inaugural Council meeting of 18 January 2022 is livestreamed on Council's website providing for access to members of the public;
2. Notes the unprecedented public health risks facing the community as a result of the COVID-19 pandemic, and in the interests of the health and safety of the public, Councillors and staff, permits all Councillors to attend the Ordinary Council meeting of 18 January 2022 by audio visual means.

**Carried
unanimously**

APOLOGIES

Nil.

OATH OF OFFICE

The Chief Executive Officer confirmed that all Councillors had made the appropriate Oath or Affirmation of Office in accordance with the Local Government Act prior to attending the meeting.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Clausen

Councillor Clausen declared a non-significant pecuniary interest in Item 3 – Appointment of Councillor Representative to External Committees, recommendation 1(iv) to the Hunter Water Customer and Community Advisory Group due to his employment with Hunter Water and managed the conflict by leaving the meeting for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - BRIEFING COMMITTEE 16 NOVEMBER 2021

MINUTES - ORDINARY COUNCIL 23 NOVEMBER 2021

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

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

**Carried
unanimously**

LORD MAYORAL MINUTE

ITEM-1

LMM 18/01/22 - CONGRATULATING NEW AND RETURNING COUNCILLORS

MOTION

Moved by Lord Mayor, Cr Nelmes

- 1 Notes that election for this new term of Council was held on 4 December 2021, with the following results declared by the NSW Electoral Commission:
 - i) Lord Mayor Nuatali Nelmes (Labor) declared elected as Lord Mayor on 21 December 2021.
 - ii) The following candidates were declared elected on 23 December 2021:
 - Ward 1
Declan Clausen (Labor)
John Church (Ind)
Dr John Mackenzie (Green)

- Ward 2
Carol Duncan (Labor)
Jenny Barrie (Liberal)
Charlotte McCabe (Green)
- Ward 3
Peta Winney-Baartz (Labor)
Katrina Wark (Liberal)
Margaret Wood (Labor)
- Ward 4
Deahna Richardson (Labor)
Dr Elizabeth Adamczyk (Labor)
Callum Pull (Liberal)

- 2 Congratulates all successful candidates and welcomes them to the Chamber as City of Newcastle Councillors;
- 3 Welcomes the following first term Councillors and extends an opportunity to them to address the Chamber upon their election as a new City of Newcastle Councillor:
 - i) Cr Dr Elizabeth Adamczyk
 - ii) Cr Deahna Richardson
 - iii) Cr Margaret Wood
 - iv) Cr Jenny Barrie
 - v) Cr Charlotte McCabe
 - vi) Cr Katrina Wark
 - vii) Cr Callum Pull

Carried

Councillors Adamczyk, Barrie, McCabe, Pull, Richardson and Wood addressed Council as new City of Newcastle Councillors.

ITEM-2 LMM 18/02/22 - COVID-19 OMICRON VARIANT

MOTION

Moved by Lord Mayor, Cr Nelmes

- 1 Notes the significant public health and economic consequences to Newcastle of the current national outbreak of the Omicron variant of COVID-19.
- 2 Notes reports that up to half of the NSW workforce have been absent from their duties due to the current outbreak, causing severe supply chain disruption across many industries, and direct economic impacts worse than the 2020 and 2021 mandated lockdowns.
- 3 Notes the withdrawal of State and Commonwealth support from many impacted industries, the redefinition of COVID contacts, and the difficulty and expense of accessing Rapid Antigen Tests (RATs).

- 4 Receives and endorses correspondence from the Australian Council of Social Services (ACOSS) sent to National Cabinet regarding the current COVID-19 Omicron outbreak (Attachment A), which calls for:
 - a. The establishment of a civil society COVID Rapid Response Group
 - b. Universal, reliable, and free access to Rapid Antigen Tests (RAT), and the equitable and reliable supply in the community of appropriate personal protective equipment (PPE)
 - c. Fast and equitable access to vaccination for Children, especially those aged 5 to 11 years of age with a focus on at risk families, and those people who live with disability
 - d. Provision of safe accommodation for children whose parents require hospitalisation because of COVID-19, where there is no parent or guardian available
 - e. To immediately suspend mutual obligations for JobSeeker recipients, and extend paid pandemic leave to all essential workers
- 5 Expresses deep concern that NSW Health is no longer publishing daily COVID statistics for the Hunter-New England region, including the Newcastle LGA
- 6 Writes to the NSW Premier and Minister for Health urging the reinstatement of reporting of daily case numbers for Newcastle.

AMENDMENT

Moved by Cr Mackenzie

Amend point six to read:

- 6 Writes to the NSW Premier and Minister for Health:
 - a. urging the reinstatement of reporting of daily case numbers for Newcastle; and
 - b. seeking an assessment of the specific public health risks of the upcoming Newcastle 500 Supercars' street circuit event, and a review of the Supercars COVID-19 Safety Plan in terms of mitigating identified potential public health risks.

The Lord Mayor accepted the amendment as part of the motion.

For the Motion:

Lord Mayor, Cr Nelmes and Councillors Adamczyk, Barrie, Church, Clausen, Duncan, Mackenzie, McCabe, Richardson, Wark, Winney-Baartz and Wood.

Against the Motion:

Councillor Pull.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-1 CCL 18/01/22 - APPOINTMENT OF DEPUTY LORD MAYOR

PROCEDURAL MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That the motion be dealt with in seriatim.

**Carried
unanimously**

PART 1

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Council elect the Deputy Lord Mayor for a term of office commencing on 18 January 2022 and concluding on the day before the next government election.

AMENDMENT

Moved by Cr Mackenzie, seconded by Cr McCabe

Council appoint the Deputy Lord Mayor from 18 January 2022 until the meeting of 26 July 2022.

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

The motion moved by Councillor Winney-Baartz and seconded by Cr Duncan was put to the meeting.

Carried

PART 2

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Council elect the Deputy Lord Mayor by a process of open voting, in accordance with the Local Government (General) Regulation 2021.

**Carried
unanimously**

The Chief Executive Officer announced that nominations had been received for the position of Deputy Lord Mayor from Councillors Barrie and Clausen.

The Lord Mayor put the nominations to Council and called for voting by show of hands. The Chief Executive Officer recorded the votes.

The Chief Executive Officer reported back to Council that Councillor Clausen received nine votes and Councillor Barrie four votes.

PART 3

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

That Councillor Clausen is elected as Deputy Lord Mayor for the duration of current the Council term.

Carried

ITEM-2 CCL 18/01/22 - COUNTBACK ELECTION

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

That Council:

- 1 Determines, pursuant to section 291A(1)(b) of the Local Government Act 1993 (the Act), that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021, are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act; and
- 2 Authorises the Chief Executive Officer (CEO) to notify the New South Wales Electoral Commission of Council's decision within seven days of the decision.

Carried

ITEM-3 CCL 18/01/22 - APPOINTMENT OF COUNCILLOR REPRESENTATIVES TO EXTERNAL AND CITY OF NEWCASTLE COMMITTEES

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

That Council:

- 1 Appoints Councillor members to the following external committees for the current Council term:
 - i *Councillor Peta Winney-Baartz* to the Fort Scratchley Historical Society Incorporated.

- ii *Councillor Dr John Mackenzie and Councillor Peta Winney-Baartz, and alternate members Councillor Carol Duncan, Councillor Dr Elizabeth Adamczyk and Councillor Callum Pull to the Hunter and Central Coast Regional Planning Panel.*
- iii *Councillor Peta Winney-Baartz to the Hunter Sports Centre Incorporated.*
- iv *Councillor Declan Clausen to the Newcastle Art Gallery Foundation Board.*
- v *Councillor Deahna Richardson and Councillor Peta Winney-Baartz as an alternate member to the Newcastle City Traffic Committee.*
- vi *Councillor Carol Duncan to the NSW Public Libraries Association.*

2 Appoints Councillors to the following Strategic Advisory Committees for the duration of the current Council term:

<i>Committee title</i>	<i>Chairperson</i>	<i>Deputy Chairperson</i>	<i>Councillor</i>
Community and Culture Advisory Committee	<i>Cr Carol Duncan</i>	<i>Cr Margaret Wood</i>	<i>Cr Jenny Barrie</i>
Infrastructure Advisory Committee	<i>Cr Peta Winney-Baartz</i>	<i>Cr Deahna Richardson</i>	<i>Cr Katrina Wark</i>
Liveable Cities Advisory Committee	<i>Cr John Mackenzie</i>	<i>Cr Dr Elizabeth Adamczyk</i>	<i>Cr John Church</i>
Strategy and Innovation Advisory Committee	<i>Cr Declan Clausen</i>	<i>Cr Charlotte McCabe</i>	<i>Cr Callum Pull</i>

3 Appoints three (3) Councillors to CN's standing committees for the duration of the current Council term:

<i>Committee title</i>	<i>Councillor Member</i>	<i>Councillor Member</i>	<i>Councillor Member</i>
Access Inclusion Advisory Committee	<i>Cr Margaret Wood (Councillor Co-Chair)</i>	<i>Cr Katrina Wark</i>	<i>Cr Dr Elizabeth Adamczyk</i>
Asset Advisory Committee	<i>Cr Nuatali Nelmes (Chair)</i>	<i>Cr Declan Clausen (Deputy Chair)</i>	<i>Cr Jenny Barrie</i>
Guraki Aboriginal Advisory Committee	<i>Cr Deahna Richardson</i>	<i>Cr Charlotte McCabe</i>	<i>Cr Peta Winney-Baartz</i>
Youth Council (Advisory Committee)	<i>Cr Callum Pull</i>	<i>Cr Deahna Richardson</i>	<i>Cr Charlotte McCabe</i>
Public Art Advisory Committee	<i>Cr Carol Duncan</i>	<i>Cr John Mackenzie</i>	<i>Cr Peta Winney-Baartz</i>

- 4 Appoints two (2) Councillors and two (2) to the Audit and Risk Committee for the duration of the current Council term:

<i>Committee title</i>	<i>Councillor Member</i>	<i>Councillor Member</i>	<i>Alternate Councillor Member</i>	<i>Alternate Councillor Member</i>
Audit and Risk Committee	<i>Cr Dr John Mackenzie</i>	<i>Cr Carol Duncan</i>	<i>Cr Declan Clausen</i>	<i>Cr Callum Pull</i>

**Carried
unanimously**

ITEM-4 CCL 18/01/22 - APPOINTMENT OF COUNCILLOR REPRESENTATIVES TO HUNTER WATER CUSTOMER AND COMMUNITY ADVISORY GROUP

Councillor Clausen left the meeting for discussion on the item.

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Council appoints Councillor Dr Elizabeth Adamczyk as member, and Councillor Callum Pull as alternate member to the Hunter Water Customer and Community Advisory Group.

Carried

Councillor Clausen returned to the meeting at the conclusion of the item.

ITEM-5 CCL 18/01/22 - ENDORSEMENT OF MOTIONS FOR SUBMISSION TO THE 2022 LOCAL GOVERNMENT NSW SPECIAL CONFERENCE

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

- 1 Endorse the motions for submission to the 2022 LGNSW Special Conference as set out at **Attachment A**.

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Mackenzie

That the vote be taken in seriatim.

Carried

1 PROPERTY DEVELOPERS AND REAL ESTATE AGENTS IN LOCAL GOVERNMENT

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council endorse Motion 1 for submission to the 2022 LGNSW Special Conference:

That Local Government NSW:

1. Notes that in November 2021, the NSW Legislative Council successfully passed a Bill to amend the Local Government Act to disqualify real estate agents and property developers from holding elected positions on local councils;
2. Notes that City of Newcastle supported a motion on 27 July 2021, that endorsed measures to ensure openness, transparency, community participation and probity in local decision making, including by restricting active property developers and real estate agents from holding civic office;
3. Notes that the now NSW Treasurer, the Hon. Matt Kean MP, likened allowing property developers to be elected as local Councillors to “putting Dracula in charge of the blood bank” due to the planning decisions taken by Councils;
4. Writes to the Premier, the Treasurer and the Minister for Local Government requesting their support to amend the Local Government Act to prohibit property developers and real estate agents from running for elected local government positions.

For the Motion:

Lord Mayor, Cr Nelmes and Councillors Adamczyk, Clausen, Duncan, Mackenzie, McCabe, Winney-Baartz and Wood.

Against the Motion:

Councillors Barrie, Church, Pull and Wark.

Carried

Councillor Richardson was not present at the meeting when the vote was taken.

2 REMOVE CRIPPLING RATE PEGGING IN NSW

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

Endorse Motion 2 for submission to the 2022 LGNSW Special Conference.

That Local Government NSW:

1. Reiterates the long-held position that Rate Pegging is crippling Councils in NSW, and that this problem has been further exacerbated by the recent IPART baseline rate cap of just 0.7% (rising for Councils experiencing population growth), which is lowest rate cap in more than 20 years and is a kick in the guts to local Councils who are already working hard to help their communities recover from the economic and social impacts of the ongoing COVID-19 pandemic;
2. Notes that City of Newcastle's 1.2% (accounting for population growth) cap, will have significant repercussions on local services to the community and will leave NSW's second largest city with a reduction in compounded income of more than \$15 million over the next ten years.
3. Notes that IPART's decision is based on the cost of goods in 2020 and does not recognise the increase in the cost of essential commodities such as fuel, while further noting that IPART has also decided to apply the public service wage increase of 1.2%, instead of the 2% guaranteed to Council workers for 2022, leaving local Councils even further out of pocket as yet more costs are shifted to local government;
4. Notes that according to the NSW Productivity Commission, cumulative negative impacts of over 40 years of rate pegging include the loss of an estimated \$15 billion in rate revenue, and that the democratic process of local government elections is the most powerful protection against exorbitant rate rises;
5. Writes to the new Minister for Local Government, advocating for the removal of universal Rate Pegging in NSW, allowing duly elected Councils to set rates, in consultation with their communities, noting that the baseline rate cap of just 0.7% in 2022 is set to have a devastating economic and social impact for many local Councils and the communities they serve.

For the Motion:

Lord Mayor, Cr Nelmes and Councillors Adamczyk, Clausen, Duncan, Mackenzie, McCabe, Richardson, Winney-Baartz and Wood.

Against the Motion:

Councillors Barrie, Church, Pull and Wark.

Carried

3 RE-ESTABLISHING FIXED 4-YEAR TERMS FOR LOCAL GOVERNMENT

MOTION

Moved by Cr Clausen, seconded by Cr Winney-Baartz

That Council:

Endorse Motion 3 for submission to the 2022 LGNSW Special Conference.

That Local Government NSW:

1. Notes that the current term of Council is yet another irregular term and will fall well short of a fixed 4-year term, with the next Local Government election scheduled to take place in September 2024;
2. Notes that two consecutive Council terms have been disrupted due firstly to Council amalgamations and then to the global COVID-19 pandemic;
3. Advocates for the return to a fixed 4-year term for the current Council term with the next election to be held in September 2025;
4. Notes that re-establishing a fixed 4-year term would enable Local Government elections to be held every second year between fixed State Government elections (2 years after the 2023 State Government election), ensuring that voters, and the NSW Electoral Commission, are not fatigued by back-to-back elections, and that Local Councils are able to fulfill their critical statutory obligation of implementing a full, 4-year delivery program of each Councils adopted Community Strategic Plan (CSP);
5. Writes to the new Minister for Local Government, advocating for the re-establishment of a fixed 4-year term, with an amendment to the Local Government Act to enable the next Council elections to be held in September 2025, noting the aforementioned benefits of providing a 2-year gap between Local and State elections, and the delivery of a full, 4-year delivery program of current adopted CSPs.

**Carried
unanimously**

ITEM-6 CCL 18/01/22 - PUBLIC EXHIBITION OF DRAFT COMMUNITY STRATEGIC PLAN

MOTION

Moved by Cr Duncan, seconded by Cr Mackenzie

That Council:

- 1 Place the draft Newcastle 2040 as at **Attachment A** on public exhibition for a minimum 28 days.

Carried

The meeting concluded at 8.14pm.